



22 December 2023

Yoorrook Justice Commission
Land Injustice Inquiry

Email: enquiries@yoorrook.org.au

Dear Yoorrook Commissioners,

Submission from the Federation of Victorian Traditional Owner Corporations regarding Yoorrook's Land Injustice Inquiry.

The Federation of Victorian Traditional Owner Corporations (**Federation**) welcomes the opportunity to provide a submission to the Yoorrook Justice Commission.

The Federation is the Victorian state-wide body that convenes and advocates for the rights and interests of Traditional Owners while progressing wider social, economic, environmental, and cultural objectives. We support the progress of agreement-making and participation in decision-making to enhance the authority of Traditional Owner Corporations on behalf of their communities. On this basis we make the following submission, drawing on our work and the experience of Traditional Owners in Victoria. This submission does not address all questions raised by Yoorrook's Issues Paper and has a particular focus on the experience of Traditional Owners in Victoria and the exercise of their rights to manage and care for Country and its resources.

Please contact Jill Webb jill.webb@fvtoc.com.au if you would like to discuss our submission further.

We thank you for considering our submission and we would be happy to provide further assistance as required.

Yours sincerely



Paul Paton
Chief Executive Officer

Submission to Yoorrook Commissioners on Land Injustice inquiry

1. Introduction

The Federation of Victorian Traditional Owner Corporations (Federation) is the Victorian state-wide body that convenes and advocates for the rights and interests of Traditional Owners while progressing wider social, economic, environmental, and cultural objectives. We support the progress of agreement-making and participation in decision-making to enhance the authority of Traditional Owner Corporations on behalf of their communities.

The Federation welcomes the opportunity to make this submission to the Yoorrook Justice Commission (Yoorrook) in response to the Issues Paper on systemic injustices experienced by First Peoples in relation to their land, water, sky and resources.

We do not speak for Traditional Owners in Victoria, but our work is directed by Traditional Owners and responds to the issues raised by Traditional Owners of Country in Victoria. This submission does not address all questions raised by Yoorrook's Issues Paper and has a particular focus on the experience of Traditional Owners in Victoria and the exercise of their rights to manage and care for land, sea and sky.

As defined in the Yoorrook's Issues Paper, references to land in this submission, include waters including sea, sky and resources.

2. Recommendations

Acknowledging the significant progress being made towards Treaty in Victoria, we urge the Victorian Government to avoid further delay in progressing long awaited Traditional Owner requested reforms; 'don't stop now' and move immediately to implement the following recommendations:

Recommendation 1

The Victorian Government embed the rights and principles contained in the United Nations Declaration on the Rights of Indigenous Peoples, particularly the right to self-determination, into all Victorian legislation and policy.

Recommendation 2

The Victorian Government immediately adopt, and action, all 36 recommendations contained in the Report of the First Principles Review.

Recommendation 3

A Cultural Landscapes approach is adopted ensuring existing structures and mechanisms that enable Traditional Owner participation in the management of natural resources are improved and enhanced. This must include ensuring that the standards contained in the UNDRIP are adopted, and that genuine and equitable partnerships between Traditional Owners and the State are furthered by adopting the Cultural Landscapes approach as set out in the Cultural Landscapes Strategy, and previously committed to by the Victorian Government. This must include a commitment by the Victorian Government to genuine and equitable partnerships with Traditional Owners to further this work.

Recommendation 4

Resourcing must be provided to promote nation building and strengthen Traditional Owner Nation resilience and enable Traditional Owner Nations to lead the process to heal and strengthen Country through their governance systems and with active, adaptive management. Building the resilience of Traditional Owner Nations is a foundational requirement to ensure knowledge is repatriated and strengthened through the generations, they can uphold their cultural responsibilities and deliver on their contemporary role in partnership with government.

Recommendation 5

The Victorian Government immediately implement all recommendations in the *Taking Control of Our Heritage Report* to ensure the ongoing care and protection of Cultural Heritage in Victoria.

Recommendation 6

Funding programs for Health & Wellbeing should be reviewed and updated to better support initiatives that align with the views outlined in this submission, in particular that strengthening the physical relationship with Country strengthens individual and collective identities, and promotes self-esteem, resilience and improved health and well-being of Aboriginal people

Recommendation 7

The Victorian Government establish a Traditional Owner-led Centre for Aboriginal Economic Development to support the building of the Aboriginal economy.

Recommendation 8

The Victorian Government commit to dismantling the structures of colonisation by not creating any new proprietary rights from Traditional Owner resources. When considering the creation of such new rights, Government should re-vest those rights to resources with Traditional Owners.

Recommendation 9

The Victorian Government immediately implement existing Traditional Owner-led plans and strategies (as listed in Appendix 1) and establish a process for monitoring and evaluation to ensure accountability. This includes committing the resources necessary to enable Traditional Owner-led implementation.

Recommendation 10

The Victorian Government must immediately develop a sustainable funding model for Traditional Owner Corporations. Funding should come directly from Treasury, rather than via agencies, with the aim of easing the administrative burden on these organisations. Increased funding must be allocated to Traditional Owner groups, so that they can do work that progresses their own priorities and interests, rather than those of Government. Collective state-wide reform work must also be funded so that Traditional Owners develop strategic positions around outstanding, outdated or emerging resources use (e.g. renewable energy, fisheries, carbon markets).

Recommendation 11

Truth-telling and reconciliation. The Victorian Government invest in long-term education, awareness raising and celebration of First Nations to lay the groundwork for future changes through Treaty. This is whole of government work that is required over the long term. Success for Treaty will ultimately depend upon political will and prevailing sentiment in the community.

3. Summary of issues covered in this submission

This submission starts by outlining some key areas of context relevant to the land injustice inquiry. The rights and principles contained in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) are examined and considered foundational to rectifying land injustice in Victoria. The current Victorian policy context is outlined as well as the national focus on needed reform highlighted through the National Agreement on Closing the Gap and the recent review of that Agreement undertaken by the Productivity Commission.

The centrality of Country to identity, culture, language, education, economic opportunity and overall health and well-being is explored. Traditional Owner access to, and authority over, caring for and healing Country and its resources is considered central to maintaining connection to Country and the maintenance and practice of culture, including the management and protection of cultural heritage. This is grounded in the core principle of self-determination and requires access to, and partnership in, decision making processes around land and resource management.

The holding of proprietary rights in land, and its associated resources, is considered essential for Aboriginal economic development. Equally, Aboriginal self-determination, in its true sense as detailed in UNDRIP, cannot be achieved without Aboriginal economic development and a level of economic independence supported by a strong 'Aboriginal economy'. As such, land justice is not merely a mechanism by which to acknowledge historical injustice but also a contemporary issue critical to the journey of self-determination and the long-term existence of Traditional Owner groups as distinct cultural, social, economic and political entities within the broader Australian community.

What this submission does not cover

Traditional Owners in Victoria know only too well that current legislative regimes (the *Traditional Owner Settlement Act 2010*, the *Native Title Act 1993* and the *Victorian Aboriginal Heritage Act 2006*)

fail to adequately address land rights and economic justice. This submission addresses issues and barriers experienced by Traditional Owner groups in Victoria as they activate their rights and responsibilities under Recognition and Settlement Agreements under the *Traditional Owner Settlement Act 2010* (Settlement Act)¹ but does not address the existing legislative regimes in any detail. The Federation points to the submission made by First Nations Legal and Research Services (FNLRS) and supports that submission's comprehensive assessment of the shortcomings of the existing native title and settlement schemes themselves, and how they might be overcome, including through Treaty.

The issue of compensation or redress for what has been lost and damaged through colonisation is touched on in this submission but not to any depth or in any detail. To bring the calculation for compensation for land injustice to a UNDRIP standard is critical work that requires the investment of substantive resources and a strong political will from government.

4. Overarching principles

This section explores some overarching themes and principles that guide the Federation's work and the substance of this submission.

UNDRIP

The Federation submits that all recommendations and actions designed to rectify land injustice in Victoria must be underpinned by the rights and principles contained in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The UNDRIP provides a clear and instructive reference point of the accepted basis of Indigenous rights as recognised by the international community.

The UNDRIP contains 46 articles recording the rights of Indigenous peoples and communities. It affirms "the minimum standards for the survival, dignity and well-being of Indigenous peoples worldwide,"² and recognises "the urgent need to respect and promote the inherent rights of Indigenous peoples."³ The articles in the UNDRIP include (without limitation) Indigenous peoples' rights to:

- self-determination;⁴
- self-government in matters relating to internal and local affairs;⁵
- free prior and informed consent on matters that will affect them;⁶
- practising and revitalising cultural traditions and customs;⁷
- maintaining and strengthening distinct political, legal, economic, social and cultural institutions;⁸

¹ See section on First Principles Review below.

² *United Nations Declaration on the Rights of Indigenous Peoples* ('UNDRIP'), GA Res 61/295, UN GAOR, 61st Sess, 107th plen mtg, Supp No 49, UN Doc A/RES/61/295, 46 ILM 1013 (13 September 2007) art 43.

³ *Ibid* preamble.

⁴ *Ibid* arts 3, 4.

⁵ *Ibid* art 4.

⁶ *Ibid* arts 10, 11, 19, 28, 29, 32.

⁷ *Ibid* arts 11, 12, 26, 27, 33, 34, 40.

⁸ *Ibid* art 5.

