Indigenous heritage values

Indigenous heritage values are the values of places of significance which arise from Aboriginal practice, observances, customs, traditions, beliefs and history. The participation of Aboriginal people in forest management supports their connection with the lands, water and other natural resources (also referred to as Country) and allows for Indigenous values to be integrated into forest management practice, policy and decision-making.

For clarity, while the RFA Act and the Montréal Process criteria and indicators use the term ‘Indigenous’, the Victorian Government and community use the terms ‘Aboriginal’ and ‘Traditional Owner’ to describe the First Peoples of Victoria. The three terms are used throughout this report, dependent on context.

This section includes the following Montréal Process indicators:

* Indicator 6.4a – Area of forest to which Indigenous people have use and rights that protect their special values and are recognised through formal and informal management regimes
* Indicator 6.4c – The extent to which Indigenous values are protected, maintained and enhanced through Indigenous participation in forest management
* Indicator 6.5d – Resilience of forest-dependent Indigenous communities to changing social and economic conditions

Aboriginal peoples’ relationships with their lands and waters and other resources can be enhanced through their having access to and being involved in managing and caring for Country. There are various legal instruments in Victoria which recognise the rights and responsibilities of Victorian Traditional Owners and provide for their involvement in decision-making and planning over matters regarding their lands and waters and other resources. These are discussed in detail below.

**Comprehensive Regional Assessment**

When the CRAs were, initially undertaken to guide decision-making in the negotiations of the original RFAs, Aboriginal values were not comprehensively addressed in the original CRA documents. The following extract was included for each of Victoria’s five RFAs.

The RFA process addresses indigenous issues in two distinct ways: consultation on the outcomes and process in general (as part of the wider consultation process); and cultural heritage, through the National Estate assessment. As with all communities and stakeholder groups with an interest in the RFA, Aboriginal communities in the region and appropriate representative bodies are already involved and will continue to be consulted throughout the RFA process. The *Native Title Act 1993* recognises and protects native title rights and interests. In recognition of this Act: where any Government action to implement an RFA could affect native title, the action will be taken in accordance with the Native Title Act; and an RFA is not intended to influence in any way native title claims that may arise.

Central Highlands Comprehensive Regional Assessment Report, 1997; pg. 19

**Indicator 6.4a: Area of forest to which Indigenous people have use and rights that protect their special values and are recognised through formal and informal management regimes**

For thousands of years, the land, water and other natural resources that make up what is now the State of Victoria were managed through traditional laws, practice and customs. Country, considered as the land, water, plants, animals, people, spirits and customs, met the material, cultural and spiritual needs of thousands of generations of Traditional Owners, who used sustainable regimes to manage it. Despite colonisation resulting in the fragmentation of the landscape into different land tenures and management regimes, many Traditional Owners remain connected to their Country today.

This indicator focuses on the degree to which Traditional Owners’ formal and informal agreements protect their values in forests and how they can manage their traditional forested land. Traditional Owners’ rights and responsibilities are recognised under various legal instruments, including *Native Title Act 1993* (Cth), the *Traditional Owner Settlement Act 2010* (Vic) and the *Aboriginal Heritage Act 2006* (Vic). Information for this indicator has been sourced from datasets of Victorian Crown land uses.

*Area of land and forest in Victoria in the NFI Indigenous forest estate dataset, by Indigenous land ownership and management categories, and RFA region*

Data and information on forest and non-forest land of which Traditional Owners have management functions or rights of use is assembled in the *Australia’s Indigenous forests estate (2018)* dataset[[1]](#footnote-1) and reported in ASOFR 2018. Reporting the Indigenous estate uses a method that groups Indigenous interest in land and forest into the following four categories,[[2]](#footnote-2) from highest degree of Indigenous interest to least:

* **Indigenous owned and managed** – freehold lands that are both owned and managed by Indigenous peoples or communities
* **Indigenous managed** – lands that are managed but not owned by Indigenous communities, and lands that are owned but not managed by Indigenous peoples or communities
* **Indigenous co-managed** – lands that are owned and managed by other parties but have formal agreements that include input from Indigenous peoples or communities
* **Other special rights** – lands subject to native title determinations, registered Indigenous Land Use Agreements and legislated special cultural use provisions.

