

Draft Threat and Risk Assessment for the NSW Marine Estate

Aboriginal Engagement Report – Community and Stakeholder Workshops

March – April 2017

**For the NSW Marine Estate
Management Authority**

Prepared by



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Executive Summary

The NSW Marine Estate Management Authority (MEMA) has undertaken a draft threat and risk assessment of the NSW marine estate (statewide TARA) that identifies and prioritises the social, economic and environmental threats to community benefits of the marine estate (Sea Country). MEMA has undertaken consultation on the draft TARA and will finalise it following community feedback.

The draft statewide TARA consists of three assessments that examined threats and risks to:

1. environmental assets (such as fish stocks) in coastal and marine waters.
2. environmental assets (such as saltmarshes) in estuaries.
3. social and economic community benefits (such as Aboriginal cultural heritage).

Origin Communications Australia facilitated a series of one-day workshops to review the draft statewide TARA. Workshop attendees included peak bodies, advisory groups, Land Councils, Elders Groups, Aboriginal organisations and community members.

The purpose of the workshops was to:

- explain the findings of the draft statewide TARA and the processes undertaken to develop and undertake the assessment
- seek feedback on the evidence-base used and ask for any additional evidence to inform the final statewide TARA
- outline the online submission process and next steps for finalising the statewide TARA and related marine estate projects
- seek feedback about engagement and feedback mechanisms that will ensure meaningful and continuous engagement for Aboriginal communities in marine estate management processes.

Nine workshops were held in locations directly proximate to Sea Country, from the Byron Bay in the north to Bega in the south. In addition, a separate workshop was held with AFAC and ACHAC, the primary Aboriginal advisory committees to OEH and DPI.

Whilst the diversity within and between Aboriginal communities is important to reiterate, a clear set of principles emerged from the workshops with regard to the statewide TARA framework that most participants articulated or supported. These should inform the finalisation of the statewide TARA process specifically and MEMA initiatives more broadly. These principles are summarised as follows:

1. **Aboriginal Cultural aspects must be included across all elements of the statewide TARA.**
2. **Local and culturally authoritative viewpoints and knowledge** are essential in the process to effective engagement and management of Sea Country.
3. **Tangible/intangible demarcations of Aboriginal Culture and Heritage in the draft statewide TARA were widely seen as being arbitrary.**
4. Delineations between oceans/ estuaries/ beaches/ coastal rivers/ salt marshes/ sand dunes/ and other elements of the cultural and natural landscape **do not reflect traditional or contemporary Aboriginal relationships with and responsibility for country and sea country.**
5. **A more holistic and culturally appropriate threat and risk assessment framework must be reflected in the updated TARA** to ensure that *connections and relationships* between the notionally separate aspects (such as estuary or ocean) are described, assessed and managed with appropriate cultural authority to ensure a comprehensive landscape and seascape approach is utilised.
6. **The notion of ‘derived benefit’ which underpins the draft statewide TARA framework must be clearly defined for Aboriginal people** as core aspects such as spiritual connection and cultural responsibility for land and sea are not readily reflected in a risk/benefit matrix which includes ‘benefits’ such as the ability to apply for a licence. The issue of licences is a critical one for many Aboriginal people as represents a government decision-making process over what many regard as an inherent cultural right. This makes viewing the ability for an Aboriginal person to apply for a licence somewhat at odds with the concept of inherent and inalienable rights.
7. **A separate Aboriginal section of the statewide TARA – above and beyond specific inclusions in risk levels already drafted – is an**

essential component for Aboriginal people to see that their rights and perspectives are tangibly reflected and appropriately respected.

Across all nine workshops, stakeholder engagements and individual feedback, there emerged a clear clustering of priority issues regarding Aboriginal cultural heritage and continuing active use and appreciation of the Marine estate. These can be summarised as follows:

1. Clear recognition of the deep and continuing Aboriginal involvement with, and responsibility for Sea Country and activities throughout NSW.
2. Protection of, and appropriate relationships with the marine estate are not new to Aboriginal people in NSW – they are fundamental and long-held cultural practice. In many ways mainstream agencies and governments are only now becoming aware of what Aboriginal people have been saying for decades regarding marine issues, coastal development, pollution and embedded cultural knowledge and wisdom.
3. Aboriginal culture must be reflected in all aspects of the statewide TARA and not relegated to traditionally delineated areas such as ‘tangible’ or ‘intangible’ heritage.
4. Aboriginal rights must be clearly and consistently respected in the marine estate areas. There was ongoing concern that multiple government processes were perpetuating a situation whereby non-Aboriginal people made decisions concerning Aboriginal culture, heritage and rights. The marine estate included many intersections of poor policy, poor practice, poor planning and poor engagement by diverse government agencies at all levels.
5. Culturally authoritative Aboriginal voices must be involved in MEMA decision-making processes and management. This includes Aboriginal membership at senior levels (both executive functions and management levels).
6. Environmental degradation, pollution, and climate change impacts were raised as key issues. More specifically, significant concern was expressed regarding changing migration habits, changes in fish stocks, destruction of seagrass beds, toxic pollution, farm run-off and river discharge.
7. Regulation and enforcement were major areas of concern. These often precipitated a cascade of events which resulted in many Aboriginal

people avoiding traditionally practiced activities or even accessing local areas. Fear of enforcement, fines and questioning of cultural rights were frequently reported.

8. Aboriginal fishers, both recreational and commercial, experienced a wide range of regulatory and legal hurdles and misunderstandings. The most prominent example of this was the frequently assumed state where abalone catch was banned or extremely limited (a traditional food staple for many coastal communities particularly in the lower central and southern regions of the state) and the perceived illegality of pipi collection for human consumption (again, a traditional practice which is effectively curtailed by contemporary regulation and enforcement).
9. Interactions across many levels of government and regulatory practice are widely held to either exclude Aboriginal people or effectively ignore Aboriginal people from the political and regulatory processes that directly impact upon the marine estate (particularly zoning decisions, development impacts, contradictory responses to cultural and environmental concerns).
10. Resourcing and capacity issues were paramount for most Aboriginal communities and organisations. The competing priorities for cultural knowledge holders, senior community members, and culturally-appropriate voices make resourcing and support absolutely critical for effective Aboriginal involvement and participation in MEMA activities (particularly the development, monitoring and ongoing management of the marine estate).

The feedback provided during workshops and stakeholder engagement on inclusive and effective aboriginal management approaches included:

- The need for Aboriginal experts to be included on the authority – executive, management and research levels especially. In many instances one or two Aboriginal representatives are nominated onto boards of management but the organisational structures reporting to them do not mirror these principles. In some cases there is no Aboriginal involvement in site works, research activities or analysis. For advisory and decision-making processes to effectively reflect Aboriginal engagement and cultural knowledge there needs to be a parallel process for building and incorporating capacity within all levels of the organisations.

- Without Aboriginal people being directly and automatically involved in the decision-making processes cultural and personal rights will remain at risk. This aspect is a particularly crucial one in that merely having Aboriginal people on a board or committee does not guarantee that Aboriginal perspectives and rights are automatically engrained in the decision-making process. There is a common frustration in many committees due to the nature of Aboriginal advice and guidance being solely discretionary or advisory in nature. This does not guarantee that Aboriginal viewpoints carry authority or are given appropriate weighting in decisions.
- A specific and clear process for managing and accessing culturally-owned and informed data must be established. This is not a matter of simply knowing the detailed information, rather it is knowing broadly what is permissible and what is not.
- Monitoring and evaluation of marine estate activities and engagement with Aboriginal people will require appropriate resourcing and support. Focus will be required to ensure that actions are reported, evidence bases are built and best practice examples distributed.
- The provision of resourcing and capacity support for community-driven and community-led studies and research will be a key element of effective monitoring.
- Management of cultural information must be specifically addressed in the TARA process and more broadly in MEMA management systems. To be able to adequately address threats and risks there needs to be a cultural protocol for having knowledge holders to be able to share information or to find out what information can be shared or not shared.

The major issue concerning engagement with individuals, organisations and communities throughout this process was simply one of extremely limited awareness levels. Very few individuals not directly involved with primary production industries or fisheries management were even aware of the existence of MEMA and management mechanisms. There is a clear and pressing need for increased and improved communications with the Aboriginal community, stakeholder groups and key organisations regarding

MEMA, its roles and responsibilities, its relationship to other overlaying management structures, and its priorities for Aboriginal engagement.

Terminology & Acronym Guide

ACHAC	Aboriginal Cultural Heritage Advisory Committee
AFAC	Aboriginal Fishing Advisory Council
DPI	NSW Department of Primary Industries
EPA	NSW Environment Protection Authority
LALC	Local Aboriginal Land Council
MEMA	Marine Estate Management Authority
NPWS	National Parks and Wildlife Service
NSWALC	NSW Aboriginal Land Council
NTSCORP	Native Title Services Corporation (NSW)
OEH	NSW Office of Environment and Heritage
ORALRA	Office of the Registrar, Aboriginal land Rights Act 1983 (NSW)
TARA	Threat and Risk Assessment

1. Introduction

1.1 Background

The NSW Marine Estate Management Authority (MEMA) has undertaken a draft threat and risk assessment of the NSW marine estate (statewide TARA) that identifies and prioritises the social, economic and environmental threats to community benefits of the marine estate (Sea Country). MEMA has undertaken consultation on the draft TARA and will finalise it following community feedback.

The draft statewide TARA consists of three assessments that examined threats and risks to:

1. environmental assets (such as fish stocks) in coastal and marine waters.
2. environmental assets (such as saltmarshes) in estuaries.
3. social and economic community benefits (such as Aboriginal cultural heritage).

Each of these assessments will inform the NSW Government's management decisions and actions for Sea Country for the next 10 years through the development of a new Marine Estate Management Strategy (the Strategy) and the development of new marine park management plans.

Origin Communications Australia was commissioned to facilitate engagement with Aboriginal communities on the draft statewide TARA.

1.2 Complexity and sensitivity associated with definitions of Aboriginal 'culture', 'cultural practice', 'cultural knowledge'.

The definition of cultural practice, knowledge and authority is an ongoing area of complexity with competing viewpoints and perspectives. It is important to note that this report DOES NOT make any assertions, judgments or decisions regarding the cultural authority of participants. Nor does it assess the discrete or relative values of the differing views within and between NSW Aboriginal communities and regions.

For the purposes of this report ALL comments and recommendations regarding Aboriginal-specific impacts and recommendations are noted as provided during the engagement process.

1.3 Purpose of the Aboriginal community workshops

Origin Communications Australia facilitated a series of one-day workshops to review the draft statewide TARA for the NSW marine estate.

The purpose of the workshops was to:

- explain the findings of the draft statewide TARA and the processes undertaken to develop and undertake the assessment
- seek feedback on the evidence-base used and ask for any additional evidence to inform the final statewide TARA
- outline the online submission process and next steps for finalising the statewide TARA and related marine estate projects
- seek feedback about engagement and feedback mechanisms that will ensure meaningful and continuous engagement for Aboriginal communities in marine estate management processes.

2. Engagement Approach

2.1 The engagement process

The engagement approach was designed to target:

- peak Aboriginal organisations including Aboriginal Affairs
- key statutory advisory bodies with interests in Sea Country, such as the NSW Aboriginal Land Council (NSWALC), Office of the Registrar, Aboriginal Land Rights Act and NTS Corp
- State and regional Aboriginal advisory bodies such as the Aboriginal Fisheries Advisory Council (AFAC) and the Aboriginal Cultural Heritage Advisory Committee (ACHAC)
- local and regional Aboriginal organisations
- community members with experience in, and knowledge of Marine Estate management processes.

The engagement process and targeted stakeholder approach was designed to enable:

- the delivery of, and discussion about, a substantial amount of complex information
- the delivery of, and discussion about, regionally relevant hypothetical scenarios designed to increase understanding of the TARA framework and process, including evidence used to inform the findings
- activities to consider a substantial number of risk rankings that are relevant to Sea Country and to discuss and develop feedback, specifically in relation to gaps, inaccuracies, and evidence
- engagement approaches that will improve future engagement in marine estate management processes.

2.2 Engagement with peak Aboriginal organisations and advisory bodies

An initial joint workshop was held with the Aboriginal Fishing Advisory Council (AFAC) and the Aboriginal Cultural Heritage Advisory Committee (ACHAC) on 2 March 2017 in Sydney. The aim of this workshop was to seek both committee's perspectives, expertise and advice on the engagement process and statewide TARA findings prior to the community consultation phase.

Comments and feedback were also sought from the NSW Aboriginal Land Council (NSWALC); Native Title Services Corporation NSW (NTSCorp); and the Office of the Registrar, *Aboriginal Land Rights Act 1983* NSW (ORALRA).