- ownership and control of traditional lands and resources⁹ as well as the right to maintain and strengthen their distinctive spiritual relationship to it;¹⁰
- recognition of rights to land, territories and resources;¹¹ and
- redress and an effective remedy.¹²

The recently released report from the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs into the *Inquiry into the application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia* (JSCATSIA Report)¹³ states that the UNDRIP offers ‘... a potential blueprint for a renewed relationship between Aboriginal and Torres Strait Islander peoples and the broader Australian nation.’¹⁴ The Federation supports in full the recommendations of the JSCATSIA Report¹⁵ including:

- that legislation and policy on matters relating to Aboriginal and Torres Strait Islander people be consistent with the Articles outlined in the UNDRIP.
- the development of a National Action Plan, in consultation with Aboriginal and Torres Strait Islander peoples, that outlines the approach to implementing the UNDRIP in Australia, and considers the legislative, policy, and other approaches to implement, and assess compliance with, the UNDRIP across all jurisdictions.

The Federation’s Treaty Paper 3 *UNDRIP and Enshrining Aboriginal Rights*¹⁶ and subsequent submission to the *Inquiry into the application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia*¹⁷ recommends three methods by which UNDRIP principles could be embedded into core framework documents and legislation as follows:

- a) embedding UNDRIP principles into any Australian Treaty structures;
- b) legislating to affirm the application of the UNDRIP to the laws of Australia, with a requirement to rectify any inconsistency between the law and the Declaration using the model developed in British Columbia, Canada in particular legislation enacted in November 2019 known as the Declaration on the Rights of Indigenous Peoples Act (DRIP Act); and

⁹ Ibid art 26.

¹⁰ Ibid art 25.

¹¹ Ibid art 27

¹² Ibid arts 28, 40.

¹³ Report of the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs into the *Inquiry into the application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia*
https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Aboriginal_and_Torres_Strait_Islander_Affairs/UNDRIP/Report

¹⁴ Ibid ix.

¹⁵ Ibid xix-xx.

¹⁶ Federation of Victorian Traditional Owner Corporations, 2020 *Enshrining Aboriginal Rights*, Melbourne, Victoria. <https://fvtoc.com.au/sections/treaty/>

¹⁷ Submission 36,

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Aboriginal_and_Torres_Strait_Islander_Affairs/UNDRIP/Submissions

- c) including UNDRIP rights as enforceable and justiciable rights within future treaties, with the treaty terms (particularly those that transfer decision making and revenue generating power) as the minimum obligations of the Government.¹⁸

The proposal of adopting UNDRIP terms as enforceable rights within a national or state treaties, is untried anywhere in the world, arguably because nowhere else has a treaty process come into being following the creation of the Declaration. By negotiating the practical building blocks of Treaty, and then defining these as the minimum obligations owed by the Government, Traditional Owners retain a role, through Treaty negotiation, in designing and shaping the implementation of their rights.

It is the exercise of rights, and not their simple recognition that is the ultimate goal, and this will be achieved by the practical measures contained in treaties that transfer decision making and control. In this way, the UNDRIP's rightful role in this process is to underpin and to protect those measures freely negotiated by Traditional Owners.

The Federation also notes the comprehensive examination of the relevance of the UNDRIP to land justice in Victoria in the submission to Yoorrook offered by FNLRS including the failure of the land justice legislative regimes under both the *Native Title Act 1993* and the *Traditional Owner Settlement Act 2010* to meet the minimum standards set out in the UNDRIP. The Federation supports the recommendations put forward by FNLRS in their submission to Yoorrook on land injustice to embed the norms of international law relating to Indigenous People as encapsulated in UNDRIP into Victorian laws (recommendation 1); and reform of the *Traditional Owner Settlement Act 2010* to bring it into alignment with the Declaration. (recommendation 2).

Self-determination and free prior and informed consent

The right to self-determination underpins all other inherent rights held by First Peoples, providing a foundation for the recognition and exercise of those rights, especially including the right to land and its resources.

The UNDRIP recognises that self-determination encompasses the collective right of Indigenous peoples to decide their political status and freely pursue their economic, social and cultural development. The UNDRIP recognises that Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs. The right derives from Indigenous peoples' connection to particular Country.

¹⁸ Ibid 41.

The principle of free prior and informed consent (**FPIC**) is embedded in several of the UNDRIP's articles and is a critical process in decision making relating to the exercise of rights, especially where there is an incursion on property rights. However, the exercise of FPIC assumes that consent will be given, and the UNDRIP does not provide a mechanism for veto which arguably leaves a vacuum in situations where consent is not given.

Recommendation 1

The Victorian Government embed the rights and principles contained in the United Nations Declaration on the Rights of Indigenous Peoples, particularly the right to self-determination, into all Victorian legislation and policy.

5. Victorian policy environment

The UNDRIP itself is increasingly accepted by the Victorian State government as a benchmark to drive key policy in Aboriginal Affairs. In 2015, the Victorian government committed to the principle of Aboriginal self-determination as being the central policy pillar of 'Aboriginal Affairs' in Victoria.

The Victorian Aboriginal Affairs Framework (VAAF)¹⁹ and the Self Determination Framework²⁰ are two key policy documents driving a shift in how the Victorian government does business with the state's Aboriginal and Torres Strait Islander community, and both reference a commitment to the principle of self-determination. However, while there are solid attempts by some government departments to shift authority out of government, others are yet to embrace the importance of these policies. There is still no real accountability, and it is difficult holding leaders to account to meet the commitments made by government through these policies.

Recent developments in the Victorian Treaty process have demonstrated a commitment by the Victorian government to embedding UNDRIP principles into the core Treaty framework documents and enabling legislation. This includes:

- the preamble to the *Advancing the Treaty process with Aboriginal Victorians Act 2018* (Vic)²¹ recognises the importance of the treaty process proceeding in a manner consistent with the UNDRIP principles.
- the Treaty Negotiation Framework states that:
 - 'Treaty-making aims to build a new relationship between the State and First Peoples based upon realising rights defined by the UNDRIP'.²²

¹⁹ Department of Premier and Cabinet, Victorian Government (2018, October). *Victorian Aboriginal Affairs Framework 2018-2023*. Retrieved from: [Victorian-Aboriginal-Affairs-Framework_1.pdf \(content.vic.gov.au\)](#)

²⁰ Department of Premier and Cabinet, Victorian Government (2019, August). *Victorian Government Self-Determination Reform Framework*. Retrieved from: [Self-Determination-Reform-Framework-August-2019.PDF \(content.vic.gov.au\)](#)

²¹ *Advancing the Treaty process with Aboriginal Victorians Act 2018* (Vic). Retrieved from: [Advancing the Treaty Process with Aboriginal Victorians Act 2018 \(legislation.vic.gov.au\)](#)

²² First Peoples' Assembly and the State of Victoria (2022, October). *Treaty Negotiation Framework*. Retrieved from: [Treaty-Negotiation-Framework.pdf \(content.vic.gov.au\)](#)

- 'The Framework should be interpreted by reference to the UNDRIP, except to the extent of any inconsistency with the Treaty Act and applicable laws of the State and the Commonwealth'.²³
- the Treaty Authority Agreement states that 'The Treaty process provides the opportunity for new relations between First Peoples in Victoria and the other people of the state that are built on truth, justice and respect for First Peoples' self-determination and empowerment, consistent with the principles articulated in the [UNDRIP]'.²⁴

While the progress towards Treaty in Victoria is to be commended, the Federation also notes that 'waiting for Treaty' is a reason frequently being provided by government departments for delay in progress towards anticipated reforms.

The First Principles Review of the Traditional Owner Settlement Act

The First Principles Review of the Traditional Owner Settlement Act was initiated in 2020, facilitated by the Federation as a partnership between the First Principles Review Committee (FPRC), which comprised Victorian Traditional Owners and individuals who work for Traditional Owner corporations, and the State. In broad terms, the Review was concerned with the content of Settlement Act agreements, including broader rights and interests and available financial benefits, especially in the light of the 2019 Timber Creek decision. The Review explored issues that relate to the principles and legislation that underpin Settlement Act agreements and the State's settlement policy, with the broader intention of supporting First Nations communities to negotiate the Traditional Owner land rights that help communities realise the full benefit of their native title settlements.

The Review examined:

- a) the Settlement Act and certain aspects of government policy which do not accommodate aspirations of Traditional Owner groups; and
- b) changes sought to Settlement Act outcomes which require legislative change.

A joint report was produced by the FPRC and the State, making a series of 36 recommendations including jointly agreed recommendations and recommendations from either the FPRC or the State.²⁵ Some key recommendations relate to:

- Access to natural resources
- Commercial use of natural resources
- Recognition of Traditional Owner rights and interests in water
- Calculation of compensation amounts, in light of the Timber Creek High Court Judgment
- Development of Crown Land, and the leasing and sale of Crown Land

²³ Ibid 56.

²⁴ Treaty Authority Agreement, June 2022, <https://www.firstpeoplesvic.org/category/reports-resources/page/2/>, 4.

²⁵ The Final Report of the First Principles Review has not yet been released. The Federation will send through the Final Report as a separate document.

- The treatment of Hydraulic Fracturing (Fracking)
- The capture of Existing Public Land Authorisations upon renewal.

The final Review was signed off by the FPRC in November 2021 but continued to be considered by the State until March 2022 when it was to begin a Cabinet review process with the expectation that it would be endorsed prior to the State election in November 2022.

Over the past two years, the Federation has continued to press for further consideration of the First Principles Review recommendations, noting that the 2022 Victorian State budget indicated a willingness to continue to progress the work undertaken through the First Principles Review.

