

## **STATEMENT OF COMMITMENT**

### **Development of an Indigenous Engagement Strategy for Commonwealth fisheries**

#### **Background**

In 2019/20 the Australian Fisheries Management Authority (AFMA) and the then Department of Agriculture Water and Environment (DAWE) now Department of Agriculture Fisheries and Forestry (DAFF) worked with the Fisheries Research Development Corporation (FRDC) to develop and call for research proposals against a priority to develop an Indigenous Engagement Strategy for Commonwealth Fisheries. The University of Technology Sydney (UTS) was the successful entity chosen to conduct that research and is funded by the FRDC, DAFF and AFMA under FRDC Project reference 2021-024 “Development of an Indigenous Engagement Strategy for fishing interests with a focus on Commonwealth fisheries.”

This document details commitments by the Commonwealth Department of Agriculture, Fisheries and Forestry (DAFF), and the Australian Fisheries Management Authority (AFMA), relating to how aspects of the research being undertaken under this project to develop an Indigenous Engagement Strategy will be used by DAFF and AFMA to inform specific policy and management processes with respect to Commonwealth fisheries.

The context of these commitments is that

- a) In 2017 the Fisheries Legislation Amendment (Representation) Bill was passed, the purpose of which was to amend the *Fisheries Management Act 1991* ‘to provide for explicit recognition of recreational and Indigenous fishers in this legislation and to require the Australian Fisheries Management Authority to take the interests of both these fishers and commercial fishers into account in all its decisions.’ The Indigenous engagement strategy being developed by UTS aims to address this legislative obligation.
- b) Numerous consultation processes with Indigenous groups are currently ongoing across multiple jurisdictions, including with respect to Indigenous fisheries, that rely on sustained input from relevant Indigenous experts and representatives. These typically involve a substantial commitment of time and expertise for these individuals and their organisations.
- c) Numerous consultation processes have occurred in the last 30 years that have canvassed Indigenous groups views on marine management. Ensuring that any new engagement strategy for Commonwealth fisheries builds on this existing body of knowledge is a priority.
- d) Both AFMA and DAFF have utilised the FRDC Indigenous Reference Group as an *ad hoc* advisory/consultation mechanism to discuss and seek views on some Commonwealth and national level fisheries policy issues. Given the IRG was established principally to inform R+D programs within FRDC, there is a need to design and adopt a process or mechanism that performs this wider consultative function for fisheries management and policy matters on a more permanent basis.
- e) A number of statements in Commonwealth fisheries legislation and policy documents are of direct relevance to Indigenous engagement. These include statements in the Commonwealth Fisheries Resource Sharing Framework (<https://www.awe.gov.au/agriculture-land/fisheries/domestic/resource-sharing>) which:
  - Commit to engaging with Indigenous groups ‘through participatory and collaborative management processes, consistent with the shared decision-making approach committed to through the National Agreement on Closing the Gap’
  - Acknowledge that Commonwealth fisheries must be managed in ways consistent with the *Native Title Act 1993*, the UN Declaration on the Right of Indigenous Peoples, and the Principles Communiqué on Indigenous Fishing 2005.

Given this context, identifying policy and management processes within which the outputs of this research can be directly applied aims to generate a clear value proposition to Indigenous experts, organisations and communities, demonstrating the value of investing of their time and expertise in the project activities and consultations.

### Commitments


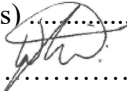
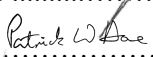

Based on detailed discussions between the 4 parties mentioned above at a workshop on April 27<sup>th</sup> 2022 in Canberra, and including both Indigenous and non-Indigenous participants, DAFF and AFMA Executive commit to using the outputs of the research to assist and inform the following processes:

1. The final strategy produced by UTS will be used to inform design of appropriate mechanisms for participation of the Indigenous sector within the governance structures overseeing **development and implementation of Commonwealth fisheries policies**.

To support this outcome, the following activities will occur during the project:

2. During the project, the UTS team will assist DAFF to design appropriate consultation processes with Indigenous experts and peak organisations for the **Commonwealth Harvest Strategy Policy and Bycatch Policy Reviews** currently being undertaken by DAFF. The outputs of these processes will be included in the final Review Reports presented to the Fisheries Minister which will include any recommendations for changes to these policies and associated guidelines. These outputs will also be included in the final research reports provided to FRDC by UTS, as a case study of engagement methods and processes appropriate to Commonwealth fisheries.
3. During the project, the UTS team will undertake case studies that assist AFMA in improving their engagement with Indigenous experts, organisations, and communities when **conducting day to day management activities to meet their obligations under the Fisheries Management Act 1991 and the Commonwealth Fisheries Harvest Strategy Policy**. To this end detailed case studies of historical engagement of Indigenous groups within the Northern Prawn Trawl Fishery, and of potential future engagement of Indigenous groups within the Southern and Eastern Scalefish and Shark Fishery will be developed.
4. During the project, active efforts will be made to link the strategy into the wider Indigenous engagement platform being developed to co-ordinate and align efforts across DAFF units, and align recommended approaches to wider government commitments, such as support for the Uluru Statement from the Heart, and the National Agreement on Closing the Gap.
5. The final strategy produced by UTS will be broadly applicable across these institutions' work areas, and this document does not indicate that future engagement between Indigenous groups, AFMA and DAFF is intended to be limited to these commitments.

Signed

DAFF First Assistant Secretary (Fisheries).....		Date ...5/8/22.....
AFMA Chief Executive Officer .....		Date ...08 August 2022.....
FRDC Managing Director .....		Date ...Aug 8, 2022.....
UTS Project Lead .....		Date ...08 August 2022.....