Further information on these categories can be found in the ASOFR 2018 Indicators 6.4a and 6.4c (Montréal Process Implementation Group for Australia and NFI Steering Committee 2018, pp. 397–405; pp. 412–426).

The ASOFR 2018 reported 8.6 million hectares of land is in the Indigenous estate in Victoria, of which 3 million hectares was forested. In the Victorian RFA regions, a total of 2.8 million hectares of land is in the Indigenous estate, of which 1.9 million hectares is forested (ABARES 2018b). This is 30 per cent of the total forest area in Victorian RFA regions. Of the 1.9 million hectares of forested land in the Indigenous estate, 4,000 hectares is in the Indigenous owned and managed category, 38,000 hectares is Indigenous managed, 104,000 hectares is Indigenous co-managed, and 1.7 million hectares is in the Other special rights category (Table 54).

By RFA region, there are 950,000 hectares of forest in the Indigenous estate in the Gippsland region, 440,000 hectares of forest in West Victoria, 170,000 hectares in the Central Highlands, 160,000 hectares in the North East, and 130,000 hectares in East Gippsland.

Table 54: Area of land and forest in Victoria in the NFI Indigenous forest estate dataset, by Indigenous land ownership and management category and RFA region

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **NFI Indigenous ownership and management categoryb** | **Land cover type** | **Areaa (’000 hectares)** | | | | | | | |
| **Central Highlands RFA** | **East Gippsland RFA** | **Gippsland RFA** | **North East RFA** | **West Victoria RFA** | **Total in RFA regions** | **Not in RFA regions** | **Total in Victoria** |
| Indigenous owned and managed | All | 0 | 2 | 0 | 0 | 8 | **10** | 1 | 10 |
| Forest | 0 | 1 | 0 | 0 | 2 | **4** | 0 | 4 |
| Indigenous managed | All | 0 | 9 | 45 | 0 | 3 | **57** | 46 | 103 |
| Forest | 0 | 9 | 26 | 0 | 3 | **38** | 44 | 82 |
| Indigenous co-managed | All | 0 | 0 | 0 | 0 | 118 | **118** | 209 | 327 |
| Forest | 0 | 0 | 0 | 0 | 104 | **104** | 151 | 255 |
| Other special rights | All | 172 | 129 | 993 | 225 | 1,111 | **2,629** | 5,510 | 8,138 |
| Forest | 167 | 124 | 928 | 163 | 329 | **1,711** | 936 | 2,647 |
| **Total** | **All** | **172** | **139** | **1,038** | **225** | **1,240** | **2,814** | **5,765** | **8,579** |
| **Forest** | **167** | **134** | **955** | **163** | **438** | **1,856** | **1,132** | **2,988** |
| **Total forest in area** | | **723** | **1,113** | **1,598** | **1,350** | **1,403** | **6,187** | **2,035** | **8,222** |
| **Proportion of total forest that is forest on the Indigenous estate** | | **23 per cent** | **12 per cent** | **60 per cent** | **12 per cent** | **31 per cent** | **30 per cent** | **56 per cent** | **36 per cent** |

a RFA region boundary data supplied by Victoria DELWP. Area derived by ABARES from *Australia's Indigenous forest estate (2018)* dataset.

b NFI Indigenous ownership and management categories are described in *Australia's state of the forests report 2018* Indicators 6.4a and 6.4c.

Note: Totals may not tally due to rounding.

The VSOFR 2018 outlines some of the key legislation and frameworks related to Aboriginal participation in Forest Management Areas (Commissioner for Environmental Sustainability 2019, pp. 180–3). This information is summarised below.

*Aboriginal Heritage Act 2006*

Aboriginal cultural heritage in Victoria is protected under the *Aboriginal Heritage Act 2006* (AHA). The AHA establishes a framework of mechanisms for the management and protection of Aboriginal cultural heritage, through cultural heritage management plans, cultural heritage permits, Protection Declarations and Aboriginal cultural heritage land management agreements. Registered Aboriginal Party (RAP) is a status provided under the AHA to Traditional Owner organisations. RAPs hold decision-making powers under the AHA for the protection and management of Aboriginal cultural heritage within their appointed area. The Victorian Aboriginal Heritage Council was established under the AHA to ensure that Traditional Owners throughout Victoria play a central role in the protection and management of their heritage. There are currently 11 Registered Aboriginal Parties covering more than 60 per cent of Victoria.