On 5 December this year, the Federation received correspondence from Minister Natalie Hutchins advising the First Principles Review Committee that the State had agreed to Recommendation 1 of the Review's Final Report as the overarching principle for progressing future Settlement Act reforms. Recommendation 1 states that Settlement Act agreements should represent a fair and just settlement for Traditional Owners, measured against defined criteria, including that:

- a) The offer complies with, and in practice implements, the UNDRIP as it relates to land justice.
- b) The offer meets or exceeds the rights and compensation that would otherwise be available if the Traditional Owner group obtained a positive determination of native title.
- c) The offer is consistent with the principles of self-determination, and promotes the self-determination of the Traditional Owner group, and provides sufficient resources to allow the Traditional Owner group to:
 - i. exercise all of the rights obtained through the agreement; and
 - ii. build an economic base that allows them to improve the lives of their members.

The Government has also agreed to immediately adopt the Interim Community Benefits Formula in current negotiations with Traditional Owner groups and has agreed in principle to the 27 jointly agreed recommendations. The Final Report has been offered to the Assembly, and the Minister suggests that the remaining recommendations may be raised in Treaty negotiations.

While this signals some progress towards long awaited reform, the Federation urges the Government to immediately progress the remaining recommendations and not create further delay by waiting for Treaty negotiations to begin.

Recommendation 2

The Victorian Government immediately adopt, and action, all 36 recommendations contained in the Report of the First Principles Review.

Closing the Gap

The National Agreement on Closing the Gap (Agreement), and its jurisdictional specific implementation plans, has become the overarching Aboriginal policy objective of Australian governments. While it has taken some time for the link between healthy Country and the health and wellbeing of First Nations People to be acknowledged, there has been an increasing focus on a more holistic perspective including the importance of land and waters.

Socio-economic outcome 15 states that ‘Aboriginal and Torres Strait Islander people maintain a distinctive cultural, spiritual, physical and economic relationship with their land and waters.’ However, the indicators for this outcome focus on recognition of land and water rights rather than the exercise of those rights – that is, the use of land and waters to meaningfully leverage social, cultural and economic outcomes.

The Federation provided a submission to the Productivity Commission’s recent Review of the National Agreement on Closing the Gap,²⁶ noting that the Agreement and its targets and indicators place too much emphasis on statistical equality between Indigenous and non-Indigenous Australians, while failing to properly reflect Indigenous conceptualisations of health and well-being, and diversity within Indigenous communities.

For Aboriginal and Torres Strait Islander people, the concept of health and wellbeing has long been understood as holistic, with connection to culture and Country being inextricably linked to health and wellbeing. The interconnectedness of these aspects means Indigenous health and wellbeing must be considered in the context of culture and Country and cannot be considered in isolation.

6. The centrality of Country to identity, culture, language, education and overall health and well-being

Impact of colonisation/invasion

European colonisation had a devastating impact upon our people and Country and continues to do so today. Our families were removed from Country and dispossessed from their homelands in an attempt to destroy our societies and culture...Our custodial relationship with Country was forced by Europeans to end and made way for the destruction of our homes, our food sources, our ceremony sites and trade routes making up the Cultural Landscapes forged over millennia.²⁷

Possession of land was at the centre of colonisation, and the violent separation of First Peoples from Country, the very land that gave and sustained life, has had devastating consequences that are still

²⁶ Submission 024 <https://www.pc.gov.au/inquiries/current/closing-the-gap-review/submissions#initial>

²⁷ Federation of Victorian Traditional Owner Corporations *Victorian Traditional Owner Cultural Landscapes Strategy*, 2, <https://fvtoc.com.au/sections/landscapes/>

experienced today. Settler colonialism 'destroys to replace';²⁸ First Peoples were massacred, and every attempt made to destroy families, culture and identity. This was an attempt to destroy the oldest living culture in the world and replace it with systems and institutions that have inflicted ongoing damage to Country that in turn, has damaged people, culture and spirit.

Colonisation and the theft of land not only resulted in social disintegration, it also deprived Aboriginal people of their land and material livelihood, setting the stage for their economic deprivation and continuing poverty in a community where many of their values were rejected and their skills in limited demand.

Colonisation is not purely an historic legacy underpinning dispossession and socio-economic disadvantage, but it is an ongoing continuum, where contemporary acts of colonisation continue to entrench dispossession and re-enforce the advantage and privileges of the dominant settler-culture.

Colonisation is an ongoing structure²⁹ that continues to perpetuate the systemic injustices experienced by First Nations people.

Chapter 6 explores the centrality of Country to Victoria's Traditional Owners and Aboriginal People. We note that attempting to translate an Indigenous worldview to a western paradigm is often flawed as the totality of the knowledge, ontology and epistemology may not allow a full translation.

First Peoples world view

The realisation of land justice for First Peoples is dependent on a firm understanding of and respect for First Peoples worldview.

While First Peoples worldview varies from nation to nation, it is relational and holistic, and based on the belief that all things in the universe are connected.

First Peoples notion of Country encompasses this all-inclusiveness, interconnectedness and interdependence.

Country consists of the land, waters, and skies to which First Peoples are connected through ancestral ties and family origins, and is inseparable from the people, animals and plants that live there, as well as the culture, customs, spiritual beliefs, traditional knowledge and teachings, languages, family, laws, and obligations connected with this.³⁰

²⁸ Patrick Wolfe (2006) Settler colonialism and the elimination of the native, *Journal of Genocide Research*, 8:4, 388.

²⁹ Ibid, 388.

³⁰ See for example, Deborah Bird Rose, *Nourishing Terrains: Australian Aboriginal Views of Landscape and Wilderness* (Australian Heritage Commission, 1996).

Country is considered sentient. The anthropologist, Deborah Bird Rose, describes Country this way:

[It] ... is a place that gives and receives life. Not just imagined or represented, it is lived in and lived with. Country in Aboriginal English is not only a common noun, but also a proper noun. People talk about country in the same way that they would talk about a person; they speak to country, sing to country, visit country, worry about country, feel sorry for country and long for country. People say that country knows, hears, smells, takes notice, takes care, is sorry or happy ... country is a living entity with a yesterday, today and tomorrow with a consciousness, and a will toward life. Because of this richness, country is home and peace: nourishment for body, mind and spirit.³¹

Relationship to Country and identity

Land holds great significance for First Peoples, individually and collectively.

The relationship First Peoples have to their Country has been variously described as deeply spiritual and as being bound to the land; a 'person-land-ancestral interrelationship'.³²

Our ontological relationship to land, the ways that country is constitutive of us, and therefore the inalienable nature of our relation to land, marks a radical, indeed incommensurable, difference between us and the non-Indigenous.³³

Pat Dudgeon et al explain:

Indigenous people's spiritual beliefs are based on ancient systems that tie one to the land, to other members of the group, and to all things of nature. This relationship with the country means that there is an incommensurable difference between sense of self, home and belonging to place.³⁴

Patricia Anderson AO, leading human rights advocate, has described the significance of this relationship to Country in the following way:

³¹ Deborah Bird Rose, *Nourishing Terrains: Australian Aboriginal Views of Landscape and Wilderness* (Australian Heritage Commission, 1996) 7.

³² Rumsey, A 2001, 'Tracks, Traces and Links to land in Aboriginal Australia, New Guinea and Beyond' in A. Rumsey & J Weiner(eds) *Emplaced Myth: Space, Narrative and Knowledge in Aboriginal Australia and Papua New Guinea*, University of Hawai'i Press, Honolulu, pp19-42.

³³ Moreton-Robinson A, Ahmed S, Castaneda C, Fortier A, Sheller M. I still call Australia home: Indigenous belonging and place in a white postcolonising society. In eds *Uprootings, regroupings. Questions of home and migration*. Oxford, New York: Berg, 2003, p31. Quoted from Dudgeon, P. Milroy, H. Walker, R. (Ed.). (2014) *Working together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice* (2nd ed.,). Canberra: Australian Government Department of Prime Minister and Cabinet, p 6.

³⁴ Dudgeon, P. Milroy, H. Walker, R. (Ed.). (2014) *Working together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice* (2nd ed.,). Canberra: Australian Government Department of Prime Minister and Cabinet, p6.

Our identity as human beings remains tied to our land, to our cultural practices, our systems of authority and social control, our intellectual traditions, our concepts of spirituality, and to our systems of resource ownership and exchange.³⁵

First Peoples are intrinsically entwined and connected to Country. It is a connectedness that flows from the past, and influences both the present and the future.

In achieving land justice for First Peoples, this deep connection between First Peoples and Country must be genuinely recognised and firmly understood as underpinning all aspects of First Peoples' existence.

The ability to access land and to determine how it is used, managed, protected and developed is vitally important for First Peoples to maintain and continue their spiritual and cultural practices and their individual and collective identities; to support the protection and healing of Country; to advance towards economic self-reliance and First Peoples broader aspirations; and to improve the health and well-being of First Peoples.

The importance of land and the ability to access it and to activate rights and authority over it is rooted in the core principle of self-determination, and requires access to, and partnership in, decision-making processes around land use and resource management. When First Peoples can access, use, manage, protect and develop land according to their own objectives, they are able to self-direct their own futures.

First Peoples' Identity

Country is central to the identity of First Peoples.