2.3 Regional Aboriginal Community Workshops

A team of Aboriginal facilitators from Origin Communications Australia was contracted facilitate nine (9) regional Aboriginal community workshops. The team included experienced Aboriginal facilitators from three different cultural groups and nations and included both female and male facilitators (as a normal practice to ensure gender equity and cultural respect).

2.4 Location and type of workshops

The nine workshops were held in locations directly proximate to Sea Country, from the Tweed heads at the Queensland boarder in the north to the Victorian boarder in the south.

Workshops were held in the following locations

Workshop Location	Date
Newcastle	10-Mar-17
Byron Bay	13-Mar-17
Coffs Harbour	15-Mar-17
Wollongong	20-Mar-17

Nowra	21-Mar-17
Ulladulla	24-Mar-17
Port Macquarie	27-Mar-17
Bega	28-Mar-17
Sydney	30-Mar-17

2.5 Participation and involvement

Attendance and participation at the regional workshops was open to all Aboriginal community members, organisations and interested parties.

Additionally, a comprehensive list of Aboriginal representatives from community organisations and agencies was directly contacted to invite their participation and provide information of the coastal workshops – in all, over 150 separate agencies, services, organisations and stakeholders representing Aboriginal interests were invited from the coastal and related areas of NSW.

Direct invitations were distributed electronically via email and, where email was not the preferred communication method, direct telephone calls and postal delivery was provided. Specific requests were made in the invitation for organisations and stakeholders to send multiple representatives, include both male and female participants where possible, and distribute to respective memberships.

Statewide, regional and local networks, including Local Aboriginal Land Council (LALC) membership alerts, inter-agencies and forums, Koori Interagency Meetings, as well as Facebook Groups and other distribution methods were employed.

Participation in the face-to-face workshops was low in terms of numbers but extraordinarily high in terms of quality advice and knowledge. The later section *Review of Engagement Approaches* details specific elements that were successful and learning for future activities.

Participation in workshops was quite broad, ranging from members and management of LALCs, Aboriginal community members, Traditional Owners, former members of peak advisory bodies, local fishers, local government,

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Aboriginal people involved with tourism, training and community development, NPWS personnel, and health workers.

Participants frequently noted the consistent difficulty in engaging their local community members and organisations on marine or water issues. This was regarded as a major problem within communities as ocean and estuary issues directly impacted on cultural and community life but was not as ‘front of mind’ as other issues such as land rights, land development, housing, health and similar competing priorities for already disadvantaged communities.

This limitation on capacity for engagement and involvement by Aboriginal communities was seen as a key barrier for MEMA to overcome in partnership with communities.

The participation and generosity of all those who contributed is gratefully acknowledged.

Table 1 Number of participants that attended each workshop

Workshop location	Number of attendees
Byron Bay	5
Coffs Harbour	4
Port Macquarie	3
Newcastle	3
Sydney (La Perouse)	2
Wollongong	2
Nowra	7
Ulladulla	3
Bega	0 ¹
Total	29

¹ Additional individual meetings and engagement was undertaken for this location due to workshop attendance issues.

2.6 Workshop structure and approach

A workshop format was developed to enable participants to provide their priorities for, and advice on, issues associated with the draft statewide TARA. A copy of the workshop outline is included at Appendix A.

A basic background on MEMA and the development process of the draft statewide TARA (including Aboriginal-specific input and specifically contracted documentary works) was provided.

Given the range of communities and locations being engaged in this process a series of hypothetical examples was used to demonstrate the risk assessment approach. These hypotheticals incorporated local issues as identified by participants to enable familiarisation with the risk matrix approach and categories of stressors.

OEH and DPI personnel assisted in a hands-on explorative approach to the use of an online interactive TARA tool. This was designed to enable participants to directly follow their personal or community priorities in the draft TARA evidence base in an easy to use database. For instance, many participants specifically looked at current levels of knowledge regarding pollution in their local marine areas, whereas other people focused on culturally significant areas within the region. The exploration of data via the online tool utilised iPads for one-on-one discussions and screen projection for group deliberations which enabled participants to explore the TARA tool online, live and in real-time.

Each workshop was unique both in the range of participants and the levels of information discussed. A flowing narrative approach was often utilised to enable community members to explain their own priorities and this frequently led to detailed group discussions or specific one-on-one discussions.

2.7 Individual discussions and feedback

There were many individuals who requested follow-up conversations or the opportunity to submit further information to the statewide TARA process. This included people with specific cultural concerns, gender-specific issues and knowledge, or simply those who did not use computers or preferred to engage in a more comfortable, less formal environment.

These discussions included a range of individuals including those who were reticent to discuss sensitive cultural issues in open public forum or others who simply were unable to attend workshops due to prior commitments.

3. General comments on Statewide TARA

3.1 A range of perspectives at varying scales

In this report the following issues, threat assessments, recommendations and suggested solutions will be noted without specific attribution in case where the issue or approach is widely applicable across MEMA regions or locations. In some instances, however, distinct local priorities or concerns were raised which require specific MEMA responses for the TARA process.

These regional and local differences mainly cluster around the following topics:

- Differences in catch type and marine life (e.g. abalone in colder waters only).
- Differences in attitudes toward commercial fishing activities involving Aboriginal fishers (e.g. discussion of “poaching” was restricted to the lower central and southern regions exclusively).
- Differences in environmental impacts and concerns (e.g. mining impacts only noted in the central region due to coal mining and significant dust impacts).
- Differences in marine habitat and ecology (e.g. shark nursery changes only noted specifically in the central region).
- Differences in Aboriginal commercial fishing involvement (e.g. in some southern region communities there are no Aboriginal commercial fishers or boat owners due to changes in the local industry and economic circumstances).
- Differences in management approaches and structures across NSW (e.g. Aboriginal involvement in marine park management was only noted in the southern region through a dedicated Aboriginal position, due to local marine park establishment).

Where specific and locally identified examples are provided by participants (as summarised above) these are noted accordingly through the report.

3.2 Overall responses to the draft statewide TARA

Generally speaking the majority of responses to the draft statewide TARA ranged in views. Some views were cautiously optimistic whereas others were significantly concerned about how Aboriginal cultural values, practices, impacts and priorities could be effectively and appropriately reflected within a risk matrix approach such as the TARA.

There was an overwhelming willingness to prioritise the marine and coastal areas now under the auspices of MEMA in planning and protection terms. The key significance of not only fishing and other cultural practices but the myriad of ways in which Aboriginal individuals, families, and communities utilise and engage with the marine estate was repeatedly emphasised.

The extensive knowledge base that was evidenced across workshops and regions meant that many participants quickly grasped the TARA approach, threats identified and opportunities to address threats.

3.3 Comments and discussion on the TARA framework and structure

Whilst the diversity within and between Aboriginal communities is important to reiterate, a clear set of principles emerged from the workshops with regard to the statewide TARA framework that most participants articulated or supported. These should inform the finalisation of the statewide TARA process specifically and MEMA initiatives more broadly. These principles are summarised as follows:

1. Aboriginal Cultural aspects **must be included across all elements of the state-wide TARA.**
2. **Local and culturally authoritative viewpoints and knowledge** are essential in the process to effective engagement and management of Sea Country.
3. **Tangible/intangible demarcations of Aboriginal Culture and Heritage in the draft statewide TARA were widely seen as being arbitrary.**
4. Delineations between oceans/ estuaries/ beaches/ coastal rivers/ salt marshes/ sand dunes/ and other elements of the cultural and natural

landscape **do not reflect traditional or contemporary Aboriginal relationships with and responsibility for country and sea country.**

5. **A more holistic and culturally appropriate threat and risk assessment framework must be reflected in the updated TARA** to ensure that *connections and relationships* between the notionally separate aspects (such as estuary or ocean) are described, assessed and managed with appropriate cultural authority to ensure a comprehensive landscape and seascape approach is utilised.
6. **The notion of ‘derived benefit’ which underpins the draft statewide TARA framework must be clearly defined for Aboriginal people** as core aspects such as spiritual connection and cultural responsibility for land and sea are not readily reflected in a risk/benefit matrix which includes ‘benefits’ such as the ability to apply for a licence. The issue of licences is a critical one for many Aboriginal people as represents a government decision-making process over what many regard as an inherent cultural right. This makes viewing the ability for an Aboriginal person to apply for a licence somewhat at odds with the concept of inherent and inalienable rights.
7. **A separate Aboriginal section of the statewide TARA** – above and beyond specific inclusions in risk levels already drafted – is an essential component for Aboriginal people to see that their rights and perspectives are tangibly reflected and appropriately respected.

4. Key issues emerging from workshops

Across all nine workshops, stakeholder engagements and individual feedback there emerged a clear clustering of priority issues regarding Aboriginal cultural heritage and continuing active use and appreciation of the Marine estate. These can be summarised as follows:

1. Clear recognition of the deep and continuing Aboriginal involvement with, and responsibility for Sea Country and activities throughout NSW.
2. Protection of, and appropriate relationships with the marine estate are not new to Aboriginal people in NSW – they are fundamental and long-held cultural practice. In many ways mainstream agencies and governments are only now becoming aware of what Aboriginal people have been saying for decades regarding marine issues, coastal development, pollution and embedded cultural knowledge and wisdom.
3. Aboriginal culture must be reflected in all aspects of the statewide TARA and not relegated to traditionally delineated areas such as ‘tangible’ or ‘intangible’ heritage.
4. Aboriginal rights must be clearly and consistently respected in the marine estate areas. There was ongoing concern that multiple government processes were perpetuating a situation whereby non-Aboriginal people made decisions concerning Aboriginal culture, heritage and rights. The marine estate included many intersections of poor policy, poor practice, poor planning and poor engagement by diverse government agencies at all levels.
5. Culturally authoritative Aboriginal voices must be involved in MEMA decision-making processes and management. This includes Aboriginal membership at senior levels (both executive functions and management levels).
6. Environmental degradation, pollution, and climate change impacts were raised as key issues. More specifically, significant concern was expressed regarding changing migration habits, changes in fish stocks, destruction of seagrass beds, toxic pollution, farm run-off and river discharge.
7. Regulation and enforcement were major areas of concern. These often precipitated a cascade of events which resulted in many Aboriginal

people avoiding traditionally practiced activities or even accessing local areas. Fear of enforcement, fines and questioning of cultural rights were frequently reported.

8. Aboriginal fishers, both recreational and commercial, experienced a wide range of regulatory and legal hurdles and misunderstandings. The most prominent example of this was the frequently assumed state where abalone catch was banned or extremely limited (a traditional food staple for many coastal communities particularly in the lower central and southern regions of the state) and the perceived illegality of pipi collection for human consumption (again, a traditional practice which is effectively curtailed by contemporary regulation and enforcement).
9. Interactions across many levels of government and regulatory practice are widely held to either exclude Aboriginal people or effectively ignore Aboriginal people from the political and regulatory processes that directly impact upon the marine estate (particularly zoning decisions, development impacts, contradictory responses to cultural and environmental concerns).
10. Resourcing and capacity issues were paramount for most Aboriginal communities and organisations. The competing priorities for cultural knowledge holders, senior community members, and culturally-appropriate voices make resourcing and support absolutely critical for effective Aboriginal involvement and participation in MEMA activities (particularly the development, monitoring and ongoing management of the marine estate).

One way of conceptualizing the connections, threats and ramifications to Aboriginal cultural knowledge and rights in the marine estate is the following diagram (based on discussions from several workshops).



Figure 1 Conceptualization of the connections, threats and ramifications to Aboriginal cultural knowledge and rights in the marine estate.

5. Specific issues and suggestions relating to Social and Economic TARA ratings of Cultural Heritage and Use

“To look after country is to have an obligation and responsibility to all things in the environment. It is all interconnected and this is the most sacred things in the Aboriginal culture.”

[Aboriginal woman and Traditional Owner]

“Has anyone said that you are managing our assets?”

[Aboriginal man and community leader]

“Risk is we can’t sing the story of that site or the song line of that area. If the midden is not there in 200 years then my great grandchildren will not be telling the story of that place.”

[Aboriginal man and heritage officer]

Issues specific to Aboriginal cultural heritage and use identified in the social and economic section of the draft statewide TARA were varied and included references to several threat categories as noted below. There was considerable overlap between some threat categories and this serves as a timely reminder of the interconnectedness of sea and land for Aboriginal people and cultures.

The threat categories derived from the risk matrix are:

- Resource use and conflict
- Environmental

- Governance of the marine estate
- Public safety
- Critical knowledge gaps
- Lack of access availability

The following sections detail the responses to each of these distinct threat categories and draft risk ratings. Responses are sectioned into regional responses to reflect the three marine estate regions used for the TARA matrix, namely:

- North Region (Tweed River to Stockton)
- Central Region (Stockton to Lake Illawarra)
- South Region (Lake Illawarra to Victorian Border)

5.1 Resource use and conflict

5.1.1 Summary of cultural and community conflicts and resource attitudes

During many of the workshops the issue of competing viewpoints concerning resource allocation and use of the marine environment became apparent.