*Traditional Owner Settlement Act 2010*

This Act provides for certain Crown land sites, in the Traditional Owner agreement area, to be granted to the Traditional Owner corporation in ‘Aboriginal title’, and to then be jointly managed with the state. Aboriginal title is a highly modified freehold grant to the Traditional Owners, where the right to occupy, use, control and manage the land is transferred back to the state, including the authority to issue leases and licences. Joint management recognises the ongoing connection of Traditional Owners to their land and enables the knowledge and culture of the Traditional Owner group to be incorporated in the management of that land. Traditional Owners and the state work together in partnership to manage the natural and cultural values of parks and reserves under Aboriginal title.

*Managing cultural landscapes in Victoria’s parks and reserves*

Parks Victoria is building on its existing reporting frameworks, which largely focus on ecology and natural systems, by adding three elements pertinent to determining the health of cultural landscapes. These are:

* social, spiritual and emotional wellbeing of Traditional Owners
* extent and condition of culturally significant species
* tangible and intangible Aboriginal cultural heritage.

At the time of writing, Victoria had seven formal agreements with five Traditional Owner Groups for joint management of their traditional lands under the *Native Title Act 1993*, *Traditional Owner Settlement Act 2010* and the *Aboriginal Heritage Act 2006*. These agreements are unique, reflecting native title, self-determination and the aspirations of the Traditional Owner communities. They increase Traditional Owners’ involvement and the recognition of their rights to protect and manage cultural heritage in specific areas of Crown land that primarily comprise public forest.

*Traditional Owner Joint Management*

At the time of writing this report, 375,166 hectares, or about 5 per cent, of public forest was covered by formal Traditional Owner agreements (Table 55). The most recent, the Taungurung Recognition and Settlement Agreement, was formally accepted by the Victorian Government in 2018, but has not yet commenced.

Table 55: Public forest area under joint management with Traditional Owners in Victoria

|  |  |  |  |
| --- | --- | --- | --- |
| Agreement name | Traditional Owner Group entity | RFA region | Public forest area  (ha) |
| Yorta Yorta Co-o perative Management Agreement (2004) | Yorta Yorta Nation Aboriginal Corporation | Non-RFA | 50,000 |
| Wotjobaluk Co-o perative Management Agreement (2005) | Barengi Gadjin Land Council Aboriginal Corporation | West | 194,000 |
| Gunditjmara Co-o perative Management Agreement (2007) | Gunditj Mirring Traditional Owner Aboriginal Corporation | West | 8,375 |
| Yorta Yorta Traditional Owner Land Management Agreement (2010) | Yorta Yorta Traditional Owner Land Management Board (Public entity) | Non-RFA | 28,505 |
| Gunaikurnai Recognition & Settlement Agreement (2010) | Gunaikurnai Traditional Owner Land Management Board | Gippsland and East Gippsland | 45,463 |
| Dja Dja Wurrung Recognition & Settlement Agreement (2012) | Dhelkunya Dja Land Management Board | West | 48,823 |
| Taungurung Recognition and Settlement Agreement (2018) | Taungurung Clans Aboriginal Corporation | Central Highlands and North East | To be determined |
|  |  | Total | 375,166 |

Source: Commissioner for Environmental Sustainability (2018)