First Peoples' identity is grounded in ancestral ties and Country of origin, about knowing and belonging to a particular group and place. Where one is from and the group, or the people, one belongs to, remains critical to First Peoples in their self-identity.³⁶

Morrissey speaks of the significance of land to First Peoples' identity. He explains that ancestry does not necessarily relate 'to genetics as inherited essential characteristics but to the historical connection that leads back to the land and which claims a particular history.'³⁷

³⁵ Deborah Bird Rose, *Nourishing Terrains: Australian Aboriginal Views of Landscape and Wilderness* (Australian Heritage Commission, 1996) 49

³⁶ Dudgeon, P. Milroy, H. Walker, R. (Ed.). (2014) *Working together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice* (2nd ed.,). Canberra: Australian Government Department of Prime Minister and Cabinet, p 5.

³⁷ Morrissey P, Grossman M. *Aboriginality and Corporatism*. 2003. p. 52-59, quoted from: Dudgeon, P. Milroy, H. Walker, R. (Ed.). (2014) *Working together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice* (2nd ed.,). Canberra: Australian Government Department of Prime Minister and Cabinet, p5.

The ability to access land and determine how it is used has a direct impact on the ability of First Peoples to practice and participate in and maintain cultural life, strengthen language, culture and social connection, identity and belonging.

Land is vitally important to the continued survival and reproduction of culture, to strengthening individual identity and to the maintenance of the collective identity of First Peoples groups.³⁸

Caring for (& healing) Country

The relationship between First Peoples and land is characterised by a deep sense of respect, responsibility and reciprocity for land and life.³⁹ Rather than owning land, each person belongs to the land with which they have a connection and is entrusted with knowledge and responsibility to care for their land, providing a deep sense of identity, purpose and belonging.⁴⁰

Deborah Bird Rose described First Peoples relationship with land in the following way:

The relationships between people and their country are intense, intimate, full of responsibilities, and, when all is well, friendly. It is a kinship relationship, and like relations among kin, there are obligations of nurturance. People and country take care of each other.⁴¹

There is an understanding that the land sustains and provides for people and people sustain and manage the land.⁴²

This close connection and responsibility to care for land is often described as 'Caring for Country' and is based in the traditional knowledge and teachings, laws, customs, culture, ceremony, and ways of life that First Peoples people have inherited from their ancestors.

Caring for Country activities - time spent on Country, cultural fire practices, hunting and gathering food and medicines, ceremony and protecting sacred sites - are an important form of connectedness to land.

For example, traditional cultural fire management listens to Country and draws on Traditional ecological knowledge and the fundamental cultural responsibilities of Traditional Owners in healing and managing the ecological and cultural values of Country. Cultural fire practices reduce fire hazards, encourage new growth of culturally significant species, protect native wildlife living on Country, reinforce and support Traditional Owners' connection to Country and has meaning in terms of maintenance and transference of knowledge.

³⁸ Chapter 3 The Importance of land for Indigenous economic development, OECD Report

³⁹ [Restoring Indigenous Systems of Relationality | Center for Humans and Nature](#)

⁴⁰ [Restoring Indigenous Systems of Relationality | Center for Humans and Nature](#)

⁴¹ Deborah Bird Rose, *Nourishing Terrains: Australian Aboriginal Views of Landscape and Wilderness* (Australian Heritage Commission, 1996) 49.

⁴² [Importance Of Land | Connection To Country | Australians Together](#)

Caring for Country is also an opportunity to ‘meaningfully know oneself, community and Country.’⁴³ Knowing Country builds the resilience of Traditional Owners, culture, and Country to the impacts of emergency events, linking mitigation, preparation, and recovery. For example, responsibility for Country in the face of extreme damage caused from the 2019/20 bushfire can trigger guilt and shame and a sense of failure. Yet Country, too, holds the key for healing.

Knowing Country, our connection to it, how it was affected by the fires and being able to look after it through bushfire recovery, is healing in itself.⁴⁴

Traditional Owners have responsibilities to care for Country and maintain connections not only within their own Country but through their spiritual, kinship and customary connections. For example, song lines, maintaining health of species which are migratory and traverse or nest in multiple Nations’ Country. Those species may also be part of the subsistence or survival needs of other Nations.

Access to land impacts the ability to care for Country and to fulfil obligations to care for and heal Country.

The ability to access land and to determine how it is managed is critically important for First Peoples to maintain connection and knowledge of Country, to practice laws and customs, and to fulfil their obligations to care for the land to which they have a connection.

Ensuring access to Country and enabling Traditional Owners to practice cultural fire and other cultural land management activities plays a critical role in supporting self-determination.

Cultural Landscapes

Most opportunities for Traditional Owners to care for Country are provided through natural resource and land management activities as part of National or State parks or Indigenous Protected Areas programs.

Traditional Owner participation in natural resource management (NRM) must also be undertaken through a Cultural Landscapes lens. A Cultural Landscapes approach empowers Traditional Owners to activate their rights and interests in guiding and partnering with Government and would practically acknowledge not only the significance of Indigenous Ecological Knowledge in the stewardship of Country but activate the rights of Traditional Owners to practice their cultural responsibilities.

Cultural landscapes are reflections of how Aboriginal people engage with the world. The concept of a cultural landscape is a bridging tool, in this case one that aims to bridge the ontological differences

⁴³ AISTSIS, The Benefits Associated with Caring for Country, Literature Review, p4 <https://aiatsis.gov.au/sites/default/files/research_pub/benefits-cfc_0_3.pdf>

⁴⁴ Ngarigo Monero, Traditional Owner, BRV 2021, p11.

between Indigenous and ‘western’ world views, between Natural Resource Management (NRM) and caring for Country. This is required to take steps towards preventing the ongoing ontological violence that is perpetuated by the dominance of ‘western’ approaches to managing Country.⁴⁵

The Victorian Traditional Owner Cultural Landscapes Strategy is a practical approach that articulates a progressive vision for restoring Traditional Owner management of Country. The strategy talks to the enabling conditions required on a State-wide scale to pursue each Traditional Owner Group’s self-determined pathway. The Cultural Landscapes Strategy was developed by Traditional Owners and the Federation of Victorian Traditional Owners with the support of DELWP and Parks Victoria.⁴⁶

Recommendation 3

A Cultural Landscapes approach is adopted ensuring existing structures and mechanisms that enable Traditional Owner participation in the management of natural resources are improved and enhanced. This must include ensuring that the standards contained in the UNDRIP are adopted, and that genuine and equitable partnerships between Traditional Owners and the State are furthered by adopting the Cultural Landscapes approach as set out in the Cultural Landscapes Strategy, and previously committed to by the Victorian Government. This must include a commitment by the Victorian Government to genuine and equitable partnerships with Traditional Owners to further this work.

Trust Traditional Owners

For a Cultural Landscapes approach to be properly implemented across Victoria, there must be greater willingness from Government to trust Traditional Owners to deliver on important work. Too often the Federation hears from Traditional Owner Corporations that they feel like Government underestimates the capacity of Traditional Owners. This slows down the process of incorporating Indigenous knowledge and practice into land management across Victoria and holds back Traditional Owners and their corporations from developing capacity.

This seeming lack of trust has manifested itself in the substandard implementation of strategies, agreements and recommendations. The Victorian Government repeatedly makes commitments to Traditional Owners that it does not deliver on. Even Traditional Owner Corporations that have signed Recognition and Settlement Agreements with the State face difficulty in seeing the terms of those agreements upheld.

There is the dual benefit that comes from trusting Traditional Owners to deliver projects on their own Country. Not only are Aboriginal people being employed on-Country, but they are also developing skills to deliver more projects into the future. Particularly in parts of regional Victoria, where jobs and skills can be scarce, there is huge value in developing the capacity of Traditional Owner Corporations and their Aboriginal workforces, as they have such strong, ongoing ties to those areas.

⁴⁵ Cultural Landscapes Strategy 5.

⁴⁶ See link at footnote 25.

It is not enough for the Victorian Government to say all the right words about self-determination. For any of this work to be truly meaningful, those words must be matched with a genuine handover of responsibilities to Traditional Owner groups. Genuine self-determination will require a shift of mindset on the part of Victorian Government departments and agencies, and an increase in a willingness to trust Traditional Owner corporations to deliver.

Moving from joint management to sole management

While participation in current joint management opportunities is a positive first step towards the recognition of Traditional Owner rights and authority over the management of Country, many Traditional Owner groups are advocating for recognition of their right to exercise sole management over public lands.

Practical forms of 'Joint management' are typically enabled via alternative arrangements between Traditional Owner Corporations and the land manager (Parks Victoria) such as via services agreements or specific procurement as the only currently available way to enable or allow Traditional Owner Corporations to undertake any on ground management activities in these jointly managed parks and reserves. Traditional Owner Corporations are administratively treated by the land manager as a contractor.

Legislative reform, including the ability to appoint Traditional Owner Group Entities as land managers, must be progressed to enable transition towards direct and sole Traditional Owner management which prioritises Indigenous cultural safety and ecological knowledge.

Recommendation 4

Resourcing must be provided to promote nation building and strengthen Traditional Owner Nation resilience and enable Traditional Owner Nations to lead the process to heal and strengthen Country through their governance systems and with active, adaptive management. Building the resilience of Traditional Owner Nations is a foundational requirement to ensure knowledge is repatriated and strengthened through the generations, they can uphold their cultural responsibilities and deliver on their contemporary role in partnership with government.

Aboriginal cultural heritage

This living connection between First Peoples and Country includes deep responsibility to care for and manage what is now referred to as Aboriginal Cultural Heritage.

