



CULTURAL LANDSCAPE HEALTH AND MANAGEMENT (CL)

SCIENTIFIC ASSESSMENTS Part III



Commissioner
for Environmental
Sustainability
Victoria



Traditional Owners

The Commissioner for Environmental Sustainability proudly acknowledges Victoria's Aboriginal community and their rich culture and pays respect to their Elders past and present.

We acknowledge Aboriginal people as Australia's first peoples and as the Traditional Owners and custodians of the land and water on which we rely. We recognise and value the ongoing contribution of Aboriginal people and communities to Victorian life, and how this enriches us.

We embrace the spirit of reconciliation, working towards the equality of outcomes and ensuring an equal voice.

Cultural Landscape Health and Management

Background

Aboriginal existence and identity is underpinned by healthy cultural landscapes. Along with water and other natural resources, the land that is now the State of Victoria was managed for thousands of years according to traditional laws, customs and practices. Shaped by a sustainable-use regime and managed with a deep understanding of natural systems and an embedded lore and culture, Country (land, water, animals, plants, people, spirits and customs) has provided for the material, cultural and spiritual needs of thousands of generations of Aboriginal people.¹

Victoria's cultural landscapes are unique. They are host to one of the oldest continuing cultures in the world, and home to a vast array of plants, animals and places that have both symbolic and practical value to Aboriginal Victorians and all other Victorians. Today's cultural landscapes are a reflection of how Aboriginal people engage with their world and experience their surroundings. They are the product of generations of economic activity, material culture and settlement patterns. While colonisation resulted in the landscape being broken up into different land tenures and established different management regimes, Aboriginal people remain connected to Country and cultural landscapes continue across these artificial boundaries.²

Aboriginal cultural heritage in Victoria is protected under the *Aboriginal Heritage Act 2006* (the Act). The Act establishes a framework of mechanisms for the management and protection of Aboriginal cultural heritage, including cultural heritage management plans, cultural heritage permits, Protection Declarations and Aboriginal cultural heritage land management agreements.

Registered Aboriginal Parties is a status provided under the Act to Traditional Owner organisations that hold decision-making powers under the Act for the protection and management of Aboriginal cultural heritage within a specified geographic area. Registered Aboriginal Parties are appointed by the Victorian Aboriginal Heritage Council. The Council consists of up to 11 Traditional Owners who are appointed by the Minister for Aboriginal Affairs. All members are Victorian Traditional Owners who have relevant experience or knowledge of Aboriginal cultural heritage in Victoria. There are currently 11 Registered Aboriginal Parties covering over 60% of Victoria.

A number of Victorian Traditional Owner organisations, including Registered Aboriginal Parties, are working in partnership with government and non-government organisations in developing Country Plans, strategies and assessment frameworks that articulate a Traditional Owner group's aspirations by integrating cultural heritage and spiritual values, self-determination and governance, health and wellbeing, and economic capacity to improve, care and manage the cultural landscape health of Country. Traditional Owners are formally recognised in three ways by the Victorian Government: through the *Native Title Act 1993* (Cwlth), by way of a determination of a co-operative management agreement through a Recognition and Settlement Agreement under the *Traditional Owner Settlement Act 2010* (Vic.), and through appointment as a Registered Aboriginal Party under the *Aboriginal Heritage Act 2006* (Vic.). These areas of recognition, establishes a partnership between the State Government and Traditional Owner groups to jointly manage and share in decision making over determined areas of Crown Land.

This State of the Environment (SoE) 2018 report provides a transition from the singular focus on Aboriginal cultural heritage reporting in the SoE 2013 report to cultural landscape health and management assessment. This new reporting approach includes indicators aligning to four themes that aim to incorporate the social, economic, spiritual, cultural, environmental, and health and wellbeing values of Victorian

1. Parks Victoria. 2018. 'Managing Country Together', Melbourne, Victoria https://parkweb.vic.gov.au/_data/assets/pdf_file/0006/724695/Managing-Country-Together.pdf Accessed 3 December 2018.

