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Dear Mike

Sustainable Hunting Action Plan

Thank you for the opportunity to provide input to the Sustainable Hunting Action Plan, and for extending the short timeframe in which to provide comment.

Introduction

The Federation of Victorian Traditional Owner Corporations is the peak body representing Traditional Owner Corporations across Victoria. Our member corporations represent thousands of individual Traditional Owners with an interest in the take and use of natural resources and sustainable hunting as a means of continuing to practice culture, care for Country, and create opportunities for economic development.

Together, the Traditional Owner Corporations that comprise the Federation cover 65% of the land in the State. We have legal rights and interests pursuant to the *Traditional Owner Settlement Act (2010)* and the *Native Title Act 1993 (Cth)* and responsibilities as Registered Aboriginal Parties under the *Aboriginal Heritage Act 2006 (Vic)*.

The Federation was established in 2013 to unite Victorian Traditional Owners and provide a platform for our shared views. We will know we have achieved our purpose when:

- Traditional Owner Corporations are partners in government and industry decision-making about Country;
- Traditional Owner Corporations are succeeding in the mainstream economy and
- Traditional Owner Corporations are keeping Country healthy.

In making these comments we therefore seek the opportunity to ensure high levels of protection for our cultural and natural values; maximise economic development opportunities



for Victorian Traditional Owners and work in partnership with Government to manage our Country.

The case for Traditional Owner participation

As native title is progressively settled across Victoria, there is a growing onus on the state government to work with Traditional Owners as 'partners' rather than 'stakeholders' in the management of public lands and natural resources. The case for ensuring our direct and meaningful participation stems from:

- *United Nations Declaration on the Rights of Indigenous Peoples* which explicitly recognises the unique relationships that we have with our lands and waters and requires that signatory states, among other things, respect and promote:
 - our right to participate in decision-making in matters which would affect our rights, through representatives chosen by us in accordance with our own procedures;
 - our right to maintain and strengthen our distinctive spiritual relationship with our traditional lands, territories, waters and coastal seas and other resources, and to uphold our responsibilities to future generations;
 - our right to maintain, control, protect and develop our cultural heritage, including genetic resources, seed, medicines, flora and fauna and the right to maintain, control, protect and develop our intellectual property over our traditional knowledge; and
 - the obligation of states to obtain our free, prior and informed consent on any project affecting our lands, territories and other resources.
- Our legal rights and interests pursuant to the *Traditional Owner Settlement Act (2010) (Vic)* and the *Native Title Act 1993 (Cth)* and responsibilities as Registered Aboriginal Parties under the *Aboriginal Heritage Act 2006 (Vic)*.
- The *Victorian Charter of Human Rights and Responsibilities Act 2006* which affirms the distinct cultural rights of Aboriginal people, including the maintenance of our distinctive spiritual, material and economic relationship with the land and waters and other resources with which we have a connection under traditional law and custom.
- The Victorian Government's *Aboriginal Inclusion Framework* and the DEDJTR Aboriginal Inclusion Plan which commits the department to working in partnership with Victorian Traditional Owners.



While we accept that the rights and interests of Victorian Traditional Owners may not necessarily need to be articulated in every State Government natural resource management policy document, there is a strong argument for doing so to promote the on-going dialogue needed to clarify and embed in policy and practise the unique set of rights and statutory responsibilities that Traditional Owners have.¹ We see the proposed development of a Victorian Aboriginal Game Hunting Strategy as an opportunity to build a partnership approach, ensure our values are reflected in the state wide approach to game management and to explore the opportunities for wider participation in game management, hunting and processing.

Consultation on the draft Sustainable Hunting Action Plan

As you can understand, there is a degree of concern among our membership about the level of consultation undertaken on the new draft Sustainable Hunting Action Plan – given the lack of context provided, the two and a half years since it was last discussed and the short timeframe extended for Traditional Owner Corporations to consider the draft plan and provide comment. We raise this as a particular issue and would like to ensure it does not happen in the future.

It is not clear to us whether changes made to actions in the draft plan since it was last considered arose from resourcing restrictions or present an opportunity to progress a wider set of interests. Either way, we see value in entering into a closer dialogue in future.²

We would be happy to discuss the best way to ensure practical processes for engagement at the planning, policy and regulatory level, as well as for practical projects and implementation.

