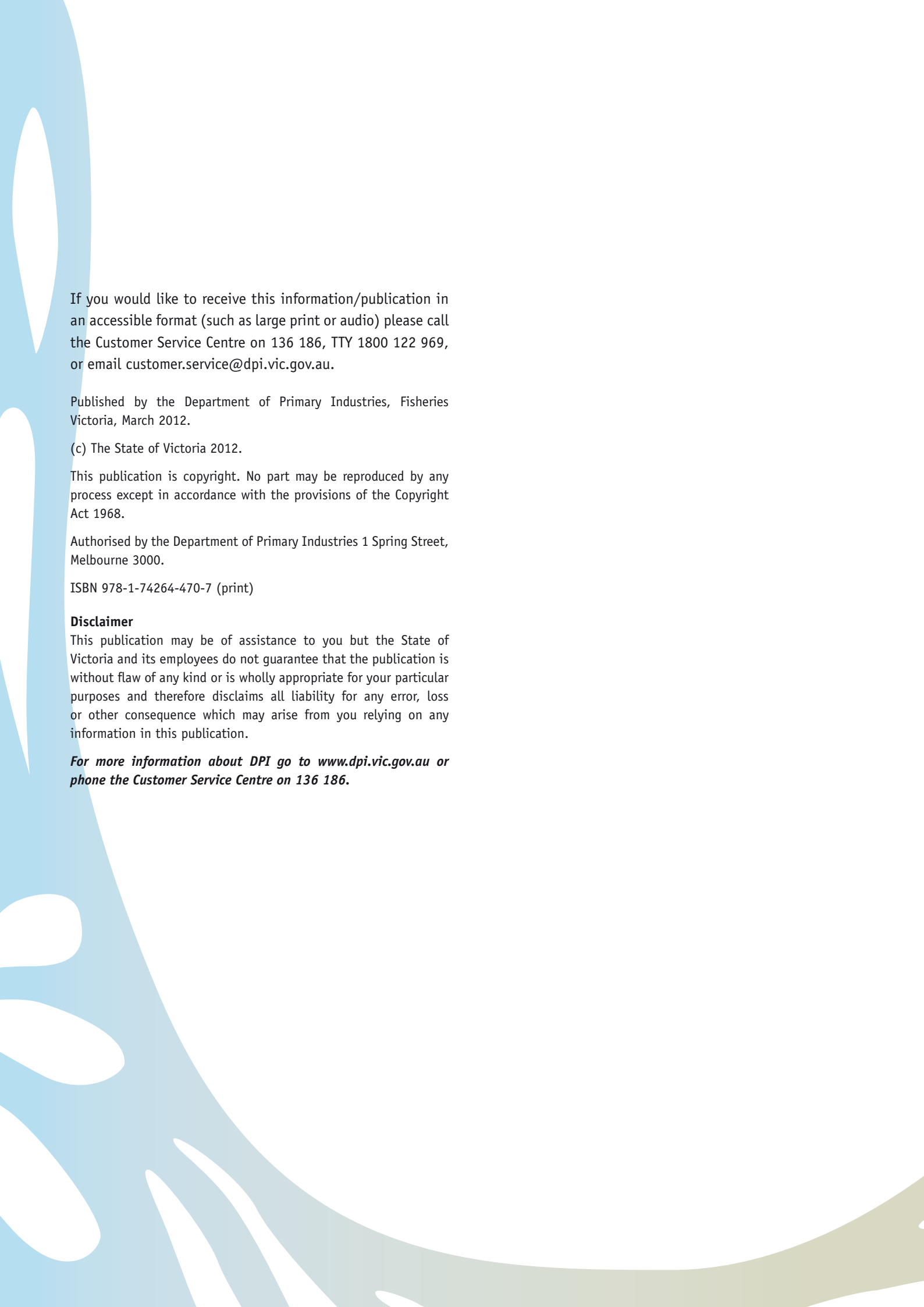




Aboriginal Fishing Strategy





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About the Designer

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Acknowledgment of Traditional Owners and Country

The Department of Primary Industries acknowledges the Traditional Owners of the land, and pays respect to the Elders of Victoria's Aboriginal communities and acknowledges the ongoing contribution made by Victoria's Aboriginal people today.