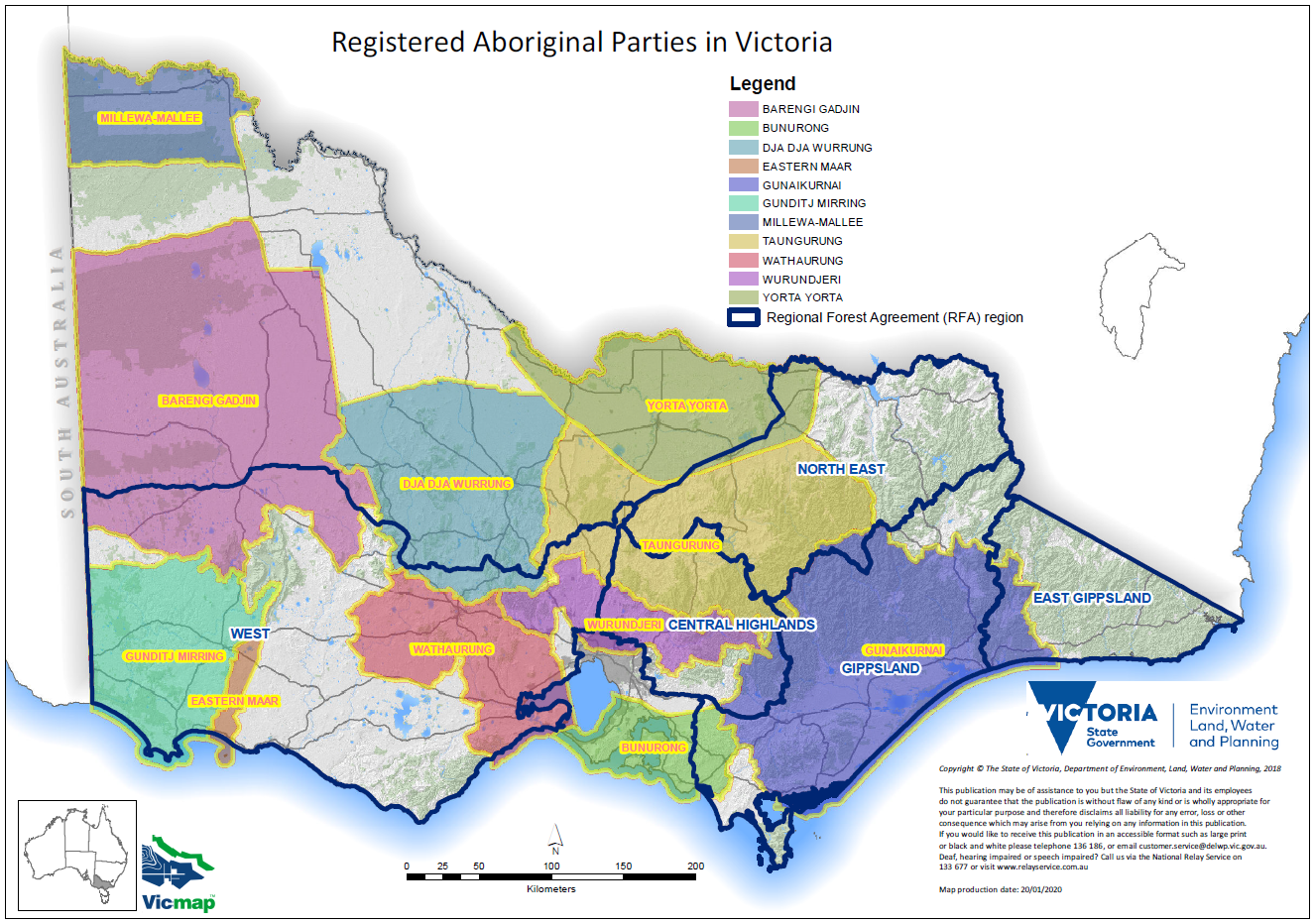


Figure 31: Registered Aboriginal Parties in Victoria

Source: DELWP Corporate Spatial Data Library

There are also informal management regimes that grant Traditional Owners access and rights that protect their cultural heritage. These operate in both public and private lands in Victoria. Leasehold forest/Aboriginal co-managed land by RAPs accounts for about 15 million hectares including both public and private forests (Table 56).

Table 56: Area of Victorian forest to which Traditional Owners’ rights are recognised through formal and informal management arrangements