2. Ibid

Traditional Owners, Registered Aboriginal Parties and Aboriginal Victorians (Table CL.1). This SoE report understands that the condition of cultural landscapes is difficult to distil into a single metric. The approach provided below assumes that increased connection, participation and self-determination in managing and looking after Country can lead to improvement in the condition of cultural landscapes and therefore serve as proxy indicators that may be formed from quantitative and/or qualitative data and information (Table CL.1). These themes and indicators were adapted from the *Health and Wellbeing Outcomes of the Aboriginal and Torres Strait Islander Gathering Place Model in Victoria: A Place for Inclusion, Connection and Empowerment* report^{3,4} and the Aboriginal Waterways Assessment Program.⁵ This approach for future SoE assessments allows indicators to be adapted and modified to suit Traditional Owner and Registered Aboriginal Party reporting needs. Sharing of indicator data and stories to inform reporting on cultural landscape health and management is at the discretion of Traditional Owner groups.

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3. Thorpe A, Munro-Harrison E, Kingsley J 2016, 'Health and Wellbeing outcomes of the Aboriginal and Torres Strait Islander gathering place model in Victoria: A place for inclusion, connection and empowerment.' Indigenous Health Equity Unit, The University of Melbourne and Gathering Place Reference Group, Melbourne, Victoria.
 4. Kingsley J, Munro-Harrison E, Jenkins A, Thorpe A, 2018. "'Here we are part of a living culture": Understanding the cultural determinants of health in Aboriginal gathering places in Victoria, Australia.' *Health & Place*, 54, pp. 210-220.
 5. Murray-Darling Basin Authority 2015, 'Aboriginal Waterways Assessment Program', Victoria, Australia.

Table CL.2 Formal agreements between the Victorian Government and Traditional Owner groups for joint management of their traditional lands under the *Traditional Owner Settlement Act 2010 (Vic.)*, *Native Title Act 1993 (Cwlth)* and *Conservation, Forests and Lands Act 1987 (Vic.)*.

Agreement Name	Traditional Owner
Yorta Yorta Co-operative Management Agreement (2004)	Yorta Yorta Nation Aboriginal Corporation
Wotjobuluk Co-operative Management Agreement (2005)	Barengi Gadjin Land Council Aboriginal Corporation
Gunditjmara Settlement Agreement (2007)	Gunditj Mirring Traditional Owners Aboriginal Corporation
Gunditjmara Co-operative Management Agreement (2007)	
Yorta Yorta Traditional Owner Land Management Agreement (2010)	Yorta Yorta Traditional Owner Land Management Board
Gunaikurnai Recognition and Settlement Agreement (2010)	Gunaikurnai Traditional Owner Land Management Board
Dja Dja Wurrung Recognition and Settlement Agreement (2012)	
Dja Dja Wurrung Joint Management Plan (2018)	Dhelkunya Dja Land Management Board
Taungurung Recognition and Settlement Agreement (2018)	Taungurung Clans Aboriginal Corporation

Table CL.3 Formal and informal management agreements for Victorian Traditional Owner groups to have access and rights that protect their cultural heritage

Agreement	Area (ha)
• Gunditj Mirring Traditional Owners Aboriginal Corporation	14,862,100
• Barengi Gadjin Land Council Aboriginal Corporation	
• Taungurung Clans Aboriginal Corporation	(a)
• Yorta Yorta Nation Aboriginal Corporation	
• Wurundjeri Land and Compensation Cultural Heritage Council Aboriginal Corporation	
• Martang Pty Ltd	
• Dja Dja Wurrung Clans Aboriginal Corporation	
• Wathaurung Aboriginal Corporation	
• Eastern Maar Aboriginal Corporation	
• Gunaikurnai Land and Waters Aboriginal Corporation	
• Bunurong Land Council Aboriginal Corporation	

(a) At the time of writing this report, the Taungurung Recognition and Settlement Agreement 2018 had just been formally recognised and therefore this figure does not reflect this additional land area

