



25 August 2016

Mr Andrew Clarke  
Aquaculture Manager  
Department of Economic Development, Jobs, Transport and Resources

By email: [Andrew.clarke@ecodev.vic.gov.au](mailto:Andrew.clarke@ecodev.vic.gov.au)

### **Draft Aquaculture Strategy**

Thank you for the opportunity to comment on the Draft Victorian Aquaculture Strategy 2016-21. We believe that the framework presented in the draft strategy provides the basis to develop opportunities and to support the growth of Traditional Owner interests in aquaculture for community and commercial purposes.

The Federation of Victorian Traditional Owner Corporations represents the interests of Victorian Traditional Owner Corporations, which have or are in the process of gaining, statutory recognition under the Native Title Act 1993 (Cth) or the Traditional Owner Settlement Act 2010 (Vic). The Traditional Owner Corporations have a range of interests across the lands, marine and fresh water environments inherent as the first people of the Country.

We acknowledge the continuing engagement between the Victorian government and Traditional Owners across the State, and consider that in order to progress Aboriginal participation in aquaculture and meet the proposed outcomes and vision, the strategy needs to be able to support, reflect and incorporate three key areas:

- Industry participation
- Projects that develop capacity and R&D
- Engagement processes to effect increased value in the industry and community.

The Federation of Victorian Traditional Owner Corporations is in a position to work with you to progress the implementation of the strategy in seeking to enhance the contribution of Traditional Owners to the engagement on and achievement of the social and economic outcomes and vision articulated in the strategy.

## Introduction

The interests of Traditional Owners in aquaculture are well known in cases such as eels, and with the growing capacity, capital and connections into the broader economy it is timely to ensure that the State's regulatory and economic policies and programs support the opportunities and development for economic participation.

Across the State Traditional Owner Corporations are growing in capacity and interest in developing operational activity and investments, particularly where this builds on and strengthens the connections to Country and the management of the land, water and marine environments.

### *Key contextual documents*

We acknowledge that the aquaculture strategy exists within a setting of government's broader plans and strategies providing directional context for a focus on Aboriginal participation, including:

- The Aboriginal Fishing Strategy which strongly promotes the participation of Traditional Owners in the key areas of aquaculture, including the allocation of entitlements, facilitation of projects and research and monitoring of the fisheries resources;
- The DEDJTR Aboriginal Inclusion Plan which places a strong emphasis on the development of business opportunities and engagement to contribute to Aboriginal business and workforce participation;
- The State's Future Industry strategy, particularly the food and fibre strategy, the Victorian Aboriginal Economic Strategy and the Koori Business Strategy, provide strong signals in relation to the growth opportunities in Victoria.

The Traditional Owner Corporations too have formulated documents and aspirations that provide a context for developing interests and opportunities within the commercial and non-commercial development of the resources.

### *Native title and self-determination*

There is a growing body of opinion underscoring the legitimacy of commercial use of native title rights and interests.<sup>1</sup> In developing the aquaculture strategy therefore we consider that a stronger level of recognition of the ongoing interests of Traditional Owners including access to resources needs to be built into the objectives and consequent strategic actions and priorities.

In light of this, there is a need to ensure that the regulatory environment is effective in prioritising the effectiveness for the overall industry and for the interests of Traditional Owners, whether those rights and interests are practised at individual, community or commercial scale.

Furthermore, in recognition that the development of commercial aquaculture ventures takes time, it is imperative that the aquaculture strategy does not preclude future entry into the industry, or reduce the opportunity for Traditional Owners to develop the means to build on the

---

<sup>1</sup> [Akiba on behalf of the Torres Strait Regional Seas Claim Group v Commonwealth of Australia](#) [2013] HCA 33 (7 August 2013) is a landmark Australian judgment of the High Court wherein the Court held unanimously that State and Federal legislation prohibiting commercial fishing without a licence did not extinguish the native title right of Torres Strait Islanders to fish for commercial or other purposes in defined areas of water.

cultural and community interests, including where these stem from the legal and cultural rights, interests, obligations and responsibilities of Traditional Owners.