One of the major areas of concern centred on some non-Aboriginal people's use of the marine estate and resources. Several areas of concern were highlighted across regions including decimation of specific stocks, inappropriate use of coastal locations, destruction of fishing and breeding grounds through overdevelopment, tourism impacts on previously productive areas or significant sites, and a general disdain for Aboriginal cultural knowledge and authority in local decision-making processes.

In addition to this broader divergence between Aboriginal cultural perspectives and what may be termed mainstream Australian community attitudes there was specific attention paid to the impacts of invasion, colonization and community dislocation on Aboriginal people today (within and between different communities and locations).

In many places along coastal NSW new groups of Aboriginal people (individuals, families, extended kinship groups) have moved onto country and traditional lands that, in cultural terms, belongs to other Aboriginal groups. This diaspora has primarily resulted from people being displaced due to colonization, community dislocation, legislative imposition and, more recently, movement driven by career and location choices.

The key issue here is location and connection to cultural spirit for people still living on their own country compare to those who are living off country in an area where they do not traditionally belong.

For the purposes of illustration only - and not highlighting any specific cultural group or nation - this situation may involve an Aboriginal person from an inland area such as Moree (Gamilaroi Country) currently residing or growing up in Foster (Biripi Country). Similarly, Aboriginal people from various

coastal communities may be living or residing on country to which they have cultural links but not necessarily the culturally right to speak with authority on behalf of that land and sea country. ***Again, for illustration purposes only***, this circumstance might entail an Aboriginal person from Nowra (Yuin Country) living in eastern Sydney (Eora Country).

As a consequence of this movement there are varying attitudes to the use, management and protection of natural resources, including marine life and marine habitats.

Many participants indicated that their connection to and responsibility for country (including sea country) was inherently drawn from their personal understanding of the environment and the knowledge that has been handed down to them through ancestors and Elders *for their traditional lands and seas*. The centrality of this knowledge and understanding guides their cultural rights and the imperative that they speak on behalf of their traditional lands and waterways.

The strength of this connection informs many community members' perspectives on the marine environment and, critically for the TARA process, the application of concepts such as "resource management" and delineations between economic, cultural, environmental and social uses of the marine estate.

For many participants there was a perception that *some* Aboriginal people residing on these local lands (i.e. "off country") did not have the same cultural viewpoints regarding marine catches or the broader use of the marine environment. This was particularly noted with regards to the issue of cultural authority to speak on behalf of (and protect) cultural lands and waterways. Whilst by no means universal this situation was cause for considerable angst amongst many traditional owners and community Elders since their cultural authority and rights were being usurped or circumvented in many discussions regarding the marine estate, land use and development more generally.

Numerous examples were provided in which the senior members of the local community (variously referred to as Traditional Owners, Aboriginal Owners, Custodians, Knowledge Holders, Lore Keepers, Elders)² were not afforded the right to speak on behalf of their own country. Instead, it was often the case that Aboriginal people from other cultural areas.

² Refer to glossary for terminology explanations.

This was regarded as being in direct opposition to customary practice and traditional lore.

Conversely, many of these senior representatives indicated that Aboriginal people currently living on their lands were welcome to understand and engage with the marine areas so long as this was done with respect. Importantly this respect must be for both the marine environment itself and the Aboriginal owners and knowledge holders.

It is far from a simplistic axiomatic situation of on-country versus off-country. Instead, the cultural authority required to make decisions for and on behalf of land and sea must be firmly established through local Aboriginal customary approaches.

5.1.2 Regional-specific issues and examples from workshops

Region-specific issues	TARA stressor relationship	Summary of issues
North Region	Excessive or illegal extraction	<ul style="list-style-type: none"> • Lack of compliance by commercial fishers with approved type and location of fishing activities. • This includes overfishing, use of long-line nets, encroachment on sanctuary areas. • Attitudes towards jurisdictional oversight and responsibility vary widely with apparent differentiation between use of nets “in the water” somehow being divorced from wider waterway and environmental management issues. • Poaching in the northern region was confined to non-commercial fishers damaging commercial crabbing nets and lines. • Non-Aboriginal people taking undersize or juvenile prawns was raised as a major concern (e.g. estuaries such as Yamba and Ballina). • Tourism-driven destruction of marine catch and shellfish in particular by non-Aboriginal people was raised (e.g. tourist buses arriving from Sydney and removing multiple loads of shellfish from Stockton Beach and surrounding areas)
	Conflict over resource access and use	<ul style="list-style-type: none"> • Activities such as long-line netting results in significant damage to sea bed habitat and sea grass areas (e.g. Warrell Creek in the Nambucca area which includes the Gaagal Wanggaan National Park and adjacent Nambucca River). • The clear power differential between Aboriginal values and interests is manifest in the swift

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		<p>response by Police, DPI and NPWS to complaints by commercial fishers regarding this poaching activity whereas repeated concerns for habitat areas and changes in species catch raised by Aboriginal people were ignored.</p> <ul style="list-style-type: none"> • Tourism impacts are serious, ranging from depletion of fish stocks (e.g. Nambucca River), remote access areas (e.g. Warrell Creek), overdevelopment (e.g. Ballina and Yamba), erosion effects from recreational craft (e.g. jet skis increasingly being used on Warrell Creek and Hastings River) • Conflicts also occurred when Aboriginal people were not allowed to collect traditional foods such as pipis (as a food source rather than as bait) in the same locations as commercial licenses were granted to non-Aboriginal businesses (e.g. South West Rocks).
	Overcrowding / congestion	<ul style="list-style-type: none"> • Tourism impacts are serious, ranging from depletion of fish stocks (e.g. Nambucca River), remote access areas (e.g. Warrell Creek), overdevelopment (e.g. Ballina and Yamba), erosion effects from recreational craft (e.g. jet skis increasingly being used on Warrell Creek and Hastings River) • Overall increase in development in northern region has dislocated Aboriginal communities and increased general population access to the landscape (e.g. Port Stephens boat ramps and marinas, housing developments on old sand mines near Hastings Point and Pottsville).
Central Region	Excessive or illegal extraction	<ul style="list-style-type: none"> • Sea urchin removal by non-Aboriginal people was a major issue in the Sydney region.
	Conflict over resource access and use	<ul style="list-style-type: none"> • Coastal development along the central coast and lakes areas created significant environmental damage. • Housing development approvals included coastal headland and boundary areas that are significant to Aboriginal communities (e.g. Little bay redevelopment near Malabar).

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		<ul style="list-style-type: none"> • Previously accessible areas are now off limits due to contamination or physical barriers (e.g. Wollongong Harbour, former BHP sites, competition with non-Aboriginal fishers during seasonal runs such as mullet and salmon). • National Park access and use of resources within these areas continues to be problematic for many Aboriginal people (e.g. traditional women’s areas near La Perouse and perceptions that non-Aboriginal fishers are afforded greater latitude with fishing locations and license checks).
	Anti-social behaviour and unsafe practices	<ul style="list-style-type: none"> • Water craft, especially jet skis and leisure boats, resulted in damage to river banks and stress on sea bird breeding locations (e.g. the Georges River).
South Region	Excessive or illegal extraction	<ul style="list-style-type: none"> • Over use of resources was a major concern for abalone, pipis and local fish species (e.g. Jervis Bay, Port Botany) • Overcatch and fishing in sensitive areas by commercial fishers (e.g. Wallaga Lake for fish and Jervis Bay for shellfish with areas being “completely destroyed” due to excessive and inappropriate extraction). • The issue of Aboriginal fishers not respecting the local environment and over-fishing was raised as a significant concern on the south coast (e.g. Jervis Bay, Batemans Marine Park). • This internal community issue was also associated with limited numbers of Aboriginal people “advising” or “covering” non-Aboriginal commercial fishers under the guise of cultural catch or cultural access rights which resulted in significant over-catch, species decline and environmental damage (e.g. Wallaga Lake). • Associated with this was the use of cultural catch rights in a semi-professional manner to provide a basic income or bartering economy with local fishers or stores (e.g. Jervis Bay) – this was

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		<p>understood by most as a reasonable activity for ones own family needs but concern was raised when this activity broadened into ongoing commercial or semi-commercial arrangements which resulted in excessive catches.</p>
	<p>Conflict over resource access and use</p>	<ul style="list-style-type: none"> • Major concerns regarding environmentally unsound local planning decisions and approvals for coastal developments (e.g. Marina at Shellharbour). • Mining use of coastal areas was in direct conflict with habitat preservation and significant breeding areas (e.g. Grey Nurse sharks north of Wollongong and underground blasting permits close by fisheries). • Conflict was also apparent for fresh water lakes being endangered by mining or blasting activities (e.g. fresh water lakes south of Lake Illawarra). • Access to culturally significant sites for the ongoing practice of culture, education of younger community members and tourism ventures was often in conflict with land use restrictions or ownership provisions (e.g. headland areas near Ulladulla, headland areas near Culburra).

5.1.3 Broad recommendations arising from workshops concerning current risk ratings in the draft TARA for ‘Resource use conflict’

In the majority of instances, for the threat of ‘Resource use conflict’ the draft statewide TARA notes stressors as “low” with specific areas being noted as “minimal” (e.g. excessive or illegal extraction) or “moderate” (e.g. anti-social behavior and unsafe practices). Based on Aboriginal community feedback the following changes would be advised across all three regions. While the specific nature of threats and local examples of risks may differ regionally the underlying risk profile and examples provided by Aboriginal stakeholders indicates a high degree of consistency in risk levels:

Stressor	Suggested changes
‘Conflict over resource access and use’	INCREASE to ‘moderate’ or ‘high’ for all Tier 1 and Tier 2 benefits, particularly ‘Cultural heritage & use’.
‘Anti-social behaviour and unsafe practices’	MAINTAIN moderate ratings and increase to ‘moderate’ for ‘consumptive use (extracting)’ and ‘Intrinsic & bequest values’.
‘Overcrowding / congestion’	INCREASE to ‘moderate’ for ‘consumptive use (extracting)’ and ‘Cultural heritage & use’ and ‘Intrinsic & bequest values (economic intrinsic value)’ and ‘Individual enjoyment values (consumer surplus)’.
‘Loss or decline of marine industries’	INCREASE to ‘moderate’ for ‘Enjoyment’ and ‘Cultural heritage & use’.
‘Excessive or illegal extraction’	INCREASE to ‘moderate’

	for all Tier 1 benefits.
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5.1.4 Reports or evidence cited

- *National Marine National Resource Management Plan 2017-2022 (Draft),* Ocean Watch Australia.

5.2 Environmental

“Nature tells you what’s around. When something is in flower you catch this. When the wind is this way you catch that. Now it’s just a story and misplaced. Our cultural ways are swept under the rug.”

[Aboriginal Elder]

“Remember the change in the environment was done by the whitefellas.”

[Aboriginal community leader]

“We used to go prawning down at the basin every year. One thing, we went down last year and the Asian family were netting the whole area. They were ripping up so much, including the ocean floor, even then the prawns they were taking were too small.”

[Aboriginal community member and fisher]

5.2.1 Summary of environmental issues and concerns

Environmental concerns were one of the most commonly reported concerns in the workshops.

The range of environmental concerns raised by Aboriginal people in the workshops was extensive, ranging from mining runoff to sewage outflows; shipping waste to location of garbage dumps; toxic pollution to four-wheel drive damage. The impacts of these challenges were particularly described in terms of wildlife impacts (reduced species or complete absence of previously plentiful types), changes to the ecosystem or marine ecology which resulted in sand build up or altered breeding patterns, and what many regarded as inappropriate and destructive development decisions (marinas, berthing areas, cleaning areas).

The most significant aspect of environmental impacts raised during the workshops centred on the lack of Aboriginal involvement in decision-making and the consequent destruction of or damage to significant cultural sites. This included midden areas, wetlands, totemic animals, ceremonial and cultural sites. The offshore areas that are currently underwater were felt to be particularly at risk due to the difficulty in accessing them and the derogation of long-held Aboriginal cultural knowledge of and connection to these areas (especially undersea mountains and hunting grounds that were available until the end of the last ice age).

There is a high degree of interest in environmental issues but often few chances or opportunities for Aboriginal people to become involved with mainstream environmental programs. The knowledge and cultural importance of maintaining environments and the species diversity within them would be of great value in environmental projects and planning mechanisms.