Agreement	Area (ha)
Indigenous Protected Areas	
• Deen Marr Indigenous Protected Area is located in the South East Coastal Plain bioregion and was declared in 1999. The land was purchased by the Framlingham Aboriginal Trust in 1993.	453
• Kurtonitj Indigenous Protected Area is located in the centre of the Budj Bim National Heritage Landscape between Mount Eccles volcanic plain and the sea. Declared in 2009, Kurtonitj is owned by the Gunditj Mirring Traditional Owners Aboriginal Corporation and managed by the Winda-Mara Aboriginal Corporation on behalf of the Gunditjmara people.	353
• Tyrendarra Indigenous Protected Area on Darlot Creek, a tributary of Land Condah near Portland, was declared in 2003. Tyrendarra is owned and managed by the Winda-Mara Aboriginal Corporation on behalf of the Gunditjmara people.	248
• Lake Condah Indigenous Protected Area is part of the Budj Bim National Heritage Landscape listed in 2004 due to its outstanding cultural heritage value in Victoria. The Kerrup Gunditj clan traditionally had an extensive and complex aquaculture system at Lake Condah including eel and fish harvesting. Today, it is managed by the Gunditj Mirring Traditional Owners Aboriginal Corporation.	1,700
Private forest	
• Framlingham Forest	1,130
• Lake Condah Indigenous protected area (includes the four properties of Lake Condah, Allambie, Muldoons and Vaughans)	1,700
• Freehold land owned by the Gunditjmara community (Gunditj Mirring Traditional Owners Aboriginal Corporation and Winda Mara Aboriginal Corporation) and declared or intended as Indigenous Protected Areas by the Gunditjmara community owners and recognised by the Australian Government.	4,430
• Lake Tyres Forest	1,600
Other Crown land/Aboriginal co-managed areas	
<i>Dja Dja Wurrung Clans Aboriginal Corporation</i>	
The Dja Dja Wurrung People have been granted title to six parks and reserves within their native title settlement area including:	
• Greater Bendigo National Park	
• Hepburn Regional Park	
• Kara Kara National Park (that falls within the agreement area)	47,502
• Kooyoora State Park	
• Paddys Ranges State Park	
• Wehla Nature Conservation Reserve.	
These parks will be jointly managed and overseen by the Dhelkunya Dja Land Management Board.	

Agreement	Area (ha)
Grampians National Park	
This includes the very small strip of Crown land (Crown allotment 2A, Parish of William) that is reserved under section 4 of the Crown Land Reserves Act 1978 (Vic.)	167,219
Gunaikurnai Joint Management Plan	
Partnership between the Gunaikurnai Land and Waters Aboriginal Corporation on behalf of the Gunaikurnai people, and the Victorian Government to jointly manage 10 parks and reserves in Gippsland.	
<ul style="list-style-type: none"> • Buchan Caves Reserve • Corringle Foreshore Reserve • Gippsland Lakes Coastal Park • Lakes National Park • Lake Tyers State Park • Mitchell River National Park • New Guinea Cave • Raymond Island Gippsland Lakes Reserve • Tarra-Bulga National Park • The Knobs Reserve 	47,070

Gunaikurnai Joint Management Plan

The Gunaikurnai Joint Management Plan with the Victorian Government, formally established in July 2018, is the first Joint Management Plan to be approved in Victoria. This plan establishes a partnership between the Gunaikurnai peoples, Parks Victoria and the Department of Environment, Land, Water and Planning (DELWP) in co-managing the following parks and reserves under Aboriginal title in the Gippsland region:

- Buchan Caves Reserve
- The Knobs Reserve
- Corringle Foreshore Reserve
- Gippsland Lakes Reserve on Raymond Island
- Mitchell River National Park
- New Guinea Cave (in Snowy River National Park)
- Tarra-Bulga National Park
- The Lakes National Park

The Joint Management Plan builds on the Gunaikurnai Whole-of-Country Plan (2015), by enabling the knowledge and culture of the Gunaikurnai people to influence, and be recognised in, the management of the parks and reserves.⁶ This plan also furthers the Gunaikurnai's Recognition and Settlement Agreement of 2010 through reconciliation, self-determination and social justice objectives. The Gunaikurnai Traditional Owner Land Management Board will monitor and evaluate the plan, with the Gunaikurnai Land and Water Aboriginal Corporation being responsible for plan implementation via partnerships while monitoring compliance and performance. The management plan provides the joint management strategies and actions that are specific to each of the parks and reserves and have a 10-year planning horizon. They describe how the aspirations and strategic direction, outlined in the Strategic Plan, will be translated at an operational level within each jointly managed park and reserve.