|  |  |  |
| --- | --- | --- |
| LandLand tenure | Name of agreement/arrangement | Area (ha) |
| Leasehold forest/  Aboriginal Co-managed Land through Registered Aboriginal Parties | Gunditj Mirring Traditional Owners Aboriginal Corporation  Barengi Gadjin Land Council Aboriginal Corporation  Taungurung Land and Waters Council Aboriginal Corporation  Yorta Yorta Nation Aboriginal Corporation  Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation  Dja Dja Wurrung Clans Aboriginal Corporation  Wathaurung Aboriginal Corporation  Eastern Maar Aboriginal Corporation  Gunaikurnai Land and Waters Aboriginal Corporation  Bunurong Land Council Aboriginal Corporation  First People of the Millewa-Mallee Aboriginal Corporation | 15,892,000 |
| Private forest | Lake Tyers Forest (1,600 hectares)  Framlingham Forest (1,130 hectares)  Lake Condah Indigenous Protected Area (1,700 hectares)  Freehold land owned by the Gunditjmara community, declared as an Indigenous Protected Area by the Australian Government. | 4,430 |
| Other Crown land/  Indigenous co-managed | Dja Dja Wurrung Clans  Have been granted title to six parks and reserves within their native title settlements area, including: Greater Bendigo National Park, Kara Kara National Park, Hepburn Regional Park, Kooyora State Park, Wehla Nature Conservation Reserve and Paddys Ranges State Park. | 47,502 |
| Grampians National Park  Includes a very small strip of Crown land that is reserved under section 4 of *the Crown Land Reserves Act 1978* (Vic). | 167,219 |
| Gunaikurnai Joint Management Plan  Partnership between the Gunaikurnai peoples and the Victorian Government to jointly manage nine parks and reserves in Gippsland; Buchan Caves Reserve, Corringle Foreshore, Lake Tyers State Park, Mitchell River National Park, New Guinea Caves, Raymond Island Gippsland Lakes Reserve, Tarra-Bulga National Park and The Knob Reserve. | 47,070 |

Note: Data includes areas potentially outside of RFA.

Source: Commissioner for Environmental Sustainability Victoria (2018).

Small parts of private forests in Victoria, totalling 2,830 hectares, are managed by Traditional Owner groups. One significant area is the Lake Condah Indigenous Protected Area (1,700 hectares) –– part of the Budj Bim National Heritage Landscape, which was listed for its outstanding cultural heritage value in 2004. Currently, this area is managed by the Gunditj Mirring Traditional Owners Aboriginal Corporation. The Deen Marr Indigenous Protected Area, the Kurtonitj Indigenous Protected Area and the Tyrendarra Indigenous Protected Area are among the other declared Indigenous Protected Areas in Victoria.

**Indicator 6.4c: The extent to which Indigenous values are protected, maintained and enhanced through Indigenous participation in forest management**

This indicator measures the involvement of Traditional Owners in forest management. Active participation in forest management supports their connection to Country and the integration of their values into forest management practice, policy and decision-making.

There are a variety of mechanisms through which Traditional Owners can participate in forest management, including: forest management, joint management of national parks and conservation reserves, Indigenous Land Use Agreements, native title rights and direct employment. It is difficult to measure the extent to which these mechanisms protect, maintain and enhance Indigenous values; however, there is a diverse range of activities that demonstrate Indigenous participation in forest management. A number of these are mentioned in greater detail below:

*Munganin – Gadhaba: 'Achieve Together'*

Munganin – Gadhaba: 'Achieve Together' is DELWP’s Aboriginal Inclusion Plan. Munganin – Gadhaba identifies partnership opportunities across all of DELWP’s work, from land use, water, planning and policy-making to service delivery, governance and representation on boards and committees, and work with external providers and partner agencies. Munganin – Gadhaba is one of the Forest Fire Regions Group key priorities as documented in its 2018–19 business plan (DELWP 2015).

*Aboriginal involvement in the management of the national parks estate*

Cooperative management is one mechanism through which Indigenous values are protected, maintained and enhanced by allowing participation in forest management. The native title settlement process of the Gunditjmara Traditional Owners resulted in the Ngootyoong Gunditj Ngootyoong Mara South West Management Plan, a multi-park management plan in the West RFA region. It was developed in 2014 using a unique partnership between Parks Victoria, Gunditjmara Traditional Owners, Budj Bim Council and DELWP, and covers several parks and reserves to integrate knowledge of the Gunditjmara Traditional Owners into park management.