Pollution and environmental damage is resulting in cultural practices such as weaving, abalone collection, gathering of pipis, and other practices no longer occurring. This has major impacts across many aspects of cultural life and, in many instances, is severely curtailing the ability of Aboriginal people to not only enjoy their cultural fishing rights today but impeding their ability to hand on cultural information and practice cultural activities with their younger generations.

5.2.2 Regional-specific issues and examples from workshops

Region-specific issues	TARA stressor relationship	Summary of issues
North Region	Habitat (physical) disturbance (e.g. from foreshore development, commercial and recreational fishing methods, four wheel driving, and extractive industries (mining))	<ul style="list-style-type: none"> • Mining activities resulting in dust covering waterways and rivers which is reducing fish supplies (e.g. Nelson Bay) • Water quality being reduced due to mine dust (from mines in Hunter region and also from trains transporting coal to Newcastle Port). • Industry legacy issues such as old buildings and abandoned equipment (such as the old BHP sites around Newcastle Harbour). • Land clearance for farms and residential development was noted as a major issue for environmental degradation due to increased silt and pollution in waterways. • Logging impacts due to deforestation and increased runoff (e.g. Wauchope, Port Macquarie, Nambucca, Grafton). • Erosion issues were noted due to tree clearance and riverbank subsidence from cattle. • Impacts of related legislation, particularly the <i>Rural Lands Protection Act 1998</i> does not require Aboriginal involvement or cultural heritage assessments which excludes Aboriginal people. • Unapproved marina development, including boats becoming stuck because of sand build up due to inappropriate design.

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		<ul style="list-style-type: none"> • Floating wharves are supposed to have gaps to allow sunlight for underlying sea grass beds but in many instances this does not happen in accordance with the planning requirements, resulting in significant destruction of seagrass beds. • Smell and stench from dead sea grass is now common- greatly impacting on environment quality and access to the estate (e.g. Port Stephens). • Locations of local garbage and recycling dumps have included wetland areas and also impacting on mangroves as they expanded (e.g. Nelson Bay and Port Stephens). • 4WD activity on beaches is causing significant damage to key species such as pipis. • 4WD tracks and overuse on Stockton Beach has resulted in major erosion and disruption of nesting areas for shore birds and migratory species in the adjacent wetlands. • There is little monitoring or control of this 4WD impact. • Some areas are regularly stripped of pipis, clams and other marine life due to tourist buses bringing large numbers of non-Aboriginal people to areas such as Stockton Beach because of the ease of access.
	<p>Sediment contamination (toxicants in sediment; dioxins in Sydney Harbour, Cooks River)</p>	<ul style="list-style-type: none"> • Mine run-off and pollution coming into waterways directly and also through dust which impacts large areas well away from the main mine site. • Coal dust pollution and associated acidic property damage (for example cement and brickwork degradation). • Mine slag is often on top of the water and is acknowledged to include some uranium component.

		<ul style="list-style-type: none"> • Mine activities are also releasing salt into waterways and rivers due to inappropriate dig levels. • Coal mining prevents Aboriginal people fishing in traditional areas due to run off and pollution (e.g. Stroud). • Sensitive areas such as Kooragang Wetlands and Reserve being impacted by coal dust and pollution from further up the valley. • Sand mining in some Northern Region areas is currently impacting on the marine environment and will continue when residential developments are built under current plans when mines cease operation (e.g. Port Stephens, Nelson Bay, Ballina, Casuarina). • Petrol and fuel spillages from marine craft (e.g. Nelson Bay). • Commercial shipping in Newcastle Harbour is causing marine noise and ballast pollution. • Acid sulphate soils are polluting waterways. • Toxic run-off (notably from Williamstown Air Force Base and recent toxic fire retardant pollution extensively through the local area and waterways).
	<p>Reduction in abundances of species and trophic levels</p>	<ul style="list-style-type: none"> • There was also a frequently noted issue of Environmental Impact Studies not including basic information - such as Grey Nurse Shark habitats being impacted by mining and species being placed at risk due to below sea level blasting and migration of north coast species. • Beaches used to have large stocks of abalone but these have completely disappeared with most likely reason being pollution (e.g. Shelley Beach and Miners Beach near Coffs Harbour). • Beach areas used to have starfish in abundance but now disappeared due to pollution (e.g. Town

		<p>Beach, Coffs Harbour).</p> <ul style="list-style-type: none"> • Dolphin numbers and sightings are fewer (e.g. Coffs Harbour). • Changing patterns of fish types are being noticed in areas such as Nambucca River and surrounding areas. • Catches of prawns and mud crabs have reduced significantly in locations such as Yamba and Port Macquarie. • Fish, sharks and whales are all totemic animals with spiritual and cultural significance for different Aboriginal groups along the northern coast. Changes in spawning, catch and prevalence numbers have a direct impact on cultural life and spirituality. • Linked to the significance of marine life for Aboriginal people is the need for communities to re-learn what species to catch and what constitutes a “safe” food source (e.g. warm water species moving further south and cold water species such as abalone being restricted accordingly). • Cultural gathering and fishing is directly impacted by reductions in stock (or changes in the balance of species and maturation). • Pipi numbers and size have diminished significantly in some areas due to environmental damage. • Prawn numbers had dropped significantly in some seasonal catches (e.g. Yamba, Ballina, Port Macquarie). • Over-fishing by commercial fishers has reduced supply and availability to recreational and cultural fishers (e.g. areas such as Warrell Creek). • Lax oversight and limited monitoring of licenses and actual catches has further reduced stock
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		<p>numbers.</p> <ul style="list-style-type: none"> • “Sustainability is the key to culture.”
	Water pollution on environmental values – Agricultural diffuse source runoff	<ul style="list-style-type: none"> • Farm run-off, manure and fertilisers are polluting the water table. • Increased nutrient levels from farming are impacting negatively on sea life (e.g. eels in Port Stephens area unable to transit to open sea due to increased sea grass growth near storm water discharge pipes) • Dead animals including poultry and cattle are polluting major coastal waterways (e.g. Clarence River, Manning River, Hunter River). • Blueberry farm run off was a significant environmental risk due to dumping and run off from the increase in farming around Coffs Harbour. The pots and chemicals used in the blueberry farming process were negatively impacting on fisheries and water quality.
	Water pollution on environmental values – litter, solid waste, marine debris, microplastics	<ul style="list-style-type: none"> • Plastic and micro plastic pollution is very common now (e.g. Port Stephens, Myall Lakes) and is reducing confidence in food safety.
	Water pollution on environmental values – urban stormwater discharge	<ul style="list-style-type: none"> • Storm water runoff is a major issue (e.g. Ballina, Nelson Bay, Coffs Harbour, Harrington, Myall Lakes). • Septic tank overflow particularly around heavy rains and flooding.

		<ul style="list-style-type: none"> • Sewage treatment outflows and overflows. • Pollution is having major effects on oyster farming and consumption, particularly when no catch is allowed
	Modified hydrology/hydraulics and flow regime	<ul style="list-style-type: none"> • Design issues with breakwaters and jetties creating environmental problems due to poor design and lack of tidal flow allowance (e.g. Nelson Bay). • Dredging especially around marinas and wharves, including the building of deep groins which stop the flow of water coming through. • Sand moving through harbours was a major concern.
	Climate change stressors (sea level rise, altered storm/cyclone activity, flooding, climate and sea temperature rise, altered ocean current and nutrient	<ul style="list-style-type: none"> • Rising sea and water levels are being experienced (e.g. Port Stephens area noticing shifts in water patterns and heights) and Coffs harbor area is noting increased sea levels. • The immediate and future risks to heritage areas like midden sites and significant coastal landscapes from sea level rise and storm intensity increases are of major concern (e.g. sand dune erosion and damage to fish traps near Arrawarra). • Weather pattern changes impacting fresh water run-off and severity of eastern low pressure systems is also being increasingly seen in areas such as Port Stephens. • Impacts on fresh water areas will be significant due to inundation and salt water invasion of wetlands that are significant breeding sites (e.g. freshwater lakes north of Woolli, Myall Lakes region and Port Stephens catchment). • Impacts of saltwater ingress into wetlands will reduce Aboriginal community's access and catch

		<p>from these areas.</p> <ul style="list-style-type: none"> • Saltwater increase will also damage grass and reed supplies associated with the littoral forests and many of these are used for cultural purposes and healing practices (e.g. traditional weaving). • Many areas within the marine estate that are presently underwater have significant cultural importance and meaning for Aboriginal communities. The sea level rises being observed heighten fears of additional cultural areas being lost. • The inherent connection between “place” and “story” is evidenced in fears for impacts on what are regarded as intangible sites and meanings. Put simply: “If these places don’t exist anymore then the stories can’t be told and the culture will no longer be upheld” and “If I can’t take my children to this place and tell them it’s importance and it’s meaning for us then it is lost to them. Just a memory”. • There is a culturally sensitive issue regarding wider knowledge of significant locations off the coast as former hunting pathways and dreaming tracks do not simply stop at the high water mark. There are stories and cultural knowledge associated with offshore islands that is important to protect and preserve (e.g. Solitary Islands and the associated cultural stories and connections).
	Wildlife disturbance	<ul style="list-style-type: none"> • Concerns were raised for migrating whales (humpbacks in particular) due to tourist encroachment and exclusion zones being ignored. The concern expressed was for the whales being threatened or harmed, not the tourists.
Central Region	Habitat (physical) disturbance (e.g. from foreshore	<ul style="list-style-type: none"> • Significant habitat damage and disturbance is occurring due to mining, particularly runoff. • Significant concerns about negative impacts from fracking and blasting associated with mining.

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	development, commercial and recreational fishing methods, four wheel driving, and extractive industries (mining)	
	Reduction in abundances of species and trophic levels	<ul style="list-style-type: none"> • Areas that were previously plentiful with prawns, crabs, pipis have changed within a single lifetime and are now cleared of these foods (e.g. Pussy Cat Bay near Little Bay in Sydney was an area that local Aboriginal people used for camping, abalone catch, oysters and general cultural use of this area but now no longer available).
	Water pollution on environmental values – Agricultural diffuse source runoff	<ul style="list-style-type: none"> • Pesticide runoff from farms is impacting on water quality. • Runoff impacts fish and limits which species or locations can provide food for Aboriginal communities. • Chemical runoff is a major concern from shipping, including increasing numbers of cruise ships (e.g. Sydney Harbour, Wollongong Harbour). • Chemical releases have occurred in the Wollongong area which concern local communities (e.g. Orica releases into the Bay near Foreshore 1 in Port Kembla). • Gas leakage and noise are key concerns arising from blasting in local developments and mining. • Impacts of pollution on traditional food sources such as oysters and pipis is significant as this directly prevents the handing down of traditional knowledge and cultural practices.

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	Water pollution on environmental values – litter, solid waste, marine debris, microplastics	<ul style="list-style-type: none"> • Impacts of pollution on traditional food sources such as oysters and pipis is significant as this directly prevents the handing down of traditional knowledge and cultural practices.
	Water pollution on environmental values – urban stormwater discharge	<ul style="list-style-type: none"> • Proximity of residential developments on Central Coast to waterways that discharge into Broken Bay (concerns about sewage, general waste and garbage dump toxic leaching). • Impacts of pollution on traditional food sources such as oysters and pipis is significant as this directly prevents the handing down of traditional knowledge and cultural practices. • Algal blooms in the Hawkesbury-Nepean River are impacting oysters and general water quality with community unable to eat any from this river in 2016 due to poisoning risk.
	Water pollution and sewage overflows	<ul style="list-style-type: none"> • Concerns were also raised regarding sewage outflow pipes off Sydney and Wollongong areas as Aboriginal people were not consulted about locations on the outer shelf where there are significant cultural sites (near undersea mountains and traditional knowledge and stories). These areas are culturally significant and there is a need to ensure that any outflows are positioned well beyond these sites.
	Climate change stressors (sea level rise, altered storm/cyclone activity, flooding, climate and sea	<ul style="list-style-type: none"> • Sea levels rises will impact on sea grass beds and flow on to fish and other animals. • Rivers will be impacted due to sea level rise and increased high tide events and flow changes.