6. Gunaikurnai Traditional Owner Land Management Board and State of Victoria 2018, 'Gunaikurnai and Victorian Government Joint Management Plan', Victoria <https://www.gunaikurnai.com.au/joint-management/the-plan>. Accessed 18 October 2018.

Victorian Aboriginal Cultural Heritage

The Victorian Aboriginal Heritage Council (the Council) was established under the *Aboriginal Heritage Act 2006* (Act) to ensure that Traditional Owners throughout Victoria play a central role in the protection and management of their heritage. It is the only Victorian statutory authority embodying Aboriginal self-determination, comprising up to 11 Traditional Owners who are appointed by the Minister for Aboriginal Affairs.⁷ Aboriginal cultural heritage can include tangible and intangible archaeological, historical and anthropological Aboriginal heritage places, including landforms and land categories. The Victorian Aboriginal Heritage Register (VAHR) is maintained by the Secretary, Department of Premier and Cabinet through their delegate, the Registrar, Aboriginal Victoria. The VAHR is not an open-access register. Access is limited to persons listed in the Act and information that is listed as sensitive has further access restrictions. Sensitive information includes information about Aboriginal ancestral remains and burials. Registered Aboriginal Parties, and the Council in non-Registered Aboriginal Party areas, have the right to determine if and how information on the VAHR can be accessed.

Aboriginal people are the primary guardians, keepers and knowledge-holders of their heritage. The Act empowers Traditional Owners as protectors of their cultural heritage on behalf of Aboriginal and all other people. Registered Aboriginal Parties are Traditional Owner groups appointed by the Council who have statutory responsibility for the protection and management of Aboriginal cultural heritage in their appointed area. Registered Aboriginal Parties are appointed by the Council according to criteria set out in the Act and the Council's own decision-making principles for Registered Aboriginal Party applications.

7. VAHC 2017, 'Annual Report 2016 -2017'; Victorian Aboriginal Heritage Council, Melbourne, Victoria.

As part of the Council's work in the protection and management of cultural heritage, it has provided input into Victoria's Climate Change Adaptation Plan 2017–2020 (the Plan; produced by DELWP) through representation on the Climate Change Advisory Panel. The Plan recommends a specific cultural focus and link to Victorian legislation and/or policy. Although further consultation with Traditional Owners is required regarding the Plan, it provides a foundation for the upcoming State of Cultural Heritage Report that will be led by Council as part of their reporting requirements. This report can then inform future SoE reporting.

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 key elements that are special to determining the health of cultural landscapes. These three elements are:

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

Recognising that changes in landscape condition can take a long time to become apparent, long-term monitoring is required. At the time of developing this report, Parks Victoria in partnership with Victorian Traditional Owners was in a process of realigning reporting frameworks, including State of the Parks reporting, to better incorporate cultural landscape management and condition.

The above three key elements for improving cultural landscapes are underpinned by the following values:

- **Land Justice and Reconciliation** – This includes the right to use, manage and direct what happens on Country. The Victorian Government is committed to self-determination for Aboriginal people through the *Aboriginal Heritage Act 2006*, *Traditional Owner Settlement Act 2010* and the *Aboriginal Victorians Bill 2018*.
- **Gather, record, share and use traditional and contemporary knowledge** – As the first inhabitants of Victoria, Aboriginal people have a deep knowledge of Country. Supporting Traditional Owner land management, cultural values and knowledge of Country can provide a strong basis for improving management of Country. At the same time, there are opportunities to support non-Aboriginal people to better understand Traditional Owner values and perspectives.