The Dja Dja Wurrung Recognition and Settlement Agreement included a suite of agreements on natural resources, land use and Traditional Owner land management, and created a management board to jointly manage six parks and reserves with Aboriginal title. This agreement also involved the development of an Aboriginal ranger team within Parks Victoria. As a result of this, the Dja Dja Wurrung Clans Aboriginal Corporation is involved in natural resource management planning alongside DELWP, Parks Victoria and other key stakeholders. This participation in decision-making and planning is a key step in ensuring Indigenous values are acknowledged, protected and maintained in forest management.

Currently, forest and fire management planning in Victoria involves cooperation between DELWP and local Aboriginal groups to ensure cultural values are identified and protected where possible. DELWP Aboriginal Inclusion Coordinators and Regional Heritage Advisors have regular contact and working relationships Traditional Owner groups whose land falls within their DELWP region, who indicate areas of cultural value on a map of the area. This information is kept by DELWP in a secure confidential location and is used for regional forest management planning and to assess developments or proposals, such as planned burns.

*Cultural burning strategy*

In the last five years, many new local partnerships have formed between Traditional Owners and land management authorities including Forest Fire Management Victoria (FFMVic), the Country Fire Authority (CFA), CMAs and Local Government Authorities. Through these partnerships, cultural burning in Victoria and traditional fire practice is being revitalised and rediscovered.

At the same time, many Traditional Owners have developed strategic planning documents (such as Country plans) that state their aspirations for how Country should be managed. These local initiatives show the opportunities and challenges for Traditional Owners who are navigating the fire management sector in Victoria.

To address the challenges and support an increase in cultural burning practice across Victoria, the Federation of Victorian Traditional Owner Corporations worked in partnership with Victorian Traditional Owners, FFMVic and the CFA during 2017–18 to develop a Victorian cultural burning strategy. This involved supporting a practice network of Traditional Owner fire knowledge-holders across Victoria who want to build practice knowledge and heal Country through the traditional use of fire. On-Country burns and conversations with these knowledge-holders has enabled information-sharing and peer-to-peer learning about traditional fire and cultural burning practices.

For Victorian Traditional Owners, traditional fire practice means ‘right fire, right time, right way, for the right reasons’. A cultural burn is planned, led and implemented by a Traditional Owner(s) who has authority on the Country on which a burn is taking place. The reasons for the burn may include increasing or protecting totem, medicine, food and fibre species; protecting sacred sites; or improving passage though Country.

*Collection of forest monitoring data*

The Victorian Forest Monitoring Program (VFMP) is a statewide forest monitoring information system that has been developed to assess and monitor the extent, state and sustainable development of Victorian forests in a timely and accurate manner (Suitor et at 2016). It provides baseline data for long-term trend detection and prediction of type and severity of future changes, so that management options can be developed and evaluated in time to be effective. The VFMP ground plot network comprises a total of 804 field plots. In the 2019-20 data collection season, Gunaikurnai and Dja Dja Wurrung Traditional Owners are participating in the data collection and will advise on ways to align the program with cultural health metrics and promote self-determination.

*Case study: Involvement in State forest management activities*

Across the state there are a range of land management activities administered by Traditional Owner groups. For example, a Memorandum of Understanding between DELWP Far South West and Gunditj Mirring Traditional Owners Aboriginal Corporation (GMTOAC) has been established to help deliver works on Country and outline any exchange of services. These include:

* General firefighting training provided to Budj Bim Rangers
* Provision of refresher training throughout the year on emergency equipment, use of GPS units and radios
* Provision of technical expertise and equipment in undertaking feral pig trapping on Indigenous Protected Area land to protect cultural heritage values and assist in the overall control of feral pigs
* Creation of a casual bank of employees by GMTOAC; casual employees have recently been involved in undertaking feral cat density surveys as part of Biodiversity Response Planning. This bank of employees will be utilised for future pest and weed projects
* Provision of training to GMTOAC and Budj Bim rangers in chainsaw and use of agricultural chemicals
* DELWP has also been assisting GMTOAC to undertake traditional planned burns on Indigenous Protected Area land.

**Indicator 6.5d: Resilience of forest-dependent Indigenous communities to changing social and economic conditions**

Indigenous community participation in the forest industry is important for the maintenance of their traditional values and cultural use of forests. It also contributes to the viability of the forest industry. This indicator measures the extent to which Aboriginal communities are involved in the forest industry, by understanding and monitoring their participation.