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	temperature rise, altered ocean current and nutrient	
	Pests and diseases	<ul style="list-style-type: none"> • Coomaditchy Lagoon (near Port Kembla) has carp that have destroyed local species and environment.
	Wildlife disturbance	<ul style="list-style-type: none"> • The 5 Islands Reserve off the coast of Wollongong has had a lot of work to ensure survival of sea birds, including penguins after non-native species and neglect. These are significant islands in the local Aboriginal cultural landscape with dreaming stories and extensive connections. • Sharks, including culturally significant totemic species breed in the Georges River and there are significant concerns regarding residential development and sewage impacts on this area, not to mention the adjacent airport and shipping terminals in Botany Bay.
South Region	Habitat (physical) disturbance (e.g. from foreshore development, commercial and recreational fishing methods, four wheel driving, and extractive industries (mining))	<ul style="list-style-type: none"> • Open cut quarry impacts at Bass Point are significant due to blasting below sea level and associated marina development (Shell Cove). • Quarry activities will impact on significant species habitats such as the Grey Nurse Shark near Bass Point (immediately adjacent to the quarry with at least 30 years of underwater blasting to come). • Nearby freshwater lagoons contain significant cultural species such as long-neck turtles and frogs which are now endangered (Killalea lagoon and Shellharbour Swamp). • Marine developments are destroying habitats and changing water flows (e.g. Shell Cove Precinct Development at Bass Point).

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		<ul style="list-style-type: none"> • Aboriginal sites, middens, bush ovens and artefacts are being destroyed without any oversight or management system (e.g. Shell Cove Precinct). Aboriginal people not allowed on site to assess or remove heritage items. • Large midden sites are prevalent along the coast. • The Killalea State Park is a significant women’s area and this must be recognised in development planning and heritage assessments for this area. • Despite many recognised sites and locations Shellharbour Council records do not show any Aboriginal heritage evidence or site recordings. • The Shellharbour Council ‘Toolkit’ is widely regarded as best practice and received awards, however, it does not recommend that local Elders are consulted. This is seen as a major cultural flaw. • Land clearance for farms and residential development was noted as a major issue for environmental degradation.
	Water pollution on environmental values – Agricultural diffuse source runoff	<ul style="list-style-type: none"> • Pipsis and oysters in the Southern region are being damaged due to pesticide run off.
	Water pollution on environmental values – litter, solid waste, marine	<ul style="list-style-type: none"> • The location of fish cleaning areas was questioned as this lead to limited areas on beaches and bays becoming repositories for large amounts of by catch or remnants (e.g. Ulladulla Harbour fish cleaning area located in a corner of the bay and resulted in build up of waste and pollution).

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	debris, microplastics	
	Modified hydrology/hydraulics and flow regime	<ul style="list-style-type: none">• Ulladulla creek which empties into bay has a weir that disrupts fish breeding and results in a stagnant and smelly creek. Repeated attempts to have the weir removed (it was used for approximately 10 years in the early 1900s with a tannery that quickly collapsed) have been rejected due to a 'historical' label. This is despite the local Aboriginal community stating that it is a 7000 year old creek versus a disused 100 year old weir.

5.2.3 Broad recommendations arising from workshops concerning current risk ratings in the social and economic TARA for ‘Environmental’.

Several stressors impacting on Aboriginal cultural values are currently noted as “moderate” and this rating was directly contradicted by Aboriginal feedback and advice. Based on Aboriginal community feedback the following changes would be advised:

Stressor	Suggested changes
Pollution and sewage overflows (such as outfalls, STPs etc.)	INCREASE to <u>moderate</u> or <u>high</u> for all Tier 1 and Tier 2 benefits, particularly ‘Cultural heritage & use’.
Water pollution on environmental values – urban stormwater discharge	INCREASE to <u>moderate</u> or <u>high</u> for all Tier 1 and Tier 2 benefits, particularly ‘Cultural heritage & use’.
Water pollution on environmental values – Agricultural diffuse source runoff	INCREASE to <u>moderate</u> or <u>high</u> for all Tier 1 and Tier 2 benefits, particularly ‘Cultural heritage & use’.
Water pollution on environmental values – litter, solid waste, marine debris, microplastics	MAINTAIN <u>moderate</u> for ‘Cultural heritage and use’.
Wildlife disturbance (Shorebirds, Turtles, Whales) by dog walkers, 4WD, marine vessels, etc	INCREASE to <u>moderate</u> for ‘Consumptive use (extracting) and INCREASE to <u>high</u> for ‘Cultural and heritage use’.
Habitat (physical) disturbance (e.g. from foreshore development, commercial and recreational fishing methods, four wheel driving,	INCREASE to <u>high</u> for ‘Cultural and heritage use’.

and extractive industries (mining)	
Reduction in abundances of species and trophic levels	INCREASE to <u>moderate</u> for 'Cultural and heritage use'.
Pests and diseases	MAINTAIN <u>low</u> for 'Cultural and heritage use' with provision for specific location increases (e.g. oyster catch).
Modified hydrology/hydraulics and flow regime	INCREASE to <u>moderate</u> or <u>high</u> for 'Cultural heritage and use'.
Sediment contamination (toxicants in sediment; dioxins in Sydney Harbour, Cooks River)	MAINTAIN <u>low</u> for 'Cultural heritage and use' generally with provision for specific location increases (e.g. legacy industry sites).
Climate change stressors (sea level rise, altered storm/cyclone activity, flooding, climate and sea temperature rise, altered ocean current and nutrient)	MAINTAIN 'high' rating for 'Participation' and 'Enjoyment' values and INCREASE to 'high' for 'Cultural heritage and use'.

5.2.4 Reports or evidence cited

Aboriginal Cultural Heritage Management Development Assessment Toolkit, 2013 used by Shellharbour City Council, Wollongong City Council and Kiama Municipal Council.

Aboriginal Women's Fishing in New South Wales – An Annotated Bibliography of Documentary Sources, Department of Environment, Climate Change and Water, 2009.

Climate Change Adaptation Plan by North Coast Local Land Services (LLS).

Eden Land and Sea Plan.

Muurabay Cultural Centre (various resources, recorded stories, language activities and cultural heritage resources from the Gumbayngirr Nation).

Port Stephens Land and Environment Plan 2016.

Towra Bay Reserve – catch and use guidelines.

Tilligerry Creek Management Plan, Port Stephens Council, 2008.

Worimi Land and Sea Plan.

5.3 Governance of the marine estate

5.3.1 Summary of governance issues and concerns

Cultural decision-making must be embedded into the way MEMA makes decisions and identifies knowledge gaps.

Customary law/lore needs to be included in management decisions – this should be a clear direction in which the marine estate moves.

Compliance issues and regulatory frameworks were significant areas of concern and will require substantial work in order to develop trust and understanding between the Authority, Aboriginal communities and fishers, and regulatory agencies such as Department of Primary Industries (Fisheries).

Cross-border issues were also raised for Northern Region in particular and areas of the far Southern Region. The inclusion of connected and related waterways and landscapes was acknowledged as a major area of future work (e.g. links between Tweed and Logan River areas, support for Aboriginal people located in Victoria and QLD managing their cultural water resources).

“Once bitten twice shy. What’s the point?”

[Aboriginal community leader]

“I’ve asked for copies of reports and there’s been nothing. How can I educate and explain to my community if I don’t get the information and evidence. It’s a kick in the guts.”

[Aboriginal member of Management Board]

“We should be the ones protecting and looking after the environment and our culture.”

[Aboriginal community member and fisher]

“With the lack of signs and knowledge it’s hard because people don’t know. Then they get in trouble.”

[Aboriginal Elder]

5.3.2 Regional-specific issues and examples from workshops

Region-specific issues	TARA stressor relationship	Summary of issues
North Region	Inadequate, inefficient regulation, over-regulation (agencies)	<ul style="list-style-type: none"> • Definitions of ‘country’ should extend out to sea as the strict delineation between land and sea boundaries is not an Aboriginal boundary. • This reality of land <i>and</i> sea connection must be reflected in the governance approach of the marine estate otherwise arbitrary boundaries will exclude culturally significant places and connections. • The perceived lack of regulatory policing for commercial fishers and non-Aboriginal recreational fishers was a major point of contention. This issue highlighted perceived differences in approach and status under legal frameworks depending on whether the person fishing was Aboriginal.
	Lack of or ineffective community engagement or participation in governance	<ul style="list-style-type: none"> • Cast net are generally not allowed unless an Aboriginal person applies for a permit. This is despite cultural fishing rights and thousands of years using nets as a traditional method. The reality of fines prevents many Aboriginal people using nets or running the risk of significant fines if they choose not to apply for a permit. • In management terms these issues highlight the tension between government regulators and cultural authorities. Many Aboriginal people suggested that permission for such netting practices should only be sought from local Elders as the knowledge holders and senior

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		cultural authorities.
	Lack of community awareness of the marine estate, associated threats and benefits, regulations and opportunities for participation	<ul style="list-style-type: none"> • The impacts of the licensing regulatory framework was felt to be a significant barrier to younger Aboriginal generations being able to learn or practice their cultural heritage. • Younger generations were also more likely to push against mainstream regulations that do not respect and reflect their Aboriginal cultural rights.
	Lack of compliance with regulations (by users) or lack of compliance effort (by agencies)	<ul style="list-style-type: none"> • Related to this aspect of land verses sea boundaries is the complexity surrounding commercial fishers using long line nets which are damaging sea beds and sea grass. The licensing under which they operate is for use of the <u>water</u> whereas the sea bed is managed separately. An example of this is the Warrell Creek area south of Nambucca Heads and the Gaagal Wanggaan (South Beach) National Park north of Nambucca heads in which joint management arrangements only relate to the sea or river floor not the waters flowing above them. This creates significant tensions due to damage and overfishing
Central Region	Inadequate, inefficient regulation, over-regulation (agencies)	<ul style="list-style-type: none"> • Commercial fishing licenses are allowed in sensitive areas such as Lake Illawarra and Tuggerah Lakes despite catch sizes decreasing and repeated concerns being raised for these habitats. • There was a pervasive sense that Fisheries compliance officers targeted Aboriginal people who were practicing culture or exercising their cultural rights. This was one of the major areas of tension as many young Aboriginal people received significant fines or were

		<p>effectively hounded away from fisheries.</p> <ul style="list-style-type: none"> • There was some discussion of the differing attitudes to the NSW Local Aboriginal Land Rights Act (1983) and establishment of Land Councils. Those who did not agree with that legislation indicated that it was imposed on communities and did not reflect traditional knowledge holders or owners. • Alternatively, many people suggested that the LALC framework offered a potential benefit in terms of the provision of over-arching fishing, netting or commercial licenses (thereby alleviating pressure on Individual Aboriginal community members to pay or maintain licenses). • Another suggestion was for LALCs to be provided with free commercial fishing licenses as a means of developing an economic base for their local community. Current commercial fees were regarded as being unrealistic and out of reach for the majority of Aboriginal people.
	<p>Lack of or ineffective community engagement or participation in governance</p>	<ul style="list-style-type: none"> • The issuance if licenses are individual rather than collective. This highlighted the collision between Aboriginal cultural values and government approaches. • As a result, many Aboriginal people could not even assist a family or community member without first having to apply for a license in their own name. This has the effect of preventing community support and reducing knowledge transfer between generations. • There was a related perception that many of these compliance events were the response of non-Aboriginal people complaining about Aboriginal people accessing fisheries or coastal resources. • The primary role of Elders and Aboriginal knowledge holders was typified by the example of

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		<p>one senior Aunty, well into her eighties, who still needed to carry a license despite having significant cultural knowledge and skills such as seasonal markers and cultural knowledge. This was felt to be disrespectful of Aboriginal people and anathema to respecting cultural rights.</p>
South Region	Inadequate, inefficient regulation, over-regulation (agencies)	<ul style="list-style-type: none"> • Bag limits and fines for exceeding catch limits were a major issue for this region, particularly individual fines and repeated fine impositions. • Size of catch limits did not represent a family catch and prevented many Aboriginal people from being able to feed their large extended families in accordance with cultural practice.
	Lack of or ineffective community engagement or participation in governance	<ul style="list-style-type: none"> • The structure of advisory or community involvement did not prioritise or reflect the importance of Aboriginal cultural advice and knowledge. • An example of this was the various Marine Park Advisory Committees, some of which have two (2) Aboriginal representatives, others one, and some none. The core issues are that of capacity as the community engagement and education that was a requisite component of these two positions was an onerous role, and relative importance since the Aboriginal cultural implications of the parks are extensive and Aboriginal issues of central concern. • As a consequence, many Elders have simply given up after years of struggle and effort. • Related to this is the fact that many LALCs cannot easily have limits or restrictions easily clarified. There must be a mechanism to provide this information to community organisations in order to inform their communities and members.
	Lack of community	<ul style="list-style-type: none"> • Education and signage were major concerns as Aboriginal people were getting fined without

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	<p>awareness of the marine estate, associated threats and benefits, regulations and opportunities for participation</p>	<p>knowing they were fishing in marine park or exclusion zones.</p> <ul style="list-style-type: none"> • This was not only restricted to general community members. Aboriginal members of Boards of Management and Joint Management Committees indicated that information, even at management level, was difficult to obtain. • Several examples were given of repeated requests for copies of studies, surveys, and guidance documents resulting in no information forthcoming from the very agencies meant to be managing the estate. • This situation undermined Aboriginal people on these committees and reflected poorly on Aboriginal involvement in governance arrangements generally.
	<p>Lack of compliance with regulations (by users) or lack of compliance effort (by agencies)</p>	<ul style="list-style-type: none"> • Abalone (mutton fish) is a traditional food source for the Yuin nation and was used in many other traditional methods, including hooks and tools. There remains significant confusion in the Aboriginal community regarding catch limits. • Another example of this is the tradition of pipi soup which has a strong link with Sorry Business (funerals). This was now illegal to take yet commercial supplies are found in local communities at up to \$17 p/kg. • Cultural take and catches for special events are not widely known. Applications for NAIDOC events can be processed quickly with the assistance of DPI staff, however, the processes and contacts are not widely known or utilised. • There appears to be a clear prioritisation of commercial rights over cultural rights. • Commercial fishing is also resulting in stripped areas in places such as Wallaga Lake.