We see this as a strong alignment to the Government's position on working towards a strong focus on self-determination. This is highlighted in Minister Hutchins' recent speech<sup>2</sup>:

So what does self-determination mean, and what is it at the heart of it? Self-determination means a lot of things to different people, different tribes, different people, but in the most straightforward sense it means that Aboriginal people have a central role in shaping the decisions that affect them. [...] It's about empowering Aboriginal communities. And it's about creating a new relationship between government and you to achieve long-term generational change. It is about the future, make no mistake about it. [...]

I think that self-determination is and has to be a guiding principal if we are going to achieve what we have set ourselves in the targets of Closing The Gap.

### **General comment on the Aquaculture Strategy**

Aquaculture is recognised as a growing area for food production. However, it is also recognised as requiring capital and capacity intensive businesses, with a complex regulatory environment and business and biological risks.

Over the last decade there has been a number of reports and studies that present a strong case for the promotion of Indigenous participation in aquaculture. The core requirements may be summarised as:

- Having the physical environment and understanding of the potential
- Having the regulatory framework to enable involvement in the sector
- Having the business capacity, capital and partners.

There has been some areas of very strong and on-going practical engagement in Victoria, and these need to continue to be built on. However, we are concerned that the aquaculture strategy as it currently stands does not provide a strong level of recognition to the opportunities emerging for Aboriginal Victorians or reflect the developments that are occurring within the context of Traditional Owner settlements, and does not reflect the potential to contribute to self-determination.

In order to actively develop the Aboriginal participation in aquaculture, the Victorian strategy needs to incorporate a separate 'active development' approach, which gives greater focus to the:

- Facilitation and engagement of opportunities including in commercial activity
- Develops projects within and across a range of activities, relevant to the commercial, community and Country aspirations of Aboriginal people in Victoria
- Strengthens the participation and representation in the 'governance' structures and processes including in relation to industry, regulation and research.

Traditional Owners have indicated an interest in a number of sectors within the aquaculture industry. This includes developing production capacity for eels, yabbies, Murray cod, abalone, and mussels.

---

<sup>2</sup> Minister for Aboriginal Affairs, the Hon Natalie Hutchins speech to the Aboriginal Victoria Forum Friday, 27 May 2016.

Over time as further species are added to the regime we believe that there is an obligation for government to work with Traditional Owners to identify the opportunities and interests and facilitate the steps to progress these. This is especially important in light of the increasing limitations within the fishing industry.

It is also worth noting that the Traditional Owners have a holistic approach to the sustainable values within the environment and have indicated the interest in combining the broader management of the environment including in relation to the waters and plant and animal pest management.

### Specific priority areas for action

In light of the broader government strategies noted above, and the general comments on the aquaculture strategy, we consider that there are a number of areas where the strategy and actions needs to more strongly reflect positive actions to be taken.

In this regard we consider that the following set of actions will strengthen the strategy and focus on implementation of areas of priority.

Outputs	Focus area of action	Priority areas for action
Aquaculture development	<ul style="list-style-type: none"> <li>Expand marine aquaculture by allocating remaining offshore marine waters by 2017</li> <li>Prepare management plans for Point Lillias and Avalon Aquaculture Reserves</li> <li>Engage with Victorian indigenous groups to identify development opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Incorporate a specific allocation and reservation mechanism for 15% of all space to be preserved for Traditional Owners now and into the future</li> <li>Incorporate a specific allocation of any new species added to the regulations</li> <li>Incorporate specific consultation processes with the Traditional Owners</li> <li>Develop projects based on identified prioritisation of opportunity that can contribute to the outcomes and vision of the strategy, and link to the strategies and development of business and activity within Aboriginal groups</li> </ul>
Industry capacity building	<ul style="list-style-type: none"> <li>Identify and support leadership training opportunities for industry members</li> <li>Facilitate industry representation by supporting an aquaculture forum</li> </ul>	<ul style="list-style-type: none"> <li>Incorporate specific opportunities within the Aboriginal community that can enhance the access, use and development of aquaculture</li> <li>Facilitate and support Aboriginal involvement in the forum with appropriate structures and processes</li> </ul>
Research and development	<ul style="list-style-type: none"> <li>Identify and prioritise research and development needs annually</li> <li>Implement collaborative</li> </ul>	<ul style="list-style-type: none"> <li>Support the identification and development of research and development priorities, and including the potential funding and collaborating research organisations with</li> </ul>

	<p>aquaculture research and development projects</p> <ul style="list-style-type: none"> <li>Facilitate international knowledge and technology transfer to the local industry</li> </ul>	<p>Traditional Owners</p> <ul style="list-style-type: none"> <li>Ensure that there are areas of research that involve and support Traditional Owners</li> <li>Enhance the opportunity for Traditional Owners to incorporate international experience into planning and development processes</li> </ul>
Public engagement and education	<ul style="list-style-type: none"> <li>Develop a strategic communications plan</li> <li>Seek funding to commission a socio-economic assessment</li> <li>Communicate results to build community awareness and support for aquaculture</li> </ul>	<ul style="list-style-type: none"> <li>Incorporate Aboriginal participation in the design and implementation, including into the assessment of the industry and communications</li> </ul>
Regulatory improvement	<ul style="list-style-type: none"> <li>Engage with other regulatory authorities to streamline regulatory requirements in priority areas by 2019</li> <li>Review aquaculture licensing to identify opportunities to streamline by simplifying or reducing licence classes and standardising inland licencing conditions</li> </ul>	<ul style="list-style-type: none"> <li>Ensure that the 'holistic' approach is taken in developing the objectives and understanding of regulatory streamlining particularly to ensure the environmental sustainability and improved productivity</li> <li>Establish a development funding model within the regulatory</li> <li>Build in specific objectives and processes to ensure the Traditional Owner opportunities for growth and development are enhanced</li> </ul>

## Recommendations

We submit that the strategy is revised slightly to incorporate the broad objectives set out in this submission. Specifically, we consider that the strategy needs to incorporate the following changes:

### Page 2 Introduction or Foreword

1. Include the following sentence (or similar)

*This strategy acknowledges Victorian Traditional Owners as having an underpinning interest in the landscapes, freshwater and marine environments across Victoria, and provides a pathway to developing the social and economic opportunities from aquaculture.*

### Page 7 Vision for Victorian aquaculture

2. Incorporate into the list of inputs in the intervention logic (and we note that the Victorian State publications often have a statement on the terminology 'Aboriginal'):

*Aboriginal priorities*

3. Add a sentence below the intervention logic diagram:

*The aquaculture strategy recognises that the development of Aboriginal interests and opportunities is an element throughout the vision, outcomes, outputs and inputs.*

#### Page 8 Focus areas for action

4. Under 'aquaculture development initiatives' amend the 1st point to read:  
*Expand marine aquaculture by implementing an appropriate allocation mechanism for offshore marine waters which recognises the responsibilities to, and interests and opportunities of, Traditional Owners*
  
5. Under 'aquaculture development initiatives' amend the 5th point to read:  
*Engage with Victorian Aboriginal groups to identify engagement opportunities and develop actions across the elements of the strategy and identified priorities for action, including in relation to regulatory, research and industry projects and processes across the strategy.*

#### Page 9 Implementation

6. Add a reference to the Aboriginal priority areas for action to the end of the sentence:  
*[...]including in the development of the Aboriginal aquaculture priority areas for action.*

#### **Conclusion**

We acknowledge and appreciate the department's consultation with and inclusion of the Traditional Owner perspective and as the strategy develops into the implementation phase, we would be pleased to work with you to ensure that there are ways to work towards the priority areas for action as a way to:

- Facilitate engagement and partnerships to add value to the resource base
- Develop projects, including with the R&D sector
- Participate in strengthening the regulatory and industry effectiveness.

We would be pleased to assist in developing the draft as it develops.

In the meantime if you have any questions or would like to discuss these issues further, please do not hesitate to call Ben Gordon ([bgordon@ntsv.com.au](mailto:bgordon@ntsv.com.au), 9321 5339) or Mike Nurse ([mnurse@ntsv.com.au](mailto:mnurse@ntsv.com.au), 9321 5340).

Yours sincerely



Jeremy Clark  
Chair  
Economic Development Committee  
Federation of Victorian Traditional Owner Corporations