While we appreciate that the plan commits to developing a specific Victorian Aboriginal Game Hunting Strategy in the future, we would be concerned if budgetary and resourcing requirements were to be fixed on adoption of the Sustainable Hunting Action Plan, prior to further discussion and development of the Aboriginal Game Hunting Strategy, and seek some assurance on this matter.

¹ This includes for example, Settlement Act agreements which mandate participation in government activities, including policy and planning and which permit the take and use of natural resources; and s211 of the Native Title Act which may relieve native title holders of the need to hold certain licences under state, Commonwealth or territory laws regardless of whether there has been a determination of native title.

² We would note in this regard that the Federation of Victorian Traditional Owner Corporations has been seeking to establish a ‘NRM collaborative body’ which could help to provide an efficient means for communication on issues such as changes to plans or policies in which Traditional Owners have an interest.




Response to draft Sustainable Hunting Action Plan

We attach a number of specific comments and proposed changes to the draft Sustainable Hunting Action Plan which we would be pleased to discuss further with you. The proposed changes would underpin the development of a partnership approach with Victorian Traditional Owners while supporting the overall goals of the plan.

We look forward to working with the DEDTJR, DELWP and the Game Management Authority more closely to finalise and implement the draft plan and to develop an Aboriginal Game Hunting Strategy.

In the meantime, it would be useful to arrange a meeting with you as soon as practicable to discuss the draft plan and, more broadly, to explore other areas of mutual interest on which we can collaborate in future. Please contact the Federation secretariat, Kate Whitton at kate@fvtoc.com.au or on 9321 5388 to arrange a suitable time.

Yours sincerely



Janine Coombs

Chair

Federation of Victorian Traditional Owner Corporations



Comments on the Draft Sustainable Hunting Action Plan

Overall recognition

We see the logic in the plan in terms of setting a vision, approach and objectives, and given the short timeframes for consideration of the plan we provide no comment on the overall framework. However, we believe that there is a need to ensure a stronger acknowledgement of the Traditional Owner interests in the plan, its outcomes and its interrelationship with a wider range of interests and natural resource management issues.

The State has both general and specific duties to work with Traditional Owners in the spirit of partnership. This includes growing the confidence of Traditional Owners and the State in the ability to work together, recognising the importance of proper consultation, recognition or involvement of the Aboriginal people of Victoria.

Victoria's Aboriginal people have a unique status as the descendants of Australia's First Peoples and the State has recognised our spiritual, social, cultural and economic relationship with our traditional lands and waters within Victoria. The management of the natural resources and landscapes in Victoria, and the use and management of those resources are of special significance to Traditional Owners, in the continuity of connections with our Country.

Strategic reference

In light of this, we consider it appropriate that the plan not only acknowledges the interests of Traditional Owners in terms of the specific strategies and actions, but also in the guiding statements and approach. For example, we see significant merit in being clear that 'working with Aboriginal communities' (action 3.5) to cover the broader range of activities in the plan, not simply focused under the objective of improving hunting opportunities.

Furthermore, the Traditional Owner roles and responsibilities have a holistic context. The interrelationship with the broader backdrop of resources, such as water management or pest management, can have a key impact on sustainable hunting. In short, Traditional Owners in effect are trying to line these areas up and the value of this contribution can only be realised in partnership and with resources. The Sustainable Hunting Action Plan, can help guide and align departments and agencies in this regard.

Specific references

Given these points, we consider it appropriate that the plan specifically references Traditional Owners as partners, rather than part of the 'stakeholders' in the plan. This would help to ensure



that the Traditional Owner's roles, skills, knowledge and resourcing are recognised within the plan.

We also note that there are some differences (largely in details provided on the actions) between the draft plan and current plan, such as the removal of specific references under action 3.5 to capacity building and contracting or to a State wide Aboriginal Game Manager³.

We appreciate there may be an opportunity to consider such initiatives in developing an Aboriginal Game Hunting Strategy. However, resourcing implications that could be read in to the wording changes are of some concern. As such we have proposed amendments to signal the need to consider the implementation mechanisms, communications and resourcing requirements.