Acknowledgements

The Department of Primary Industries thanks everyone who has participated in the development of the Aboriginal Fishing Strategy for helping to ensure this important work takes the right approach for Victoria.

Aboriginal Fishing Strategy

The Victorian Government recognises that Aboriginal people have a strong connection to country that is central to their culture, both traditionally and today. It is time to evolve how we manage Victoria's fisheries to incorporate the rights, interests, aspirations and culture of Aboriginal people into both what we do and how we work. This needs to be done in a way that also respects the interests of commercial and recreational fishers in accessing the community's fisheries resources.

To do this well will take time, but DPI is committed to working together with the Aboriginal community and other fishing sectors to sustainably manage fish resources in

freshwater and saltwater country. The Victorian Aboriginal Fishing Strategy is to focus on achieving three key outcomes:

- Recognition of Aboriginal customary fishing rights for Recognised Traditional Owner Groups,
- Better economic opportunities for all Aboriginal people in fishing and related industries, and
- Sustainable fisheries management in collaboration with Traditional Owner Groups.

Vision

Culturally informed, sustainable fisheries management that contributes to improving the wealth, capacity and wellbeing of Aboriginal people and communities in Victoria.

Principles guiding implementation of the Strategy

The Department of Primary Industries will:

1. Work in partnership with Victorian Traditional Owner Groups as the first custodians of our saltwater and freshwater environments.
2. Recognise that all parties involved have a mutual commitment to sustainability.
3. Recognise the need to develop and draw upon structures of representation across Victorian Aboriginal communities to better inform the management of fisheries.
4. Recognise that outcomes that benefit Aboriginal communities are best achieved through active participation.
5. Commit to working with openness, fairness and trust.
6. Engage with Aboriginal Victorians in appropriate and meaningful ways.
7. Promote economic opportunities for Aboriginal people in fishing and related businesses.
8. Improve Aboriginal access to employment and training opportunities within the Department of Primary Industries, Agriculture and Fisheries Services, and the wider fishing sectors.
9. Ensure that this work is aligned with other relevant programs to improve partnerships with Aboriginal communities, industries and other Government agencies.
10. Recognise that this work will take a number of years, and a willingness to learn and adopt new approaches that will work best with the Victorian Aboriginal community.

Definitions

Aboriginal person – A person who identifies as an Aboriginal Australian.

Customary Fishing – Fishing undertaken by Traditional Owners for the purposes of satisfying their non-commercial personal, domestic or communal needs in accordance with traditional laws and customs. As part of the Strategy's implementation, an interpretation of this definition will be developed that appropriately reflects both the aspirations of Traditional Owners and Government policy directions.

Indigenous Land Use Agreement – An agreement registered under the Native Title Act 1993 (Cth) which may be between a native title group or Traditional Owner Group and Government, and may, amongst other things, describe the use and management of land and waters, including fisheries resources.

Natural Resource Agreement – An agreement under the Traditional Owner Settlement Act 2010 (Vic) between a Recognised Traditional Owner Group and the Victorian Government over the management and use of natural resources in a given area to which the Traditional Owner Group has traditional and cultural association.

Native Title Act 1993 – Commonwealth legislation that provides for native title determinations.

Recognised Traditional Owner Group – A group described in a Recognition and Settlement Agreement under the Traditional Owner Settlement Act 2010 (Vic), and/or a registered native title body corporate determined under the Native Title Act 1993 (Cth).

Traditional Owner – A Traditional Owner is a member of a Traditional Owner Group.