- **Connection to Country** – Maintaining a physical connection to Country is well-recognised as a fundamental pillar of the wellbeing of Aboriginal people and the broader cultural landscape. It can provide a means of cultural and spiritual renewal, employment, improved land management outcomes and economic independence. Importantly, it can provide Traditional Owners with the opportunity to meet their cultural obligations to care for Country.
- **Management** – The cultural landscapes of Victoria are mostly highly modified environments that have been adapted to suit the needs of their inhabitants, while still maintaining the core attributes that have shaped them over thousands of years. The decisions that managers and users of cultural landscapes make can have a significant impact on the natural and cultural values of those places. In many places, modern land management techniques have focused on meeting the needs of growing populations without recognising the underlying needs and capacity of Country. By integrating traditional and modern management approaches, actively protecting and improving cultural heritage values and returning ancestors to rest in their rightful Country, we can take steps to reverse some of this impact.
- **Sustainable natural resources** – According to traditional laws and customs, it is imperative that natural resources are managed sustainably, to ensure they continue to provide for current and future generations. Embedding this principle into the range of ways that cultural landscapes are used – including harvesting, tourism and enterprise development – will help to bring them back to cultural and ecological health.

Joint Management Plan for the Dja Dja Wurrung Parks

The Dja Dja Wurrung Joint Management Plan was officially launched in October 2018.⁸ This plan establishes a partnership between the Dja Dja Wurrung people Parks Victoria and DELWP in managing the following Dja Dja Wurrung Parks under Aboriginal title in Loddon Mallee:

- Greater Bendigo National Park
- Hepburn Regional Park
- Kara Kara National Park
- Kooyoora State Park
- Paddys Ranges State Park
- Wehla Nature Conservation Reserve.

The above parks fall within the Country of the Dja Dja Wurrung Traditional Owners and are considered living landscapes that hold sites of Ceremony, lore and healing, stories of ancestral beings, memories and spirits of Djaara ancestors, totemic animals, birds, plants, elements and entities that create a relationship with Country. The Dhelkunya Dja Land Management Board will oversee the Plan's implementation through partnerships while monitoring compliance and performance. This Plan provides opportunities and benefits for all Dja Dja Wurrung People through long-term economic development.⁹ The main goal of this Plan is to enable Traditional Owner knowledge and connection to Country to be expressed in the planning and management of the lands. The Dhelkunya Dja Land Management Board will work closely with the Dja Dja Wurrung Clans Aboriginal Corporation to ensure the Plan aligns with the goals and aspirations of the Dja Dja Wurrung People as expressed in their Dja Dja Wurrung Country Plan, *Dhelkunya Dja*.

8. Dhelkunya Dja Land Management Board and State of Victoria 2018, 'Joint Management Plan for the Dja Dja Wurrung Parks: Strategy', Victoria <http://www.dhelkunyadja.org.au/the-plan/joint-management-plan> Accessed on 18 October 2018.

9. Ibid

Current Victorian Government Settings: Legislation, Policy, Programs

The Victorian Aboriginal Heritage Council aims to appoint Registered Aboriginal Parties across all of Victoria to ensure Traditional Owner-led management and protection of Aboriginal cultural heritage. Aboriginal Ancestral Remains are particularly vulnerable to the detrimental effects of climate change and Registered Aboriginal Parties (and other Traditional Owners) are best placed to care for this Country.

Aboriginal cultural heritage land management agreements (ACHLMAs) are voluntary agreements made between a Registered Aboriginal Party and a public land manager under the Act. ACHLMAs are designed to facilitate a proactive, holistic approach to managing and protecting Aboriginal cultural heritage and cultural landscapes during land management activities within a specific area, for an agreed duration.

Aboriginal intangible heritage¹⁰ refers to the practices, expressions, knowledge and skills that communities recognise as part of their cultural heritage. It is communicated from generation to generation and is constantly recreated by communities in response to their environment and their history. It provides communities and individuals with a sense of identity and continuity.

In Victoria, Aboriginal intangible heritage includes:

- Ceremony
- Creation Stories
- skills involved in the creation of cultural items
- knowledge and skills associated with medicinal plant use
- language
- dance
- song

- a great variety of other cultural expressions and cultural knowledge systems.

Aboriginal intangible heritage often has a strong relationship with Country. The Act allows for the registration of Aboriginal intangible heritage on the VAHR. Whereas, for the purposes of the Act, Aboriginal cultural heritage denotes Aboriginal places, objects and Ancestral Remains, Aboriginal intangible heritage denotes elements of living culture – traditional knowledge and cultural expressions, held collectively by Aboriginal people or a particular group of Aboriginal people, and passed down across generations with or without adaptations and evolutions.