5.3.3 Broad recommendations arising from workshops concerning current risk ratings in the draft TARA for ‘Governance of the marine estate’.

Governance of the marine estate was felt to be a major area requiring substantial change and improvement. Significant areas of governance oversight and increased cultural engagement are required to adequately reflect Aboriginal cultural rights, knowledge and involvement in the marine estate.

Stressor	Suggested changes
Inadequate, inefficient regulation, over-regulation (agencies)	INCREASE to <u>high</u> for ‘Cultural heritage and use’ as this was a ubiquitous complaint throughout the marine estate.
Lack of or ineffective community engagement or participation in governance	INCREASE to <u>high</u> for ‘Cultural heritage and use’ (especially for ‘Tangible’); and ‘Participation’ and ‘Enjoyment’ as there is a clear lack of community engagement mechanisms and communications.
Lack of community awareness of the marine estate, associated threats and benefits, regulations and opportunities for participation	INCREASE to <u>high</u> for ‘Cultural heritage and use’ and <u>moderate</u> for ‘Participation’ due to the consistent limitations on community understanding and information mechanisms.
Lack of compliance with regulations (by users) or lack of compliance effort (by agencies)	INCREASE to <u>moderate</u> or <u>high</u> for ‘Cultural heritage and use’ since commercial pressures are clearly not reflecting cultural priorities,

	knowledge or values.
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5.3.4 Reports or evidence cited

Aboriginal Hunting, Fishing and Gathering Rights: Current Legislation,
Contained in the Australian Law Reform Commission Report No 31,
'Recognition of Aboriginal Customary Laws'.

Convention on Biological Diversity, 1993, United Nations.

5.4 Public Safety

5.4.1 Summary of public safety issues and concerns

The majority of comments regarding public safety during the workshops related to contamination of food sources and restrictions on traditional practices arising from fears of contamination.

This was a major issue for many participants, particularly the traditional practice of collecting pipis for human consumption. Pipi harvesting was a universal issue throughout the marine estate as it directly contradicted Aboriginal traditional and contemporary practices. Pipi soup or stew is a normal part of many Aboriginal people's diet and cultural experience of the marine estate.

However, the current situation was repeatedly raised where non-Aboriginal authorities regard pipis as a non-human food source only and there are substantial fines (up to \$22,000) for taking them for human consumption. This single area was a major cause of tension due to the effective prevention of traditional Aboriginal practice by government regulation.

5.4.2 Regional-specific issues and examples from workshops

Region-specific issues	TARA stressor relationship	Summary of issues
North Region	Seafood contamination	<ul style="list-style-type: none"> • Flooding issues often prevent oyster take in the Port Stephens area due to contamination fears. • Cabbage Tree Island (Port Stephens area) has recorded seafood contamination with associated risks to human health. • Whitefellas poisoned the pipis and are now stopping the Aboriginal community from taking them too.
	Other water pollution/contamination affecting human health and safety (such as toxic algal blooms, e. coli concentrations etc.	<ul style="list-style-type: none"> • Farm runoff and pesticide pollution is increasing (e.g. Coffs Harbour, Port Stephens). • Oysters are no longer taken from many areas in Nambucca due to contamination.
Central Region	Seafood contamination	<ul style="list-style-type: none"> • Contamination risks from runoff (sewage and general pollution) impacts catch and safety of fish. • Mining pollution (including acidic runoff and trace elements such as uranium in coal dust).

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		<ul style="list-style-type: none"> • Hawkesbury River has frequent 'no take' directives for shellfish and oysters because of contamination and sewage overflows
	Other water pollution/contamination affecting human health and safety (such as toxic algal blooms, e. coli concentrations etc.	<ul style="list-style-type: none"> • Pesticide runoff from farms is impacting water quality and causing concerns (e.g. Newcastle). • Chemical pollution and industrial runoff is cause for safety concerns in Wollongong area (heavy metal contamination in former BHP sites) at Port Kembla.
South Region	Seafood contamination	<ul style="list-style-type: none"> • The freshness and safety of pipis, oysters and other seafood is well known by local Aboriginal people and this is a major cause for concern since cultural knowledge is not respected or valued. • Fish in southern areas, including Jervis Bay and Wallaga Lake, had discoloured and darkened flesh which disturbed many people. • Pipis and bimblas (cockles) are now unable to be taken for food under regulation because of contamination fears.

5.4.3 Broad recommendations arising from workshops concerning current risk ratings in the draft TARA for ‘Public safety’.

In the majority of instances the draft TARA notes stressors as “low” with specific areas being notes as “minimal” (e.g. wildlife interactions). Based on Aboriginal community feedback the following changes would be advised:

Stressor	Suggested changes
Seafood contamination	INCREASE to <u>moderate</u> in the case of pipis <i>if evidence is available for human risks</i> as this is major area of contention for the Aboriginal community.
Other water pollution/contamination affecting human health and safety (such as toxic algal blooms, e. coli concentrations etc.)	INCREASE to <u>moderate</u> for ‘Cultural heritage and use’ due to the frequency and level of impact on cultural catch and fishing activities, particularly teaching younger generations and maintenance of cultural practice.

5.4.4 Reports or evidence cited

Arrawarra Sharing Culture, various fact sheets and online resources developed by local Elders of the Gumbaynggirr Nation.

Aboriginal Consumption of Estuarine Food resources and Potential Implications for Health through Trace Metal Exposure: A Study in Gumbaynggirr Country, Shaina Russell et al.

Sea Country – an Indigenous perspective. The South-east Regional Marine Plan Assessment Reports, National Oceans Office, 2002.

5.5 Critical knowledge gaps

“To look after country is to have an obligation and responsibility and all things in the environment is all inter-connected and this is the most sacred things in the Aboriginal culture.”

[Aboriginal Elder]

5.5.1 Summary of critical knowledge gaps and concerns

There are significant knowledge gaps for the government in terms of community-held cultural knowledge. This includes stories and knowledge of areas now underwater (in the marine estate) but previously used for hunting and ceremony prior to the ending of the last ice age (with associated stories and responsibilities for offshore islands such as the Five Sisters and Solitary Islands).

Most of the marine estate is regarded as ‘intangible’ in terms of the OEH criteria. The use of ‘cultural landscapes’ is now used by OEH in some circumstances and this should be expanded.

There are wide-spread concerns that many community members will not and do not understand the difference between ‘tangible’ and ‘intangible’ (as it currently stands in legislation and management arrangements). One way of envisioning this is to consider undersea areas within the marine estate. Significant submerged mountain tops or hunting areas are relegated to a mapping reference simply because of the water overlaying them. Aboriginal people may not be able to walk these areas due to sea level rise after the last ice age but the significant and cultural connection to these areas remains solid.

Another definitional conflict relates to middens. Many coastal midden sites are both physical (i.e. 'tangible') remnants of Aboriginal practice but they are also cultural markers for spirituality and connection with ancestors (i.e. 'intangible'). This apparent dichotomy is particularly sensitive when it is realised that many midden sites, particularly those on sand dune areas, contain burial sites. They therefore have both a recorded 'occupation' designation on many site registrations but, at the same time, maintain a spiritual and cultural meaning that directly impacts on Aboriginal people.

A major challenge confronting the marine estate involves the decisions on recognising authentic cultural witnesses and traditional owners on country. There are many instances of people claiming to be a traditional owner of a particular country when they are not. This is a fundamental issue.

The lack of knowledge concerning traditional practice and cultural importance of many marine species (for instance, whale festivals, sacred totems such as white shark, various grey and gummy sharks, and whale ceremonies in areas along the Central Coast) means that substantial gaps exist in even the most basic level of knowledge, let alone understanding.

Culturally significant sites and areas that are yet to be recognised or registered (as well as associated concerns regarding security and public knowledge of sacred sites) remain potent symbols of the challenge facing the marine estate. There remains significant work in terms of trust and confidentiality to be established with many communities and their Elders.

Major Native Title claims on the coast (e.g. Yaegl claim on the far north coast) include significant cultural sites and have established evidence and recognition. Yet there are many areas without formal recognition or places that have not been promoted as strongly. These areas will require significant resourcing in order to protect sites and develop appropriate plans of management.

There needs to be investigation and recognition of relationships between coastal communities and nations (e.g. Bundjalung, Biripi, Yuin) and inland communities and nations (e.g. Anaiwan, Gamilaroi, Ngunnawal) as these incorporate marine resources, trading, ceremonies and sites. Simply because of geographical location many inland communities are currently excluded from

government sea country discussions (and this also directly relates to the previously mentioned issues for Aboriginal people living off country).

Knowledge of *gathering* activities (such as shellfish, oysters, pipis) is essential as this is inherently a cultural practice and right. The impacts on social, emotional, cultural, spiritual and physical wellbeing due to not being able to access marine resources and locations should be recognised and quantified.

Cultural knowledge and ownership (Cultural and Intellectual Property Rights) must be addressed in the TARA and broader marine estate management process as it currently does not have a clear process.

Anecdotally fish numbers are increasing in reserve areas or sanctuary zones but no changes are made to access for cultural practices or catches.

Fish traps and related traditional sites require additional funded research and analysis (e.g. Arrawarra Fish Traps).

5.5.2 Regional-specific issues and examples from workshops

Region-specific issues	TARA stressor relationship	Summary of issues
North Region	Inadequate social and economic information	<ul style="list-style-type: none"> • Underwater landscapes continue to have significant cultural meaning and connection for Aboriginal communities. • Without recognition and protection many of these significant sites will continue to be damaged through dredging, fishing or pollution. • Examples include Port Stephens with dredging and marina developments; Solitary Islands with fishing and tourism, Five Islands due to pollution and management changes; undersea mounts off Sydney where sewage outflows have been constructed. • Sacred sites, even if underwater presently, continue to have cultural significance for many Aboriginal people and communities. • Research is needed into significant onshore sites to ensure they are recognised, protected and maintained. • A prime example is the Arrawarra fish traps which are in the ocean and estuary areas but are currently under increased pressure. • The interaction of Native Title claims with the marine estate need to be formally addressed to ensure Aboriginal cultural rights are appropriately reflected and recorded.

		<ul style="list-style-type: none"> • A key example of this is the Yaegl Native Title Claim on the far north coast. • Cultural heritage reforms in NSW have not recognised or included sea country to date and this legislative reform will have a major impact on Aboriginal people and their cultural rights.
Central Region	Inadequate social and economic information	<ul style="list-style-type: none"> • There are current land claims pending under various legislative frameworks which include much of the south coast to southern Sydney (Yuin/Dharawal/Bidjigal lands) which may have an impact on management of the marine estate, particularly which groups or knowledge holders are recognised. • Community members and Elders in some locations are concerned at the perceived preferential treatment afforded LALCs under NSW state legislation which, in their view, precludes local Elders being consulted or recognised. • Stories about fishing places, activities, and historical events are currently not included in management plans or records. There is a need for Elders and senior knowledge holders to be engaged in these processes to ensure that accurate information is recorded and culturally sensitive issues and sites appropriately respected. • Dissemination of pollution and environmental reports are required for the local Aboriginal community so that they can be actively engaged.
South Region	Inadequate social and economic information	<ul style="list-style-type: none"> • There is a need to record fishing places, stories and histories before Elders pass away. • These stories will maintain a connection with family members and historical Aboriginal fishing activities (including whaling).

		<ul style="list-style-type: none">• Increased knowledge and recorded information will also serve as evidence in disputes regarding cultural fishing, Aboriginal rights and customary practices.• Aboriginal cultural knowledge is missing from government scientific approaches. This cultural knowledge can assist in longitudinal studies and ecosystem planning.• An example of this is the wind direction influencing the presence and behaviour of certain shell fish which is only known by local Aboriginal people.• Species and habitat studies are often episodic and do not allow for Aboriginal knowledge to inform of appropriate times to undertake population counts (e.g. sea snails at certain times of the moon and tide cycles). Without this knowledge counts and research can be inaccurate.
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5.5.3 Broad recommendations arising from workshops concerning current risk ratings in the draft TARA for ‘Critical knowledge gaps’.