.... landscape, waters, and seas, collectively referred to as 'Country', are alive with a profusion of heritage places. Imbued with the essence of ancestral beings that created them, it is

through these places that family descent and kinship connections flow. It is this connection that gives owners' rights, responsibilities and duties to Country.⁴⁷

A Review of the *Aboriginal Heritage Act 2006 (Vic)*(AHA) undertaken by the Victorian Aboriginal Heritage Council resulted in the report *Taking Control of Our Heritage* in October 2021. The report contains a series of recommendations for changes to the AHA that remain unacted despite significant and ongoing failures of the Act to protect Cultural Heritage.⁴⁸

Importantly, the recommendations include the introduction of a veto power for destruction of cultural heritage. Recommendation 4 states:

That the Act be amended to give RAPs the authority of Cultural Heritage Consent. This would provide a mechanism to both give and withhold consent for harm to Aboriginal Cultural Heritage proposed in CHMPs.

The Federation submits that all recommendations in the *Taking Control of Our Heritage* be implemented immediately to ensure the ongoing care and protection of Cultural Heritage in Victoria.

Furthermore, it is noted that the Act has not typically operated to recognise or protect significant cultural landscapes, landforms and physical landscape features (for example, mountain peaks or ranges that may be the physical embodiment of creation ancestors), rather than the material culture, or locations within the parameters of the definition of an Aboriginal Place.

Recommendation 5

The Victorian Government immediately implement all recommendations in the *Taking Control of Our Heritage* Report to ensure the ongoing care and protection of Cultural Heritage in Victoria.

Health and Wellbeing

First Peoples caring for Country is important not just for the improved health of the Country. There is increasing recognition that First Peoples' health and well-being and the health and well-being of their community is closely intertwined with connection to and caring for Country.⁴⁹

The inability to uphold reciprocal relationships and responsibilities and care for Country can impact on physical and mental health for First Peoples:

⁴⁷ Heritage Chairs of Australia and New Zealand 2020, *Dhawura Ngilan: A vision for Aboriginal and Torres Strait Islander heritage in Australia*, Canberra, September. CC BY 4.0, p9.

⁴⁸ Victorian Aboriginal Heritage Council, *Taking Control of Our Heritage*, October 2021
<https://www.aboriginalheritagecouncil.vic.gov.au/taking-control-our-heritage-recommendations>.

⁴⁹ [AIATSIS](#) Indigenous Health and Wellbeing: the importance of Country

Seeing your Country burnt ... it's unrecognisable, like you're a stranger in your own Country ... because you can't help it heal, it impacts your mental health.⁵⁰

And yet the alternative is also healing:

“Knowing Country our connection to it, how it was affected by the fires and being able to look after it through bushfire recovery, is healing in itself.⁵¹

Strengthening the physical relationship with Country, strengthens individual and collective identities, and promotes self-esteem, resilience and improved health and well-being of Aboriginal people. Caring for Country also has benefits for the social-political, cultural, economic, and physical and emotional well-being of Indigenous people. For Indigenous people, it is increasingly documented that caring for country is intricately linked to maintaining cultural life, identity, autonomy and health.⁵²

The beneficial relationships held between First Peoples and their Country are captured in expressions by First Peoples such as “healthy country, healthy people” and “if you look after country, country will look after you.”

The Australian Institute of Aboriginal and Torres Strait Affairs has prepared a literature review examining the importance of Country on Indigenous health and well-being.⁵³

A further notable mainstream piece of research regarding the health benefits of human-nature relationship is found in Deakin University's *Healthy parks, healthy people, the health benefits of contact with nature in a park context*, A review of relevant literature 2nd edition March 2008.⁵⁴

A summary of the main benefits to the health and wellbeing for individuals and communities that arise from contact with nature is provided at page 67. The benefits are summarised into the Australian Institute of Health and Welfare's seven dimensions of holistic health (Australian Institute of Health and Welfare, 1998), including: 1) biological/mental wellbeing; 2) social/community wellbeing; 3) economic wellbeing; 4) environmental wellbeing; 5) life satisfaction; 6) spiritual/existential wellbeing; and 7) 'other characteristics valued by humans'. As the components of health are interrelated, there is some overlap.

⁵⁰ Aboriginal workshop participant, FVTOC-ERV Report.

⁵¹ Ngarigo Monero Traditional Owner, BRV 2021, p11.

⁵² Above n 43, AIATSIS, The Benefits Associated with Caring for Country, Literature Review, 1.

⁵³ Ibid.

⁵⁴ School of Health and Social Development Faculty of Health, Medicine, Nursing and Behavioural Sciences Deakin University, *Healthy parks, healthy people, the health benefits of contact with nature in a park context*, A review of relevant literature 2nd edition March 2008.

Recommendation 6

Funding programs for Health & Wellbeing should be reviewed and updated to better support initiatives that align with the views outlined in this submission, in particular that strengthening the physical relationship with Country, strengthens individual and collective identities, and promotes self-esteem, resilience and improved health and well-being of Aboriginal people .

7. Land Justice and its role in building the ‘Aboriginal economy’ necessary to progress Aboriginal self-determination.

It is important to understand that ‘Land Justice’ is not merely an issue that redresses historical wrongs on Aboriginal people but central to the contemporary and future aspirations of Victoria’s Aboriginal communities and to the realisation of self-determination by Traditional Owner groups.

As noted above, the current State government has committed to the principle of Aboriginal self-determination as being the central policy pillar of ‘Aboriginal Affairs’ in Victoria.

As such, this section of the submission attempts to demonstrate the direct link between the collective holding of proprietary rights in land and its resources, the collective economic development and independence of First Nations groups and the realisation of Aboriginal self-determination for First Nations groups.

Further, this submission argues that true self-determination cannot be achieved for First Nations groups without government committing to building and strengthening the ‘First Nations economy’. In the absence of a strong ‘First Nations economy’, Aboriginal self-determination becomes a government project in consultation/partnership/engagement with First Nations groups.

Proprietary Rights in land and resources and First Nations economic development.

The intrinsic connection between the collective holding of proprietary rights in land and its resources, and economic development is well recognised and understood.

Land is a fundamental asset for sustainable economic development for Indigenous peoples, and land rights are critical for self-determination.⁵⁵

As has been discussed previously in this submission, the historical acquiescence of Australia’s legal and political institutions in the legal fiction of *terra nullius*, meant that at the time of European settlement, no proprietary rights vested in the native population in relation to land, water and the attached resources.

⁵⁵ OECD (2020), *Linking Indigenous Communities with Regional Development in Canada*, OECD Rural Policy Reviews, p.136.

Since that time, some progress has been made in re-vesting these type of rights in First Nations groups. Most notably of course being the High Court's decision in 'Mabo' that recognised a type of proprietary right in land called native title. This, in turn, led to the enactment of the *Native Title Act 1993 (Cth)* which details the 'bundle' of rights that make up statutory native title.

It should be noted that one of the intended outcomes of the Act was to recognise such rights as a mechanism to drive Aboriginal economic development going forward. To some extent this has been the case.

The Act's inclusion of a 'right to negotiate' in relation to mining leases has had a well-documented impact in Australia's remote regions through the negotiation of agreements with a wide range of benefits and opportunities to drive economic development within impacted communities.

Unfortunately, due to the limited application of the Act in Victoria and the nature of the Victorian economy, the same benefits have not accrued to groups in Victoria. While the *Traditional Owner Settlement Act 2010 (Vic)* facilitates the recognition of similar rights in recognition and settlement agreements (RSAs). Even those groups that have entered into RSAs see little economic development impact, again, largely due to the nature of the Victorian economy and high proportion of the state covered by freehold title.

The terms of Agreements made between government and First Nations groups creating Indigenous Protected Areas (IPAs) have directly driven economic development through the growth of Ranger groups and their activities. Indirect economic impacts have also been created by activities able to be undertaken due to having access to the land such as seed production, collection and storage, plant propagation and wild harvest of native foods.

Again, much of the economic development impact of IPAs has been disproportionately felt outside of Victoria.

At a state level, reforms to the *Biodiscovery Act 2004 (Qld)* ensures agreement making between First Nations groups and researchers is providing direct benefits to the communities while also driving First Nations participation and partnership building within related industries.

The Federation submits that Victorian First Nations groups were not only disproportionately impacted by the effects of dispossession and colonisation but are also currently disproportionately disadvantaged in progressing collective economic development due to the lack of real land justice reform in Victoria.

The Federation further submits that real 'Land Justice' is not merely a function of land hand-backs, buy-backs and compensation. Real 'Land Justice' is achieved through the recognition and creation of proprietary rights, specifically applicable to the Victorian economic context, that ensure First Nations groups in Victoria are supported in their economic development goals.

While the Treaty process may be seen as the ideal vehicle to progress these goals, it is imperative that the Victorian government be deeply considering these matters and designing responses as part of its day-to-day functions and commitment to supporting Aboriginal self-determination.

First Nations economic development and Aboriginal self-determination

The content of UNDRIP and its relevance to broad issues around 'Land Justice' have been addressed earlier in this submission. It is, however, worth highlighting some specific aspects of the right in the context of economic development.

Indigenous self-determination, as an international legal right, has its genesis in the rights of groups of people to exist as distinct cultural, social, political and economic entities (nations, if you will) as Europe was being geopolitically reconstructed post-WW1.

It is a right that accrues to the collective rather than an expression of collective individual rights. As such, Aboriginal self-determination is best enabled through the exercise of collectively held rights. This does not diminish the role individual rights related to prosperity and well-being play in the achievement of collective self-determination, but rights of the individual are matter of social policy rather than policy directed at supporting self-determination.