Although the resilience of Indigenous communities to changing social and economic conditions is hard to quantify, this indicator uses three measures of involvement of Aboriginal Victorians in the forestry industry:

* Student enrolments and completions in forestry programs between 2014 and 2017, for government-funded services and courses
* Proportion of Aboriginal employment among employees in the forest industry, by RFA region, derived from Australian Bureau of Statistics (ABS) census data
* Proportion of Aboriginal employment in forest-dependent Indigenous communities.

Further information on this is reported under Indicator 6.5c

Table 57: Aboriginal enrolments in forestry and wood industry government-funded vocational education and training programs in Victoria, 2013–17

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Year | Certificate II | Certificate III | Certificate IV | Diploma | Total Aboriginal students | Total students | Proportion |
| 2013 | 97 | 90 | 0 | 0 | 187 | 2,144 | 9 per cent |
| 2014 | 44 | 65 | 0 | 0 | 109 | 1,294 | 8 per cent |
| 2015 | 16 | 24 | 0 | 0 | 40 | 1,123 | 4 per cent |
| 2016 | 38 | 37 | 0 | 0 | 75 | 1,254 | 6 per cent |
| 2017 | 39 | 36 | 0 | 0 | 75 | 838 | 9 per cent |

Source: Commissioner for Environmental Sustainability Victoria (2019).

Table 57 shows a 60 per cent decrease between 2013 and 2017 of the total number of Aboriginal students enrolled in government-funded vocational education and training programs related to forest and wood products industries. per cent

**Summary and future management of Indigenous heritage values**

Victoria’s forest management system provides a framework for the protection of Indigenous heritage values through Commonwealth and Victorian legislation, agreements, policies and procedures.

There is 2.8 million hectares of land in the Indigenous estate in the Victorian RFA regions, 1.9 million hectares of which is forested. This area comprises 30 per cent of the total forest area in the Victorian RFA regions.

Of the 1.9 million hectares of forested area, 375,166 hectares (5 per cent) per cent) are under joint management covered by formal Traditional Owner agreements. There are also a number of informal management regimes on both public and private land that grant Traditional Owners access to protect cultural heritage. Leasehold/Aboriginal co-managed land by Registered Aboriginal Parties accounts for 15 million hectares on public and private land, and almost 33,000 hectares of private forests are informally managed by Traditional Owner Groups.

Forest and fire management planning in Victoria involves cooperation and partnership between DELWP and Traditional Owner groups across the state to share knowledges and manage cultural values. Partnerships between Traditional Owners and land management authorities have strengthened, particularly over the least five years, and through these partnerships cultural burning and traditional fire practice is being revitalised and rediscovered.

Traditional Owner groups are producing their own strategic planning documents such as Country plans, which outline their aspirations for management of Country. The Victorian Government is also working with Traditional Owners to increase involvement in data collection from VFMP plots.

Under the modernised Victorian RFAs, current protections and management of Indigenous heritage values will be maintained, and built on.on. The modernised RFAs include stronger consideration of the values, rights and involvement of Traditional Owners in land and fire management. The Victorian Government will continue to work with Traditional Owners to increase their involvement in decision making in land planning, and to gain a better understanding of the values that are important to them. Extensive engagement and collaboration have been undertaken with Traditional Owners and other Aboriginal Victorians leading up to the extension of the Victorian RFAs, and the Victorian Government has ensured that there is appropriate consideration of these values in the extended Victorian RFAs.

1. See [agriculture.gov.au/abares/forestsaustralia/forest-data-maps-and-tools/spatial-data/indigenous-forest](http://www.agriculture.gov.au/abares/forestsaustralia/forest-data-maps-and-tools/spatial-data/indigenous-forest) [↑](#footnote-ref-1)
2. See [agriculture.gov.au/abares/forestsaustralia/publications/display?url=http://143.188.17.20/anrdl/DAFFService/display.php?fid=pb\_aif13d9abfs20150828\_11a.xml](http://www.agriculture.gov.au/abares/forestsaustralia/publications/display?url=http://143.188.17.20/anrdl/DAFFService/display.php?fid=pb_aif13d9abfs20150828_11a.xml) [↑](#footnote-ref-2)