Overwhelmingly, the responses to TARA risk levels and stressors indicates a pressing need to increase the risk levels for Aboriginal cultural heritage and use. These gaps in knowledge are fundamental and addressing them will determine the relative value and accuracy that is placed on Aboriginal culture, practice, knowledge and representation.

Stressor	Suggested changes
Inadequate social and economic information	INCREASE to <u>high</u> for ‘Cultural heritage and use’ as the significance of gaps in knowledge and cultural understanding by the marine estate (and government more broadly) are having serious impacts on Aboriginal communities and cultural engagement with the marine estate.

5.5.4 Reports or evidence cited

Indigenous property rights in commercial fisheries: Canada, New Zealand and Australia compared, 2007, Durette, M., Working Paper 37, Centre for Aboriginal Economic Policy Research, ANU.

‘Sea long stretched between’: perspectives of Aboriginal fishing on the south coast of New South Wales in the light of Mason v Tritton, 1992, Egloff, B.

The story of fishing at Wreck Bay as told by the people, 1980, Nugent, A.

Aboriginal Community Heritage Officer, Graham Moore, Bega Valley Shire Council, is currently developing a series of cultural landscape maps to inform planning and development decisions in the shire. Yet to be published.

5.6 Lack of access availability

“The old fellas and women use to sing themselves across the country and follow those storylines and landmarks. A landscape that was so detailed and understood. There has been so much that has been lost. There are not only trust issues but half the country was raped before any legislation comes in.”

[Aboriginal community leader]

“By not accessing and being able to look after these significant areas it affects our inner health and contributes to disconnection. We know it’s there but you can’t touch it’s more a mental health issue. When you know, you have significant sites and values you can’t have a part of it anymore.

[Aboriginal Elder]

5.6.1 Summary of access issues and concerns

Significant concerns regarding risks to stock and heritage if current practices continue throughout the estate regions. If Aboriginal people are not able to access resources in the marine estate then automatically their cultural rights are being removed or extinguished.

Despite some recognition of cultural fishing and gathering rights there is a predominant fear of compliance officers or complaints from non-Aboriginal fishers resulting in Fisheries Officers targeting and fining Aboriginal people.

Regulations in NSW restricting pipis to beach areas are fundamentally opposite to Aboriginal cultural practice and tradition. Pipis were and continue to be a staple food and a required food source for many (e.g. at times of gatherings and funerals).

Issues of 'cultural catch' use and dispersal need to be more clearly defined with appropriate scope (e.g. Torres Strait Islanders are able to dispose of cultural catches in any way they see fit under QLD regulation and legislation).

The issue of worms and collection restrictions was common. The main impact on access here was the unrestricted access afforded to non-Aboriginal people who decimate worm populations.

Overfishing due to commercial catch or licensing increases have restricted or completely stopped cultural fishing and access.

The risks of knowledge loss for future generations of Aboriginal children was keenly felt and widely reported.

5.6.2 Regional-specific issues and examples from workshops

Region-specific issues	TARA stressor relationship	Summary of issues
North Region	Loss of public access (either by private development or Government area closures)	<ul style="list-style-type: none"> • Areas that are currently underwater were previously hunting grounds, tracks and significant sites. Access is prevented due to inundation but the cultural significance and stories remain. • Underwater sites are not recognised in the same way as are some sites on land and this creates issues for the knowledge holders who wish to preserve and protect these sites. • Local examples include the Solitary Islands. • Women’s traditional practices were highlighted in the Ballina/Byron region due to sedge grass access being limited or non-existent as a result of zoning, ownership or development changes. • Drainage of wetlands has resulted in weed infestation and consequent reduction in sedge grass availability. • Brunswick Heads is a prime example of this ecological shift negatively impacting on gathering and collecting access. • The traditional practice has specific healing uses culturally and without access to these specific raw materials the weaving practice cannot continue and the broader cultural

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		<p>healing cannot be offered or maintained.</p> <ul style="list-style-type: none"> • This weaving and associated practices is not only a tangible activity but one with intangible benefits, including knowledge transmission, connection to country and spiritual healing. • Cultural practices such as grass and sedge collection by women is not afforded the same recognition or priority as cultural fishing and this situation needs to change. • Farming and rural property access that includes river frontage and estuarine areas creates significant bureaucratic and interpersonal barriers for local community members. • An example of this is one property on the Bellinger River which included sites traditionally used for collection of reeds and spears. The previous owner allowed access to the property which meant cultural practice and connection could continue. However, that owner has passed away and there is a resulting bureaucratic impasse where previously there was mutual respect and understanding.
Central Region	Loss of public access (either by private development or Government area closures)	<ul style="list-style-type: none"> • There are significant stories and ongoing cultural links to areas. • Examples include Five Islands near Wollongong which have links to areas inland as far as Appin in Dharawal country. • Cultural catch is a sensitive issue in some communities as fish are not shared in the traditional way with other community members, leading to concerns about local people not having priority access to resources and locations. • Establishment of Marine Parks in areas such as the Five Islands prevent long line fishers, including in estuary areas. This is despite local Aboriginal people now working with NPWS

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		<p>on restoration since fishing restrictions are not under the current management purview.</p> <ul style="list-style-type: none"> • There is a strong fear that culture will be lost due to access restrictions to these significant islands. • Bitou bush and lantana have overtaken many traditionally accessed areas and now prevent local community access because of overgrowth. • An example of this is the Kamay Botany Bay National Park which many older community members can no longer access. • Another example close by the major Aboriginal community at La Perouse is the coastal escarpment bounded by various golf links who do not support (and actively discourage) Aboriginal people accessing the area. Previously it was a well known walkway throughout the 20th Century where people could camp, gather, fish and enjoy the area. • There are significant burial sites in this Botany Bay area with many current residents having ancestors and relatives buried in areas that are now inaccessible or extremely difficult to access. • Bare Island is now inaccessible other than the NPWS bridge which has restricted community access to that traditional area.
South Region	Loss of public access (either by private development or Government area	<ul style="list-style-type: none"> • Various areas on the southern coastline have private property to the water's edge which prevent easy access. • An example of this include Tuross Head. • Another instance is that of Wallaga Lake which now has access through a single reserve,

	<p>closures)</p>	<p>despite having a long-standing Aboriginal community and former mission. This severely restricts access to the lake for a large community with extensive connections and fishing practices.</p> <ul style="list-style-type: none"> • Other properties have established a locked gate system which significantly limits Aboriginal community access regardless of traditional use or ongoing connections. • There are also marine parks and national parks that prevent access by Aboriginal people or restrict the types of activities that are legally permitted. • Examples of this include Depot Beach and Brush Island where the establishment of a marine park has prevented access to marine resources and locations. It is now effectively illegal to access these areas. • Another instance is that of Comerong Island at the mouth of the Shoalhaven River. Previously Aboriginal people have had free and open access to this island, however, Shoalhaven Council has instituted a \$10 per trip fee with no allowances or exemptions for Aboriginal people. This price restriction is an effective barrier to use by the local community. • For some communities that are maintaining or reinvigorating cultural practice and education the issue of access to headlands and local government managed land is a significant challenge. Many noted that they “just do it” rather than attempt to navigate labyrinthine bureaucratic processes to walk on their own country (or in some cases, the headlands that were the only areas where Aboriginal people were allowed to live or gather in the 19th and 20th Centuries. • Access restrictions are having major effects on the maintenance of cultural practice
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		<p>because many Elders simply will not talk about cultural activities because they know they cannot practice them. This restriction precludes younger generations from learning cultural ways and knowledge.</p> <ul style="list-style-type: none">• Various teaching and gathering events are no longer taking place for similar reasons. This means that camping on country, gathering activities, fishing and cooking activities, which are all significant cultural rights, no longer occur.• Impacts of this include increased stress, dislocation from culture and family, reduction in mental health and overall wellbeing.• The lack of access to healthy food sources also increases chronic health and disability issues in the community because of the over-reliance on fast food rather than healthy seafood or cultural foods.• Access to special and sacred sites is one way of practicing culture and generating pride and respect within the community. Without access this simple results in the situation where traditional ways become stories of the past rather than practiced cultural activities.• One of the main avenues by which access is restricted for Aboriginal people is the policing and regulation of cultural catch limits.• The prime example of this is Abalone (Mutton Fish) which has been a staple food source for many Aboriginal communities and families. Once mainstream Australia started using the previously disregarded delicacy severe limits were put in place. This resulted in many senior community members effectively abandoning this significant cultural food source due to fear of fines and prosecution.
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		<ul style="list-style-type: none">• Differential bag and catch limits under Aboriginal Cultural Fishing Regulations have not been reinforced through parallel enforcement provisions and this has prevented many people from even attempting to continue their cultural practices, let alone teach younger generations.
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5.6.3 Broad recommendations arising from workshops concerning current risk ratings in the draft TARA for ‘Lack of access availability’.

Access issues were prevalent in all locations, with physical access being the most highly restricted. This was due to a variety of legislative, regulatory and ownership changes and is having marked impacts on the ability of Aboriginal communities to enjoy their cultural rights and access the marine estate.

Stressor	Suggested changes
Loss of public access (either by private development or Government area closures)	INCREASE to <u>High</u> at least due to ‘Cultural heritage and use’ restrictions being significant and widespread.

5.6.4 Reports or evidence cited

- *Aboriginal plant use in south-east Australia*, 2004, Australian National Botanic Gardens.
- *Dark Emu*, 2014, Pascoe, B.
- *Looking after Heritage Places: The basics of heritage planning for managers, landowners and administrators*, 1998 (Sullivan, S. with Pearson, M.).
- *The Material Culture of the Aborigines of the Richmond and Tweed Rivers of Northern NSW*, 1964 (Unpublished thesis University of England, Sullivan, S.).
- *Torres Strait: Cultural Identity and the Sea*, 1987 in Cultural Survival Quarterly Magazine.

6. Suggested Management Initiatives

“Government wants the evidence as to why this area is special and the area should not be impacted. But Aboriginal people come from the viewpoint it’s all cultural land. It’s all spiritually important. There are no areas that are more special than others in my worldview.”

[Aboriginal community leader]

“The way to approach the conversation is within a collective you get a group of women and men today. In the old days, we would sit around have a yarn and key people would make a decision on it. Based on a collective. Politics works back then as much as it is today.”

[Aboriginal Elder]

“The short-term government cycle we have a change of premier then a change of minister. You have to learn who do you talk to now – the stories you have previously shared are now lost where do you start – you are dealing with someone new, belief structure or different values and life experiences. Its though you keep starting again and again you sometimes go backwards as this new person is racist or incompetent. That is a real problem where the story has ended where is the continuation of the next part of the story. If you have to keep building it the next person should add the story not reconstruct or have to retell the story again.”

[Aboriginal Elder]

6.1 Inclusive and effective Aboriginal management approaches

Aboriginal involvement in the management of sea country and land areas has been an evolving process. There is no single model of management that currently informs management structures other than a nominal principle that Aboriginal people should be included and engaged. Precisely how well and how appropriate this engagement and involvement is the nub of considerable diversity of opinion.

In some areas of resource management specific representative committees are established to ensure representation along cultural lines (e.g. family, language, country, location). In other instances membership has been overtly non-location based, preferring recognition of expertise (such as academic qualifications, industry experience or community standing). Some other structures rely on statutory or peak body representation to provide membership or sector-specific perspectives. Still others rely on a self-selection or nomination mechanism.

The marine estate encompasses examples of most of these models of management and representation across varying levels. The feedback provided during workshops and stakeholder engagement included:

- Aboriginal perspective needs to be put into the mainstream management approach as there is sustainability and protection built into the Aboriginal way of relating to Country and the environment.
- Aboriginal representation on the Marine Park Management Boards, and MEMA more broadly, is essential. This must be at a high level and offer appropriate strategic insights and capability. Capacity must be resourced and a 'critical mass' developed so that Aboriginal representatives are not operating alone or in excess of their cultural authority.
- The need for Aboriginal experts to be included on the authority – executive, management and research levels especially. In many instances one or two Aboriginal representatives are nominated onto boards of management but the organisational structures reporting to

them do not mirror these principles. In some cases there is no Aboriginal involvement in site works, research activities or analysis. For advisory and decision-making processes to effectively reflect Aboriginal engagement and cultural knowledge there needs to be a parallel process for building and incorporating capacity within all levels of the organisation.