Traditional Owner Group – The term in the Traditional Owner Settlement Act 2010 (Vic) that describes a group of Aboriginal people with traditional and cultural associations to certain lands. It includes persons determined to hold native title under the Native Title Act 1993 (Cth). Members of a Registered Aboriginal Party under the Aboriginal Heritage Act 2006 (Vic) may also overlap with the membership of a Traditional Owner Group.

Traditional Owner Recognition Permit – An authorisation describing fishing rights for Traditional Owner Groups that have a Recognition and Settlement Agreement under the Traditional Owner Settlement Act 2010 (Vic), or are determined to be native title holders under the Native Title Act 1993 (Cth).

Traditional Owner Settlement Act 2010 – The TOS Act provides for the Recognition of Traditional Owner Groups and 'traditional owner rights' based on their traditional and cultural associations to certain lands, through agreement with the State, including in relation to access to and management of public lands and natural resources. Agreements under the TOS Act also provide for the settlement of native title claims made under the Native Title Act 1993 (Cth).

Actions

Recognition

Traditional Owner Groups' rights to engage in non-commercial, customary fishing in Victoria are able to be recognised under the Native Title Act 1993 (Cth) and the more recent Traditional Owner Settlement Act 2010 (Vic). Victoria's fisheries legislation currently recognises the recreational and commercial fishing sectors. There is now an obligation to better define customary fishing and amend the Fisheries Act 1995 and Fisheries Regulations 2009 (Vic), to recognise this sector in line with the Native Title and Traditional Owner settlement legislation.

The significant status of rights afforded to Recognised Traditional Owner Groups reaching settlements under the Commonwealth and Victorian legislation reflects the long journey and high thresholds that Aboriginal people

must meet for this type of recognition. Traditional Owner Groups other than those formally recognised at this point in time, as well as Aboriginal people more broadly may also have a strong cultural connection to the use of fisheries. The Strategy therefore includes a commitment to review the current requirement for Aboriginal people to hold a recreational fishing licence (recreational fishing rules would continue to apply), as has been implemented in other jurisdictions that have a recreational fishing licence such as New South Wales, Tasmania and Western Australia.

The Strategy also advances a number of priority actions that will increase the knowledge of DPI's Fisheries Victoria staff through training and better integrating Aboriginal culture and traditional ecological knowledge into program delivery and policy development.

The Department of Primary Industries will:

- Action 1:** Recognise customary fishing as a unique and specific fishing sector by:
- (a) Working with Recognised Traditional Owner Groups to develop an interpretation of customary fishing; and
 - (b) Advising the Victorian Government on the development of legislative amendments to define Aboriginal customary fishing.
- Action 2:** Develop amendments to fisheries legislation and regulations to remove inconsistency with the Native Title Act 1993 (Vic), (i.e. members of Recognised Traditional Owner Groups not being required to hold a recreational fishing licence).
- Action 3:** Amend the Fisheries Regulations to create a Traditional Owner Recognition Permit to facilitate implementation of the Victorian Traditional Owner Settlement Act 2010 (Vic).
- Action 4:** In recognition of Aboriginal people's strong cultural connection with fisheries resources, explore the creation of an exemption from the requirement to hold a recreational fishing licence (recreational fishing rules would continue to apply) as part of a broader review of the Recreational Fishing Licence regime being undertaken by DPI in 2012.
- Action 5:** Implement a state-wide Aboriginal cultural awareness training program for Fisheries Victoria staff.
- Action 6:** Develop and implement guidelines for Fisheries Victoria staff for their engagement with Aboriginal people.
- Action 7:** Work with Traditional Owner Groups to integrate Aboriginal culture and ecological knowledge into Fisheries Victoria education programs.
- Action 8:** Work with Traditional Owner Groups to identify fish species of special significance to Aboriginal people, including their traditional names and stories, to be used by Fisheries Victoria in communication and education material.
- Action 9:** Include a section in the Recreational Fishing Guide that explains the importance of fisheries to Aboriginal people.

Economic Development

Traditional Owner and Aboriginal community groups across Victoria have identified the need for sustainable economic development as a key strategy for achieving greater self determination and better social outcomes, particularly via increasing employment opportunities.