Specific Proposed wording changes

Ministers Forward – p2

New paragraph after the list of four objectives

This plan also recognises the importance of hunting for Victorian Traditional Owners, and will enable them to meet legal and cultural obligations, as they continue to undertake hunting and gathering as they have since time immemorial.

Our Approach – p3

A new paragraph 3 (ie before the paragraph with the list of points)

This plan acknowledges that hunting, as well as the wider pursuit of conservation and land management, takes place across the State on Country of Traditional Owners. Our approach is to engage as partners with Traditional Owners in the implementation and of this plan, and to work to develop appropriate mechanisms for resourcing and communicating activity.

Addition in the 6th point in paragraph 3 to read:

Close collaboration between government departments, agencies, Traditional Owners and hunting stakeholders

Our Focus – p4

³ We note that these ideas have merit, but would look at ways to shape the context and nomenclature to reflect the partnership with Traditional Owners.



An additional paragraph

Our plan includes the objective and key achievement to work in partnership with Traditional Owners to engage in all aspects of the plan to further the game, land management and conservation outcomes, including through the development of a Victorian Aboriginal Hunting Strategy.

Promoting responsible hunting – p 5

At the end of the first paragraph to include

Victoria's Traditional Owners, as Victoria's First Peoples have a unique role to play in promoting responsible hunting, as they continue to undertake hunting and gathering as have their ancestors since time immemorial. The Traditional Owners' principles around the respect for nature and the animals that are hunted, provides a key link to the values in developing the initiatives in this plan, including the updating and development of hunting related codes and information.

Paragraph 2 within the list of initiatives, add a new point

- Engaging with Traditional Owner partners to develop, deliver and enhance the appropriate information, training and compliance requirements

Maximising hunting's benefits – p5

Add a new paragraph 4 (and remove the last sentence from paragraph 3)

In further developing the arrangements under this plan to maximise the benefits, we will work with Traditional Owners to incorporate the values and practices and legal responsibilities that recognise appropriate requirements including for managing take arrangements, potential benefits from harvesting and processing, and development of data and information collection and management to promote the healthier environment for hunting and other outcomes and benefits.

Improving hunting opportunities – p6

Replace the 3rd paragraph with the following

We will actively seek to engage with Aboriginal communities in relation to this plan and building the participation in hunting, land management and conservation. We will particularly partner with Traditional Owners in finding ways to contribute to and draw on their plans and aspirations, and agreements with the State in settlement of native title.



Ensuring sustainable hunting – p6

Add to paragraph 1

Ecological knowledge held by Traditional Owners will (by agreement) be valued and integrated into our current planning processes to ensure the ongoing sustainability of hunting to meet the needs of all resource users. Further, as partners with interests in the management of significant public land areas in Victoria, it will be important to ensure that there is a strong linkages with Victorian Traditional Owners in their capacity as land managers.

Implementation – p7

Add to the list

- and in partnership with Victorian Traditional Owner Entities

Additional Objective (potentially incorporated within the Our focus section, or as a separate objective – and described within the diagram across the four outcomes)

Objective for Aboriginal partnership

To work in partnership with Victorian Traditional Owner Corporations to enhance the environment for hunting and resource management for the benefit of Traditional Owners and all Victorians

- 1 **Engage with Victorian Traditional Owners** through their representative organisations to promote stronger participation in all aspects of the plan and enable the provision of information and development of the range of initiatives and interests
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- 2 **Partnership and recognition** –work with Traditional Owners to develop mechanisms and provide resources that enable this plan to reflect their cultural and legal interests, including under native title settlements, and the unique role of Traditional Owners, including as a partner in the ongoing development of policy, planning and implementation aspects of this plan
- 3 **Develop a Victorian Aboriginal Hunting Strategy** in partnership with the Traditional Owners that supports the vision for sustainable hunting and contributes to the implementation of this plan and the associated cultural and legal obligations, recognising and meeting the needs and aspirations of Traditional Owners and



contributing to the broader, holistic requirements for sustainable hunting to maximise benefits from these resources

Achievement

- The development of a strategy, and mechanisms for communications and resourcing that appropriately reflects the unique role of Traditional Owners as partners, enables enhanced engagement and participation to contribute to the informed management of resources and enhanced partnership in the implementation of this plan