- Without Aboriginal people being directly and automatically involved in the decision-making processes cultural and personal rights will remain at risk. This aspect is a particularly crucial one in that merely having Aboriginal people on a board or committee does not guarantee that Aboriginal perspectives and rights are automatically engrained in the decision-making process. There is a common frustration in many committees due to the nature of Aboriginal advice and guidance being solely discretionary or advisory in nature. This does not guarantee that Aboriginal viewpoints carry authority or are given appropriate weighting in decisions.
- A specific and clear process for managing and accessing culturally-owned and informed data must be established. This is not a matter of simply knowing the detailed information, rather it is knowing broadly what is permissible and what is not.
- The example of “dial before you dig” was raised as a possible model for ensuring that information about Aboriginal cultural knowledge, values, impacts or involvement was actively sought at the outset with attendant fines and punishments.
- Research into Aboriginal approaches and knowledge should be supported through the statewide TARA processes (particularly as oral traditions and stories have been historically disregarded or devalued despite their complexity and depth of knowledge).
- In addition to these principle-based approaches the workshops provided a range of ideas regarding practical management approaches and initiatives. These are listed below in regional clusters (North

Region, Central Region, South Region). These suggestions are taken directly from workshop participants and may provide options that are applicable across the regions.

6.2 North Region

- Talk to the right people (based on cultural authority, capacity to speak for country and sea, Elders and knowledge holders).
- Establish frameworks to set up cultural indicators (e.g. see how Aboriginal fishing practices change over time).
- Establish and resource people from within the community to monitor cultural indicators. Important to get Aboriginal people engaged/empowered to participate in these approaches to gather data.
- Lands Councils should be Land *and* Sea managers, not just land managers as is currently the case.
- Rural Lands Act should be reviewed to minimise land clearance and resulting impacts on the marine estate.
- Commercial licences should be sold off to traditional owners as a priority – this will create economic and employment opportunities and help the Aboriginal community be more sustainable and also promote knowledge transfers.
- Ongoing conversations with the Aboriginal Community to capture what's important and make the process inclusive (for all levels of the community).
- Ensure in perpetuity recognition of the value of the cultural landscapes – otherwise we'll prioritise things off the map.
- Priorities for research and engagement include:
 - Climate Change – get everything recorded and identify what sites are going to be destroyed based on what we already know;
 - Impacts of development;

- Stories relating to sites should be considered evidence (and not be relegated to hearsay or demoted when academic papers are submitted);
- Assume cultural significance and Aboriginal relationship as a starting point (i.e. embedded rights and status); and
- Include sea as well as land.
- Do future workshops with the communities.
- Record more so that there is a written record – we only have a bit from Tiger Buchanan. This was recorded in *Revival, Renewal and Return* produced by the then Department of Environment and Conservation (2005).
- Only need to seek permission from the local Elders or the LALC not the government or their representatives (this will ensure community involvement and cultural authority).
- Some Aboriginal people are happy to fill in a form for permission for cultural fishing but it should be in place for long period of time not every time want to go out (current situation where special permissions for events must be individually assigned).
- What should be done:
 - Need clarity of regulations (e.g. what can and can't you do and where);
 - Have all the information in one spot regardless of the government department – community considers all of government the same;
 - Greater use of LALCs/traditional owner groups – opportunity to build community groups. Community should identify who the group should be. They can then be the link to the community;
 - Do the work – actually do things rather than talking about it; and
 - Linking with other programs (e.g. Close the Gap and Employment Programs). Having access to a free healthy resource will stop people eating KFC all the time (and the resulting health conditions).
- The LGA/Council needs to link in with this process. The whole community (non-Aboriginal) needs to be supportive of cultural practices.
- Threat identification and resulting management approaches should be done in partnership with Aboriginal people – not to them.

- One suggested approach was that “everyone else” (i.e. non-Aboriginal people) stop managing the asset and allow Aboriginal people to do so, even in small pieces initially.
- Reference should be made to the TARA background documents as worlds best practice approaches.

6.3 Central Region

- The Land Council could hold an overarching licence for the community to promote fishing and cultural catch activities.
- Non-Aboriginal people should have to apply to Elders for permits to control stocks and ensure local knowledge of species and conditions are respected.
- License allocation should prioritise Aboriginal fishers and businesses.

6.4 South Region

- Be included in regulating resources that are important to them. Community should be responsible for regulating their own mob, need to take responsibility for when people are abusing rights (e.g. poaching).
- Tours of the headlands are a way of reinstating these benefits – teach kids about bush medicine specific to the area. This is building up confidence again and the Aboriginal community are starting to take more ownership to teach. We are allowed to do this again after being forbidden to speak language and culture for many years last century.
- Food Authority NSW publishes the bio-toxins details on pipis but there is a lack of awareness about where to look. Government need to get better at communicating with the Aboriginal community and provide information directly and through trusted channels.
- Marine park management should be a joint arrangement with the Aboriginal community, as with joint management of national parks.
- Seasonal and cultural knowledge should be incorporated into the management rules (i.e. lock things up seasonally based on how the

cycles on the environment actually work such as Aboriginal seasonal knowledge rather than arbitrary western seasons).

- There should be a standard practice that any government agency with a policy or regulation impacting on the Aboriginal community, should be sent directly to LALC so that they can communicate the implications to the community directly. There are concerns because of state bodies such as NSWALC and NTSCorp not communicating information to communities and member organisations.
- Put information on a Facebook private group for LALCs.
- Government need to get better at communicating – needs to assist organisations in disseminating information through cultural groups.
- Information needs to be direct, plain English so that it is effective and appropriate for Aboriginal communities.
 - Some sort of hub for Marine / NPWS rules, fisheries, everything that relates to the Aboriginal community should be readily available.
 - An Interactive online tool that people can put in key information and get direct advice and approvals rather than the run around described previously. For example:
 - What do I want to do? Fishing, Ceremony, etc?
 - Where do I want to do it?
 - What is the purpose of the proposed activity?
 - What are my options? (i.e. permits, rights claims, rules)
 - Direct links to: apply for permits, what timeframes/lead times you require, who to contact etc.
 - Assistance links so that help is provided for community members without easy access to technology or with capacity issues.

7. Monitoring and Evaluation

“To be able to adequately address threats and risks there needs to be a cultural protocol for having knowledge holders to be able to share information or to find out what information can be shared or not shared.”

[Aboriginal community leader]

Monitoring and evaluation of marine estate activities and engagement with Aboriginal people will require appropriate resourcing and support. Focus will be required to ensure that actions are reported, evidence bases are built and best practice examples distributed.

The provision of resourcing and capacity support for community-driven and community-led studies and research will be a key element of effective monitoring.

Management of cultural information must be specifically addressed in the TARA process and more broadly in MEMA management systems. To be able to adequately address threats and risks there needs to be a cultural protocol for having knowledge holders to be able to share information or to find out what information can be shared or not shared.

Land and Sea plans should be encouraged (as with Eden LALC who have recently developed on for their area and the recently funded Coffs Harbour LALC project for the development of a similar comprehensive plan).

The fundamental concept of ‘evidence’ was raised repeatedly as the views of Aboriginal people frequently ignored or dismissed. The key aspects that MEMA should incorporate include the following:

- Personal experience of Aboriginal people
- Anecdotal evidence
- Stories (contemporary and traditional)
- Photos and videos
- News items and reports
- Other government websites and reports
- Specific issues to a local area or community
- Reviews and evaluations
- Documentary evidence
- Development applications and supporting documentation
- Environmental impact studies
- Written reports

8. Review of engagement approaches

8.1 Issues

The major issue concerning engagement with individuals, organisations and communities throughout this process was simply one of extremely limited awareness levels. Very few individuals not directly involved with primary production industries or fisheries management were even aware of the existence of MEMA and management mechanisms. There is a clear and pressing need for increased and improved communications with the Aboriginal community, stakeholder groups and key organisations regarding MEMA, its roles and responsibilities, its relationship to other overlaying management structures, and its priorities for Aboriginal engagement.

In addition, engagement within Aboriginal communities on marine estate issues and Sea Country management is a significant challenge due to lack of awareness and other priorities communities are involved in (several local Aboriginal services provided examples of local initiatives proving unsuccessful in generating basic interest, even in areas with co-management and marine parks established).

The resulting low number of Aboriginal people at workshops was disappointing, including for local Aboriginal organisations, many of whom had done a great deal of local promotion and raising awareness prior to the workshops. In some case it was explained that Elders groups were jaded from past culture and heritage consultations and perceived lack of government change.

8.2 What worked well

The main areas that worked well in the engagement approach included:

- Wide dispersal of engagement information.
- Active notification of workshops through multiple avenues and mechanisms.
- Utilisation of existing local and regional networks (e.g. LALC network, local interagencies) to engage communities.
- Local community venues (with ease of access for participants).
- Flexibility in workshop style and approach (including adaptation to encompass local priorities and issues).

- Valuing of narrative, anecdotal and story-driven approaches (this was particularly valued by participants).
- Availability of departmental representatives to address policy or regulatory questions (again, this aspect was very favourably received).
- Use of iPads and online demonstrations individually or small groups.
- The willingness to listen and genuinely engage with Aboriginal people was repeatedly commented on (e.g. respectful approach allowing local communities to tell their stories first).

8.3 Recommendations for future engagement

There are a number of key recommendations for future approaches including:

- Development of a broader and long-term awareness-raising program for Aboriginal people regarding MEMA and management of Sea Country. This will enable a broader and more effective engagement with future TARA activities.
- Clarification of interactions with other legislation that impacts on Sea Country and the marine estate (particularly Culture and Heritage Reform, Planning, Local Government processes) so that Aboriginal participants and stakeholders can appropriately engage with marine estate issues.
- Development of case studies in a narrative format, including You tube videos and other social media mechanisms, to specifically address common misconceptions (in particular cultural catch limits for abalone, flexibility regarding pipis and enforcement issues for young Aboriginal people exercising their cultural rights). This will address the common misconceptions and the frequent call for more effective information distribution about the marine estate.
- Demonstration of MEMA engaging with qualified, respected and knowledgeable Aboriginal people in executive and management roles. This may include statutory positions, employment initiatives, prioritisation of research projects or other such mechanisms that will tangibly improve the capacity of both Aboriginal people to engage with TARA processes and the marine estate to engage with Aboriginal communities.

- Establishment of local research projects and funding, and other capacity building projects for Aboriginal communities in Sea Country management. This will directly address the calls for improved engagement with marine estate activities and research.

Appendices

Workshop Agenda and outline

Various dates in March 2017 (9 venues across NSW)	
Facilitators: Justin Noel, Darlene Daley, Marc Daley	
10.00am	<p>Welcome, introductions and outline of the day</p> <ul style="list-style-type: none"> • Welcome to or Acknowledgment of Country • Introductions • Workshop purpose & aims (What today is about and what it is NOT about) • Where this all fits... (including the “Marine Estate”)
10.15am	<p>Background and context of the marine estate threat and risk assessment (TARA)</p> <ul style="list-style-type: none"> • TARA objectives, process and findings so far... • TARA process and outputs • Why risk is important to look at and how it works in the TARA • Why Aboriginal advice and input for the TARA is important
10.30am	<p>Community priorities and issues</p> <ul style="list-style-type: none"> • Local, regional, area priorities for marine areas (oceans, estuaries, beaches) • Fishing, commercial, access and environment issues for community • Main things that are important for the community
11.00am	<p>Introduction to TARA (the tools)</p> <ul style="list-style-type: none"> • Initial run through of TARA tools (using local community priority ideas) • Practical run through of topics on the online tool • Getting familiar with the TARA tool and what is in the current draft • Initial feedback and insights
11.30pm	Morning Tea

REPORT ON WORKSHOPS, ISSUES AND TARA PRIORITIES
Marine Estate Management Authority – Threat and Risk Assessment
Aboriginal Community and Stakeholder Consultations and Workshops
March-April 2017

11.45am	<p>TARA Tools – cultural issues</p> <ul style="list-style-type: none"> • Demonstration of major cultural areas in the TARA • Feedback from AFAC and ACHAC regarding priorities, ordering, explanations etc. • Priority issues emerging from risk tool approaches
1.00pm	Lunch
1.45pm	<p>Cultural information and processes for the TARA</p> <ul style="list-style-type: none"> • Suggestions for the MEMA TARA process – what community needs to see • Additions and changes • Evidence, information and research sources for the TARA • Specific issues or examples needed
2.30pm	<p>Review and wrap-up</p> <ul style="list-style-type: none"> • Review of feedback, suggestions and issues • Continuing engagement and consultation • Priorities for next steps
3.00pm	Finish
3.00pm onwards	<p>Opportunities for further talks and information</p> <ul style="list-style-type: none"> • Individual talks, discussions and conversations • Specific questions and issues • Discussions with OEH and DPI representatives