By providing a mechanism for registering Aboriginal intangible heritage under the Act, it:

- recognises the central role that intangible heritage plays in keeping Victorian Aboriginal cultures strong
- recognises Traditional Owners' rights as cultural custodians, and the shortcomings of existing laws in adequately protecting these rights
- gives Traditional Owners more control over the protection, management and potential use of their intangible heritage
- encourages a focus broader than physical places and objects within the Victorian Aboriginal cultural heritage management system.

Once Aboriginal intangible heritage is registered on the VAHR, anyone who wants to use that intangible heritage for commercial purposes has a legal responsibility to seek the permission of the representative group of the Traditional Owners, and may enter into an Aboriginal intangible heritage agreement. Agreements allow Traditional Owners to identify and/or negotiate the terms under which the Aboriginal intangible heritage may be used by others.

10. Office of the Chief Parliamentary Counsel 2016, 'Aboriginal Heritage Amendment Act 2016', Melbourne, Victoria [http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08df/1D1B929B4736B758CA257F8C0018EF03/\\$FILE/16-01aa%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08df/1D1B929B4736B758CA257F8C0018EF03/$FILE/16-01aa%20authorised.pdf) Accessed on 18 October 2018.

With responsibility for managing more than 4 million hectares of Victoria's most intact landscapes, Parks Victoria recognises the value of working in partnership with Traditional Owners to sustainably manage cultural landscapes. Parks Victoria's Managing Country Together program is an ambitious reform agenda that aims to embed Traditional Owner partnerships into all aspects of park management and build the shared capacity of government and Traditional Owners to jointly manage the parks estate into the future.

The Managing Country Together program aims to improve the natural and cultural values of the parks estate within broader cultural landscapes. It is doing this by working with Traditional Owners to:

- provide for effective management and appropriate development of the parks estate
- provide practical and symbolic recognition of Traditional Owner rights
- foster positive relationships between government and Traditional Owners
- facilitate economic development opportunities for Traditional Owners
- ensure cultural heritage values are understood, conserved and enhanced
- develop agency and sector capacity in joint protected area and cultural heritage management.

The program includes a range of commitments that will support effective management of cultural landscapes, including:

- overarching principles that align with the Victorian charter of human rights and responsibilities and apply obligations under the United Nations Declaration on the Rights of Indigenous Peoples in the Victorian context
- policies, tools and resources to effectively conserve, protect and enhance Aboriginal cultural heritage values across the parks estate
- an Aboriginal employment and wellbeing program to support Aboriginal people working in park management.

DELWP identifies Traditional Owner participation in natural resource management (NRM) is increasing. Traditional Owners have strategies for their participation in NRM detailed within a Natural Resource Agreement (this agreement articulates the rights of Traditional Owners as part of their Recognition and Settlement Agreements).

These strategies determine the scope of Traditional Owner participation in NRM, under their agreements, that involves broad and multiple relationships between Traditional Owner groups with settlement determination and NRM agencies, such as DELWP, Parks Victoria, Catchment Management Authorities and other agencies with a role in NRM. These strategies also have a strong linkage to Joint Management and Strategic Planning being delivered by established Traditional Owner Land Management Boards.

Future Focus

Develop cultural indicators for future SoE reporting

There are opportunities to enhance the role of Victoria's Traditional Owners in cultural landscape health and management based on the objectives outlined in the *Aboriginal Heritage Act 2006*.

Importantly, Aboriginal cultural heritage needs to be recognised as a fundamental part of Aboriginal community life and cultural identity, and celebrated as a significant part of the heritage of all Australians. There are many sources of information that can provide insights to progress towards medium and long-term outcomes for cultural landscapes.

Recommendation 1: That the Victorian Government, in consultation with Traditional Owners and relevant agencies, develop contemporary cultural indicators to inform future environmental reporting. These indicators must reflect the priorities of Traditional Owners, have practical and cost-effective data-collection methods, and be meaningful and demonstrate change within a five-year reporting period.