The Strategy aims to facilitate economic opportunities

for Aboriginal people through participation in the fishing industry.

The Department of Primary Industries will work with other State and Commonwealth Government agencies, the commercial and recreational fishing industries and Traditional Owners to facilitate economic development.

The Department of Primary Industries will:

- Action 10:** Set an aspirational target of increasing Aboriginal employment in Fisheries Victoria to 5 per cent.
- Action 11:** Develop and implement an Aboriginal work skills employment program to provide fixed term placements where skills and training are provided to prepare individuals for further employment opportunities.
- Action 12:** Utilise the services of Aboriginal businesses to implement actions in the Aboriginal Fishing Strategy, subject to public sector procurement guidelines.
- Action 13:** Facilitate linkages between Aboriginal community groups and State and Commonwealth funding sources for commercial fishing and aquaculture projects.
- Action 14:** Work with the commercial and recreational fishing sectors to identify opportunities for Aboriginal employment or economic development prospects within existing fisheries.
- Action 15:** Facilitate the establishment of partnerships with education institutions to provide training opportunities in developing seafood industry skills.
- Action 16:** Provide advice and training assistance to support Aboriginal initiatives in the seafood and aquaculture industries.
- Action 17:** Explicitly consider Recognised Traditional Owner Groups' interests when allocating entitlements for new fisheries, particularly with respect to fishing activities aligned with Recognised Traditional Owner Groups' interests on country.
- Action 18:** Encourage the development of national initiatives relevant to Aboriginal communities through the Department of Primary Industries' linkages with fisheries agencies in other States and the Fisheries Research and Development Corporation.

Collaborative Management & Participation

Meaningful engagement between Fisheries Victoria, the Victorian commercial and recreational fishing sectors, and Traditional Owner Groups is central to recognising the rights and interests of, and economic opportunities for Aboriginal people. Establishing engagement practices that encourage productive discussions and draw on existing structures of representation will build trusting effective partnerships.

Sharing knowledge and management practices between customary and commercial and recreational fishing sectors will provide the mutual benefit of building knowledge

of Aboriginal culture in other sectors, and improving Traditional Owners' understanding of fisheries management approaches in commercial and recreational fisheries.

It is important that all Victorian fishers can access information that builds wider community awareness about the unique fishing interests and activities of Traditional Owners. This will provide a better basis for discussion about management and policy opportunities and challenges.

Collaborative management should help to improve opportunities for Aboriginal people within the fisheries sector through direct participation in fisheries research, data collection, reporting information, restocking of fisheries and contributing knowledge to Fisheries Victoria.

The Department of Primary Industries will:

- Action 19:** Develop engagement practices with Recognised Traditional Owner Groups that draw on existing structures of Aboriginal community representation to improve meaningful participation in fisheries management and consultative processes, including local meetings with Fisheries Victoria staff.
- Action 20:** Involve Traditional Owner Groups in research and monitoring of fisheries resources. Specific arrangements could be considered during the preparation of Indigenous Land Use Agreements, Natural Resource Agreements and fisheries management plans.
- Action 21:** Promote awareness about Aboriginal customary fishing among commercial and recreational fishers.
- Action 22:** Ensure Traditional Owners' cultural and customary fishing aspirations are represented in the development of future policy and management plans.
- Action 23:** Incorporate Traditional Owner customary fishing knowledge into organised community fishing events.
- Action 24:** Develop a link on DPI's public website that provides a central, public information point regarding implementation of the Aboriginal Fishing Strategy.
- Action 25:** Develop Natural Resource Agreements and Indigenous Land Use Agreements with Traditional Owner Groups throughout the State to provide recognition and collaborative management of fisheries resources on traditional country.
- Action 26:** Offer support to train and facilitate Traditional Owners to enable implementation of Natural Resource Agreements and Indigenous Land Use Agreements.

Notes:

