



Gunaikurnai Land & Waters Aboriginal Corporation

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Dear Independent Panel

Response regarding the independent review of the Wildlife Act 1975

The Gunaikurnai Land and Waters Aboriginal Corporation is the prescribed body corporate on behalf of the Gunaikurnai people, for the purposes of the Native Title Act 1993 (Commonwealth) and is a Registered Aboriginal Party for the purposes of the Aboriginal Heritage Act 2006 (Victoria). The State of Victoria has also entered into Recognition and Settlement Agreement with the Gunaikurnai people. The Recognition and Settlement Agreement, executed under the *Traditional Owner Settlement Act 2010*, affords Gunaikurnai people rights relating to the use of public land within their Agreement area.

Alongside the consent determination and as part of our negotiated settlement package under the Traditional Owner Settlement Act 2010 (Vic), the Gunaikurnai entered into an Indigenous Land Use Agreement and a number of other agreements with the State of Victoria. These agreements build on our rights as Traditional Owners and include:

- the recognition of Traditional Owner rights over all public land within the external boundary of the consent determination
- a grant of Aboriginal Title over 10 areas of land totalling approximately 46,000 hectares joint management arrangements over those 10 areas of land
- \$12 million in funding, of which \$10 million is to be placed in trust and the interest used to help fund the operations of the corporation
- rights to access Crown land for traditional purposes such as hunting, fishing, gathering and camping
- employment
- assistance to set up a natural resource management contracting business
- various cultural strengthening commitments surrounding recognition of the Gunaikurnai as Native Title holders and Traditional Owners of the land within the consent determination.

The Gunaikurnai Whole-of-Country Plan outlines the Gunaikurnai objectives, principles and priorities for Gunaikurnai Country. This extends to the wildlife within Gunaikurnai Country and clearly articulates how any management of wildlife, needs to partner with the Gunaikurnai:

“Everything is connected. All of our Country is linked. There is no separation between our landscapes, waterways, coasts and oceans, and natural and cultural resources. All are linked and bound to our people, law and custom.

“We want to be actively managing the water, fire, wildlife and biodiversity on our Country, and helping others to also do this in a culturally appropriate way. We must have the resources and authority to play this role on behalf of the rest of the community.”

- Gunaikurnai Whole-of-Country Plan

We appreciate the moves of the independent panel to articulate questions the panel believes may be of interest to Traditional Owners.

The following are the initial responses provided by GLaWAC in response to the communication collateral and some additional thoughts, culminating in the requirement for further consultation prior to any recommendations being provided by the Independent Panel, on anyone’s behalf including GLaWAC.

Overarching principles:

- The Gunaikurnai seek to look at what was there before
- Gunaikurnai healing of Country and People
- Look to put back the plants and animals that used to be there
- Traditional Owners being a connected part of Country.

In regard to questions as raised in the targeted communication collateral for Traditional Owners, GLaWAC notes:

1.3.1 – Is the Act a barrier to self-determination for Traditional Owners or Aboriginal Victorians? If so, what specific elements give rise to barriers and how might these barriers be reduced or eliminated?

As current, the Wildlife Act 1975 does not provide for Traditional Owners. We look forward to discussions on how self-determining priorities and values as identified by and for Traditional Owners can be better met by a renewed Act.

1.3.2 - Should the Act recognise the cultural significance of Country and wildlife to Traditional Owners and Aboriginal Victorians? Should the Act explicitly recognise the value of Indigenous Ecological Knowledge for the stewardship of Country and the conservation of wildlife?

The Act should seek to manage Wildlife in response to Traditional Owner customary obligations, examples of which include more holistic consideration of means to protect wildlife and respond to threats, and also, ensuring focus and response is not limited to western science definitions of priority and need. However, any changes must ensure recognition of self-determining principles of each Traditional Owner group to care for Country including wildlife, and the ability of Traditional Owner groups to hold, direct or share Intellectual Property in whichever way each sees fit, for Traditional Owner Country, not government jurisdictional boundaries.

1.3.3 - Should the Act prescribe a role for Traditional Owners and Aboriginal Victorians as key partners in decision making about conserving wildlife? What could that role look like?

The Act should *enable* a role through appropriate discussion with Traditional Owners on how that role may best be represented in legislation. Note, that Traditional Owners are able to speak for Country, Aboriginal Victorians – taken as meaning Aboriginal people who live in Victoria – cannot speak for Country unless they are Traditional Owners of that Country.

Reforms should be made to lead to decision making powers for Traditional Owners in regards to wildlife but the formation of these reforms needs to be further worked through prior to the review being approved.

1.3.4 - Should the Act afford additional protection and the ability to return species to Country because of their cultural significance.

Is this question linked to the question of returning dingoes deliberately to wildlife populations? And/or to species such as illegal cull of eagles. If landscapes are managed in partnership with Traditional Owner whole of Country objectives, these matters start to be better understood. Where there are infringements, GLaWAC would seek appropriate prosecution measures to act as a real deterrent through the level of punishment enacted as a response.

1.3.5 – Does the Act provide appropriate mechanisms for Traditional Owners and Aboriginal Victorians to use wildlife? Should the Act support commercial use of wildlife by Traditional Owners

Even as Native Title holders and TOSA recognition the ability for Gunaikurnai rights holders to use wildlife under these instruments is uncertain. An example of this is where our rights holders are seeking to undertake possum skin cloaks, they are purchasing from New Zealand the skins they require.

2.1 – There are overlaps and gaps in the broader legislative framework

This is part and parcel with the governance framework. It is less than satisfactory but GLaWAC does not see this statement as being within the scope of the Wildlife Act review to address.

2.2 – Managing wildlife populations that span jurisdictions and land tenures is difficult under the Act

Boundaries are a false construct under many avenues of State and Federal legislation. If this review has the capacity to address that, GLaWAC would be very happy to contribute.

2.3 – The Current legislative framework doesn't preserve and conserve habitat

GLaWAC as per the Gunaikurnai Whole of Country Plan seeks a holistic response to managing Country. The Victorian Government release of the Victorian Cultural Landscapes strategy is a pathway to achieving this from a connected landscape perspective, but in responding to the requirements under the Wildlife Act, we would seek further discussion.

2.4 – The treatment of wildlife as property

Wildlife are not the property of the State.

3.1 – The Act lacks principles about how to manage wildlife

The Act needs to be regenerated to enable full, prior and informed consent of Traditional Owners.

4.2 – Should independent expert advice play a greater role in decision making under the Act

No. Traditional Owners should play a great role in decision making under the Act. To do otherwise is a manifestation of control outside the empowerment of Traditional Owners.

5 – Are current enforcement and compliance mechanisms adequate

If people feel they can cull wildlife they are uncomfortable with, and the compliance forms a financial analysis of a business decision, then absolutely not and there is evidence of this.

In addition

- The Act only covers certain lifeforms.
- Introduced species (deer) are not wildlife.
- Some declared game species are native and important to Traditional Owners, for example ducks and other water birds and need appropriate protection.
- Focus on endangered species needs to switch to focus on culturally significant species.

GLaWAC would look forward to a continued discussion on what the reform may look like.

Kind regards

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