In short, without a focus on economic development of the collective, it is unlikely self-determination will be achieved.

Victoria's Traditional Owner Corporations have a clear understanding of this connection and are increasingly focused on matters of economic development and have growing interests across a range of market sectors. This is best illustrated in their own Country Plans, business development plans, etc. A key element to economic development closely connected to land justice is the protection of Indigenous Cultural and Intellectual Property (ICIP). Statutory protection against the appropriation of ICIP by non-First Nations parties has the potential to enshrine First Nations within a number of significant commercial sectors and significantly grow the First Nations economy.

While Victoria has recently sought to protect intangible heritage through inclusion of Part 5A into the *Aboriginal Heritage Act 2006 (Vic)*, the provisions are viewed as having limited application and are largely ineffective in preventing the appropriation and exploitation of ICIP.

Considerable work is being done at the Commonwealth level to include ICIP as part of the broader Intellectual Property regulatory environment to protect and support the interests of First Nations in sectors such as dance, art and music. Further work is being done in relation to sectors such as the native foods/ botanicals/pharmaceutical and tourism industries.

As noted above, Queensland has moved towards protecting First Nations ICIP within the context of biodiscovery research. Western Australia is moving towards protecting rights in relation to gubinge.

Protection of ICIP is a function of land justice and a key to driving economic development and Victoria should commit to identifying areas of legal and regulatory reform that effectively protects ICIP. Equally, any Treaty negotiations must include the matter of ICIP protection as a key outcome. With the support of the Department of Jobs, Skills, Industry and Regions, the Federation is currently undertaking a significant body of work relating to the evaluation and strengthening of Victoria's Aboriginal and Traditional Owner economies (VAEEC Economic Development Research Program).

Deloitte Consulting, Greenshoot Consulting and SGS Economics and Planning have been engaged by the Federation to assist in the work. The body of work is due for completion by September 2024 and is intended to identify industry sectors that have potential for further growth and investment as a blueprint for securing a place for Traditional Owner groups and community members within those sectors.

It is anticipated that many of the recommendations to come out of that work will be closely connected to matters central to the achievement of land justice and Treaty.

The Federation would be pleased to share the outcomes of the work with the Commission at an appropriate time.

Recommendation 7

The State establish a Traditional Owner-led Centre for Aboriginal Economic Development to support the building of the Aboriginal economy.

8. Traditional Owner rights over resources and the barriers to activating those rights

Traditional Owners inherent rights over resources extend far beyond simply the land that they have inhabited for thousands of years. Among other things, Traditional Owners have never ceded rights over their waterways and the fish that inhabit them, their forests and Sea Country, the minerals underneath their Country, the skies above it and the carbon, ecosystem services, biodiversity, wind and solar radiation, all derived from Country.

Many of these rights are not yet recognised by the Victorian legal system. Where rights have been recognised, often they are not recognised to their full extent, or there remain significant barriers that prevent Traditional Owners from fully exercise those rights.

The commodification of Traditional Owner resources, which has led to the development of industries like fisheries and forestry, has generated many billions of dollars for the Victorian economy. However, very little of this has been seen by Aboriginal people. While some have prospered from the

development of these extractive industries, the dispossession of Traditional Owners from their land and other resources has directly contributed to intergenerational poverty and lower standards of living for Aboriginal people.

On top of the socio-economic impact of this dispossession, Traditional Owners have also had to look on as destructive Western land management practices left their Country sick and degraded. This continues to cause great spiritual harm.

A key part of the “land justice” story in Victoria must be the re-centring of Traditional Owner knowledge and practice in land and resource management, and the removal of the barriers that prevent Traditional Owners from exercising these rights. The Cultural Landscapes Strategy maps out some conceptual and practical steps towards this. There are clear recommendations within the Cultural Landscapes Strategy which will better position Traditional Owners as decision-makers.

Below we list some – but certainly not all – of the resources that Traditional Owners across Victoria have never ceded their rights over, and some of the challenges Traditional Owners face in exercising those rights. For “land justice” to be realised in Victoria, it is incumbent on the Victorian Government to recognise these rights within the Victorian legal framework and create pathways for Traditional Owners to fully activate them.

Sea Country

Traditional Owners have strong cultural connections with their marine and coastal waters, and an ongoing obligation to care for them, including songlines, sacred sites and cultural significant marine species. They also occupied, used and cared for land that used to extend far beyond the current coastline that was submerged at the end of the last ice age, stabilising 5000 years ago.

Despite this, there remains very limited recognition of Traditional Owner rights and interests over Sea Country in Victoria. This is something that needs to be addressed immediately, given the increasing number of offshore energy projects that are being proposed in Traditional Owners’ waters.

Formal recognition of Sea Country rights will put Traditional Owners in a much stronger position when proponents and governments knock on their doors with development proposals.

To understand the value Victorian Traditional Owner groups place on their Sea Country, see the discussion paper prepared by Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) titled *Gunaikurnai and Offshore Energy: Aspirations for a better future* (expected to be released in early 2024) and the strong position taken by Gunditj Mirring Traditional Owners Aboriginal Corporation (GMTOAC) and Eastern Maar Aboriginal Corporation (EMAC) on proposed wind farm developments around Deen Maar. GMTOAC, EMAC and GLaWAC are all progressing the establishing Sea Country Indigenous Protected Areas.

Water

A huge amount of wealth has been generated from the dispossession of Traditional Owners from their traditional waters. The total market value of Victorian water entitlements is estimated to be close to \$11 billion, as of May 2022.⁵⁶

Traditional Owners have also been unable to prevent the ongoing and significant degradation of waterways caused by poor land and water management practices since European occupation. This has had devastating effects on Country and the species that inhabit it.

There remain significant barriers to Traditional Owners accessing water in Victoria, whether it be for cultural, environmental, economic or other purposes.

Traditional Owners want to be at the forefront of waterway management. The Victorian Government needs to create pathways that enable Traditional knowledge and authority to be embedded in management practices.

The Victorian Government committed to clear actions in the *Water is Life: Traditional Owner Access to Water Roadmap*, published in September 2022.⁵⁷ The actions are a decent starting point, in terms of positioning Traditional Owners to play a greater role in water management, but they do not go far enough for Victorian Traditional Owners.

For instance, *Water is Life* provides two possible pathways for Traditional Owners to purchase water entitlements, but both are limited. While working directly with the Victorian Environmental Water Holder will enable Traditional Owners to begin to care for Country and achieve biocultural outcomes, environmental water is still burdened by Government environmental objectives which may not directly support other cultural outcomes or economic development ambitions. The mechanisms for water returns, as outlined out in Action 2.3 of *Water is Life*, will not deliver volumes large enough for all Traditional Owners Nations to effectively develop economic enterprises and for each Nation's communities to thrive and prosper.

Given that, as a consequence of dispossession, most Nations do not have access to the funding required to purchase water on the market, the Federation would like to see the door left open for Government purchase of entitlements and/or allocations. It is possible to restore water ownership to Traditional Owners without impacting the 'rights' of existing entitlement holders or distorting the market.

⁵⁶ "Assessing the value of Victorian water entitlements," Marsden Jacobs report, July 2022. Retrieved from: [A4 Portrait Report \(fvoc.com.au\)](#)

⁵⁷ Department of Environment, Land, Water and Planning (2022, October). *Water is Life: Traditional Owner Access to Water Roadmap*. Retrieved from: [Water is Life Roadmap](#).

The Federation is also concerned that the implementation of *Water is Life* is not being systematically reported on to determine whether the strategy is indeed being implemented in a timely way, in line with the aspirations and expectations of Traditional Owners. It is very important that a Traditional Owner-led monitoring and evaluation process is enacted to keep government to account on its Water is Life commitments. This process must be adequately resourced to achieve the short to-medium term actions for Traditional Owner groups and to deliver longer-term change.

Natural Resources and Minerals

Victoria's Traditional Owners have not benefitted from the Native Title Act's 'right to negotiate' to the same extent as groups in other jurisdictions. In part, this is due to the limited application of native and Aboriginal title, in part, it is due to the nature of the Victorian economy and historical circumstance.

As a result, Victorian Traditional Owners have had less power to protect Country from the effects of extraction, exploration and mining and receive very little economic development benefit from such activities. While the Resource sector in Victoria is dwarfed by those in other jurisdictions, Victoria still has significant activity including the granting of new exploration tenements across a range of activities.

Traditional Owners remain dissatisfied with Victorian government policy around these issues and are seeking a more active approach in ensuring Proponents fully engage, and partner with, Traditional Owners in the development of these assets. It should be noted that many of these matters can be resolved through State policy in relation the granting of rights to Proponents and do not require State or Commonwealth legislative reform.

Renewable Energy

The development of energy industries in Victoria has damaged Country both directly, through the installation of infrastructure, and indirectly, via climate change. Traditional Owners have seen few benefits from the development of these industries.

The renewable energy transition is happening at a rapid pace in Victoria. Now is the time to ensure that Traditional Owners are not left behind, as they have been previously with historic large-scale energy developments. Traditional Owner groups need to be adequately resourced to build capacity, capability and strategies to fully engage with the renewable energy sector.

The State has made some funding available for Traditional Owners to engage with the transition, but this is not evenly distributed across Victoria, and is not adequate for the work that needs to be done to enable self-determination and the exercise of free prior and informed consent.

While some better resourced Traditional Owner groups have prepared nation-scale renewable energy strategies which articulate their objectives and strategies for engaging in the Renewable Energy transition, other groups are struggling to keep up with the pace of change.

As well as resourcing for individual Traditional Owner Corporations, there is need for immediate collective strategic work to support state-wide reform in the renewable energy sector. This work would look at protection and management of impacts on land and sea Country; negotiating partnerships and benefit sharing arrangements with developers; enabling employment and procurement opportunities for Aboriginal businesses; and achieving energy security for community members.

With appropriate policy and legislative settings, resourcing and support services, the Renewable Energy transition can provide opportunities for Traditional Owners to rebuild their economic base and gain access to non-government income streams that may support greater economic independence from government.

At the same time, Traditional Owners have obligations to protect Country, and it's critical that they are empowered to demarcate areas not appropriate for renewable energy developments due to unacceptable harms to Country, and to be actively involved with management actions to minimise other impacts.

Flora

Despite Aboriginal people cultivating native foods, fibres and botanicals for thousands of years, they only play a relatively minor role in the broader sector. Traditional Owners should be positioned to lead this sector as it grows and develops into the future.

Traditional Owners partnered with AgVic to develop the Traditional Owner Native Foods and Botanicals Strategy (TONFABS),⁵⁸ which identifies reform of legislation, regulation, policy phasing, investment and co-capacity building in partnership with Traditional Owners as critical to enabling the development of a Traditional Owner led industry.

While this is just a starting point and does not go far enough to fully capture Traditional Owners' aspirations in the native food and botanicals sector, the Victorian Government must ensure that the key actions outlined in TONFABS are implemented in full.

Further, the Indigenous Cultural and Intellectual Property (ICIP) held by Traditional Owners in the NFAB sector must be protected. This is referred to in more detail in the section above, named "First Nations economic development and Aboriginal self-determination".

⁵⁸ Traditional Owner Native Foods and Botanicals Strategy: <https://fvtoc.com.au/sections/native-foods-botanicals>

Fauna

Hunting, game and wildlife management is both a way of life and expression of identity for the Aboriginal people of Victoria. Traditional Owners within Victoria continue the cultural practices of their ancestors, particularly with respect to the animals they hunt as game.

The Traditional Owner Game Management Strategy (TOGMS),⁵⁹ released in August 2021, sets out clear actions for how Victorian Government departments and agencies should partner with Traditional Owners to increase participation in hunting, land management and conservation.

There remain significant barriers to Traditional Owners wanting to exercise their hunting rights on Country, as outlined in TOGMS. To remove these barriers, Government must ensure that all relevant agencies stick to the actions they have committed to in the TOGMS.

Longer term, there is a real desire to see State Game Reserves returned to Traditional Owners through pathways identified in the Public Land Act review. Traditional Owners also want to share in the economic benefits of hunting of their game, including developing their own commercial businesses. It is important that any changes to the Victorian land management framework are part of a broader Cultural Landscapes planning approach, as set out in the Cultural Landscapes Strategy.

Fisheries

Traditional Owners have never ceded sovereignty over, or their inherent rights to access and care for, fish resources. These resources belong to Traditional Owner communities, who managed fisheries according to cultural protocols and in line with their spiritual obligations for tens of thousands of years, ensuring following generations would have access to an abundance of resources.

The legacy of colonisation that forced the dispossession of Traditional Owners, combined with successive governments' policies to exploit fish resources unsustainability, has had a very negative impact on the abundance and sustainability of fish species and their habitats. Traditional Owners are uniquely placed to heal and care for fisheries so that fish species are safe from the threats of extinction, and species extinction trajectory is reversed.

It is critical that Traditional Owners are recognised as rights holders, equal to the State, in the development of fisheries management programs to heal Country and restore fish populations to sustainable levels.

In early 2023, eight of the 11 formally recognised Victorian Traditional Owner groups came together to call for the development of a Traditional Owner Fisheries Strategy, which would look at the barriers and opportunities to enable Traditional Owner management of healthy fisheries.

⁵⁹ Traditional Owner Game Management Strategy, <https://fvtoc.com.au/sections/animals/>.

Despite attempts from Traditional Owners to partner with the Victorian Fisheries Authority (VFA) on this important work, there has been little willingness or enthusiasm from either the VFA or the Victorian Government to fund this work to date. The VFA has declined repeated offers to meet collectively with the CEOs of the Traditional Owner Corporations to discuss in-principal support for a partnership approach via the proposed strategy.

The development of a Traditional Owner Fisheries Strategy would bring together Traditional Owners from across Victoria to better understand the collective and individual challenges they face in accessing and caring for their fish resources and identify the opportunities for these groups to play a bigger role in Victorian fisheries management.

There is also important work to do around recognising and supporting Traditional Owners' commercial rights in this industry. A clear recommendation to come out of the First Principles Review Committee was that the Traditional Owner Settlement Act and the Natural Resource Agreement template be amended to accommodate the commercial use of fish.⁶⁰

The Victorian Government was willing to accept such commercial rights might apply to vegetation and stone, however Traditional Owners clearly want to see this further extended to include fish resources. Throughout the First Principles Review process, the response from the State was that the commercial use of fish was not included in the joint recommendation given the restrictions and management arrangements that apply to commercial fishing and aquaculture.⁶¹

This response highlights a clear need for systemic reform and a comprehensive and independent review of those vaguely defined "restrictions and management arrangements" that are an apparent barrier to commercial use of fish.

Timber

Forestry has been a hugely significant industry in Victoria, generating hundreds of millions of dollars each year. However, Traditional Owners have seen very little of this economic benefit, despite the destructive over-exploitation of their forest resources.

Traditional Owners maintain sovereignty over their forested Country and have obligations to heal and care for it. In many parts of Victoria, this Country is hurt and sick, largely due to inappropriate management practices implemented since colonisation. Fires, pests and weeds are just some of the pressures on Victoria's forests

.

Earlier this year, the Victorian Government abruptly announced that native timber harvesting in the state would cease from 1 January 2024. Traditional Owners had not been engaged with in the lead up to this decision. While Traditional Owner Corporations were broadly supportive of the move to end

⁶⁰ First Principles Review – recommendation 18

⁶¹ Ibid.

native timber logging in its current form, given the destructive impact it has had on their forests, they were frustrated by the approach of Government.

Traditional Owners have since invited the State to partner with them to determine how those State Forests which were previously categorised for native timber harvest will be used and managed into the future. Former Environment Minister Ingrid Stitt gave commitment to a partnership, and this was upheld by new Environment Minister Steve Dimopoulos, but this has not yet been enabled through resourcing of comprehensive partnerships with Traditional Owners

Further, under the Traditional Owner Settlement agreements, there is a formula for dividend payments from VicForests to the government to be shared with Traditional Owners. With the end of native timber harvesting, this part of the agreements has effectively been removed without consultation. The harvesting regime in itself was viable, but no dividends were made and as such Traditional Owners have not seen any benefit from the forests. The potential opportunity to transfer assets to Traditional Owners has also been 'skipped' as part of the process, failing to recognise Traditional Owner interests.

This is an excellent opportunity for the Victorian Government to stick to the commitments it made in the Cultural Landscapes Strategy and enable Traditional Owners to take the lead in governing, planning and managing their Country

Traditional Owners are also asserting leadership in planning and managing forested landscapes on their Country, in ways that integrate Indigenous knowledge and practice. See, for instance, DJAARA's Galk-galk Dhelkunya Forest Gardening Strategy 2022-2034,⁶² which attempts to bridge Indigenous and Western worldviews and present an approach for managing forested Country within a contemporary context.

Activating Traditional Owner rights

Noting the breadth of rights held by Traditional Owners over land and other resources, there are clear steps that the Victorian Government should take to enable the full exercise of those rights, which would be a move closer to land justice.

As a starting point, the Victorian Government must stop creating new rights from unceded Traditional Owner resources. As government takes assets and then licenses others to use them, it is essentially removing the proprietary rights or other potential interests from Traditional Owners. This further dispossesses Aboriginal people, and only contributes to ongoing colonisation.

⁶² Galk-galk Dhelkunya Forest Gardening Strategy 2022-2034: <https://djadjawurrung.com.au/resources/>

Some examples of new rights that should have been vested with Traditional Owners, but were instead handed to others, include the creation of new fisheries (e.g. periwinkle and sea urchin) and rights stemming from new green markets (e.g. carbon credits and the Nature Repair Market).

As a principle, where government creates a new set of property rights and interests, it needs to give effect to the principle that governments cannot make property acquisitions other than on just terms. Application of this principle to any regulatory regime that reduces Traditional Owners interests, or right to protection of interests that might otherwise be established, underpins land justice.

Recommendation 8

The Victorian Government commit to dismantling the structures of colonisation by not creating any new proprietary rights from Traditional Owner resources. When considering the creation of such new rights, Government should re-vest those rights to resources with Traditional Owners.

The State must then recognise the inherent rights of Traditional Owners and embed them within the Victorian legal and regulatory framework. Some rights, such as rights to fish, have been recognised, but not to their full extent (e.g. rights to commercial use). Other rights, such as rights over Sea Country, have not been adequately recognised by Victorian legislation.

Where rights have been recognised, the Victorian government must work to remove barriers to exercising those rights. To identify the barriers that exist, Traditional Owner groups must be supported to come together as a collective to discuss the challenges they face at both a Nation and state-wide level. By developing a deeper understanding of the individual and collective barriers that exist, Traditional Owner groups can better determine pathways to overcome them.

While there have been Traditional Owner co-designed strategies developed in relation to landscape management, water, game management and other areas, there remain some key sectors that would greatly benefit from a collective strategic process – for example, fisheries and renewable energy. Government must resource the development of these and other strategies, in line with the areas Traditional Owners are looking to assert themselves. Co-design approaches should be seen as a bare minimum starting point, in terms of mapping out how Traditional Owners might be more assertive in various sectors/industries.

Even where strategies have been developed to empower Traditional Owners, too often they are only implemented in a piecemeal manner. It is important that where strategies already exist, they are fully implemented and adequately resourced with the oversight of Traditional Owners.

Implementation of strategies is a major hurdle for Traditional Owners across the board. Development and implementation of various strategies, often in partnership with government, reach a certain point and then stall at the point where change management and a cultural shift needs to follow.

First Nations have invested heavily in educating and communicating with the government and community their priorities and strategies for change and to enable self-determination and partnership with the Victorian Government. These strategies, including Country-based Plans have been created by Traditional Owners through a robust process of representatives and knowledge holders across Victoria dedicating significant time and energy to their development.

Recommendation 9

The Victorian Government immediately implement existing Traditional Owner-led plans and strategies (as listed in Appendix 1) and establish a process for monitoring and evaluation to ensure accountability. This includes committing the resources necessary to enable Traditional Owner-led implementation.

Resourcing, capacity-building and exercising decision-making authority

Alongside any collective state-wide reform work, it is vital that Traditional Owner Corporations are funded to build capacity and expertise, which will allow them to develop their own individual pathways.

The Federation hears from Traditional Owner Corporations that they are increasingly being contacted by different government departments and their agencies, with the expectation that they provide input on various activities. While it is certainly a positive development that Traditional Owners are now being consulted with in this way, in the absence proper resourcing, these organisations often struggle to make fully informed contributions to these conversations

For real self-determination to occur, Traditional Owners need to be able to make informed strategic decisions about how they manage their Country. This requires much greater resourcing than is currently available.

Traditional Owner Corporations are too reliant on smaller grant funding, and this leads to onerous reporting and acquittal obligations. It is not uncommon to hear of Traditional Owner Corporation projects requiring multiple grants from different agencies – all with different reporting requirements. A sustainable funding model would allow Traditional Owners to pursue their own interests and priorities, rather than delivering on the areas that Government wants to fund.

Government also needs to ensure that Traditional Owners have avenues to exert real decision-making powers. Where co-governance approaches exist, it is important that avenues are created for Traditional Owners to influence decisions and exercise power. Longer term, as Traditional Owner groups build their capacity, co-governance approaches should move towards a handing over of real decision-making powers from the State to Traditional Owners.

Stephen Cornell from the Native Nations Institute says that real self-determination requires Indigenous organisations to be supported to develop strong governance structures. This nation-

building approach is about “*rebuilding Indigenous power to shape and reshape Indigenous futures, to build societies of Indigenous design, to realise Indigenous visions in practical, day-to-day, substantive decision-making.*”⁶³

Ultimately, Treaty should be looked at as an opportunity to support nation-building for Traditional Owner groups across Victoria.

"Treaty-making is potentially a nation-building enterprise. Much of the discussion of the treaty process is about correcting old wrongs and satisfying claims. But in addition, this process could, not will but could, dramatically improve the chances of successful economic development for Indigenous nations. The critical issues are these: will that process lead to genuine decision-making power in the hands of Indigenous nations, and will it equip those nations with the necessary institutional mechanisms for exercising that power effectively?"⁶⁴

The Victorian Government must commit to this nation-building approach. Properly resourcing Traditional Owner groups to build technical capacity and stronger governance structures, whilst also creating pathways for them to exercise real decision-making powers, will ultimately position these groups to self-determine their pathways forward.

Given the scale of dispossession of land and resources faced by Victorian Traditional Owners – a dispossession which is not just historic, but ongoing – this is a necessary approach to move towards anything like “land justice”.

Recommendation 10

The Victorian Government must immediately develop a sustainable funding model for Traditional Owner Corporations. Funding should come directly from Treasury, rather than via agencies, with the aim of easing the administrative burden on these organisations. Increased funding must be allocated to Traditional Owner groups, so that they can do work that progresses their own priorities and interests, rather than those of Government. Collective state-wide reform work must also be funded so that Traditional Owners develop strategic positions around outstanding, outdated or emerging resources use (e.g. renewable energy, fisheries, carbon markets).

9. Compensation - Redress for land and resources taken or damaged

The issue of compensation or redress for what has been lost and damaged through colonisation is touched on in this submission but not to any depth or in any detail. To bring the calculation for compensation for land injustice to a UNDRIP standard is critical work that requires the investment of substantive resources and a strong political will from government.

⁶³ [Cornell, Stephen. "Nation - Building and the Treaty Process" \[2002\] IndigLawB 32; \(2002\) 5\(17\) Indigenous Law Bulletin 7 \(austlii.edu.au\).](http://austlii.edu.au)

⁶⁴ [Ibid.](#)

From the evidence provided in this submission, redress must also include the ongoing cost to actively heal country from the complex legacy of colonisation, including landscape-scale restoration of the damage and degradation of lands and waters, cultural heritage, vegetation cover, bio-cultural diversity and ecosystem services impacted through land-clearing, land-use, the imposition of colonial management regimes, introduction of weeds, pests and other biosecurity threats, resource exploitation, and through the prevention of cultural land management practices including cultural fire. The Federation supports the recommendations on compensation put forward in the First Principles Review and the FNLRs submission to Yoorrook’s land injustice inquiry.

10. Education, truth-telling and reconciliation

All the important work leading up to Treaty will amount to very little if the broader community is not aware and supportive of the process. Ultimately, the success of Treaty will largely depend on the prevailing sentiment of the Victorian public and ongoing political will. To generate meaningful outcomes for Traditional Owners and Aboriginal people across the state, it is critical that all Victorians are brought along for the ride.

Many Victorians remain unaware that their Government has embarked upon a Treaty process. There is still a lot of work to be done in keeping the public informed and convincing them of the significant benefits that will come from treaties. The truth-telling commission must be empowered and resourced to communicate its findings widely.

There is so much to celebrate about Aboriginal culture and the many contributions Aboriginal people make to Victoria. The Victorian Government must ensure this story is clearly communicated across the state. This will likely involve significant investment in education campaigns to raise awareness about the history of Victoria, and the reasons why Treaty is so important.

Recommendation 11

Truth-telling and reconciliation. The Victorian Government invest in long-term education, awareness raising and celebration of First Nations to lay the groundwork for future changes through Treaty. This is whole of government work that is required over the long term. Success for Treaty will ultimately depend upon political will and prevailing sentiment in the community.

Appendix 1

Traditional Owner co-designed strategies to be fully implemented:

- Cultural Landscapes Strategy: [1258_FVTOC_CulturalStrategy_web.pdf](#)
- Cultural Fire Strategy: [fireplusstrategyplusfinal.pdf \(aidr.org.au\)](#)
- Traditional Owner Native Foods & Botanicals Strategy: [Plants - Federation of Victorian Traditional Owner Corporations \(fvto.com.au\)](#)
- Game Management Strategy: [GameManagementStrategy.pdf \(fvto.com.au\)](#)
- Water Is Life: Traditional Owner Access to Water Roadmap: [Water is Life Roadmap](#)

Other reports with recommendations to be implemented:

- First Principles Review (document to follow)
- Taking Control of Our Heritage: [Taking Control of Our Heritage June 2020.pdf \(content.vic.gov.au\)](#)

Other documents

- FVTOC submission to PLA Review.
- Submission to the Department of Climate Change, Energy, the Environment and Water on the National Biodiversity Market (NBM):
- IPAs - see Hansard Commonwealth House of Representatives Monday 31 July 2023 page 75 for commentary on economic and environmental benefits [Hansard - House of Representatives 31/07/2023 Parliament of Australia \(aph.gov.au\)](#)
- Victorian Policy Overview: First Peoples and Renewable Energy, available at: https://www.firstnationscleanenergy.org.au/policy_opportunities_and_barriers
- The Federation will be preparing a submission for the First Nations Clean Energy Strategy by the end of January 2024
- The Federation has also made a number of Renewable Energy submissions, including:
 - Victorian Transmission Investment Framework
 - Offshore Policy Directions Paper:
 - Proposed Offshore Renewable Energy Infrastructure Area – Gippsland and Bass Coast:
 - Proposed Offshore Renewable Energy Infrastructure Area – Southern Ocean Region
- DJAARA Climate Change Strategy: [speedyassets.s3.ap-southeast-2.amazonaws.com/djaara/Climate-Change-Strategy-230523.pdf](#)
- DJAARA Renewable Energy Strategy: [djadjawurrung.com.au/wp-content/uploads/2022/09/Nyauwi-Mutjeka-Renewable-Energy-Strategy-21-September-2022.pdf](#)

- FVTOC Treaty Papers: [Treaty - Federation of Victorian Traditional Owner Corporations \(fvtoc.com.au\)](https://www.fvtoc.com.au)
- FVTOC Submission to Commonwealth Standing Committee on implementation of UNDRIP:
- FVTOC Submission (Submission 023) to the Productivity Commission's Review of the National Agreement on Closing the Gap: <https://www.pc.gov.au/inquiries/current/closing-the-gap-review/submissions#initial>
- Dhawura Ngilan: A vision for Aboriginal and Torres Strait Islander heritage in Australia and the Best Practice Standards in Indigenous cultural heritage management and legislation, <https://culturalheritage.org.au/dhwura-ngilan-best-practice/>