



Building Better Fisheries Through Indigenous Leadership and Expertise

An engagement strategy with a focus on the Commonwealth

SUMMARY REPORT

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Report for FRDC Project 2021-024

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In submitting this report, the researcher has agreed to FRDC publishing this material in its edited form.

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Acknowledgement of Country

The University of Technology Sydney acknowledges the Gadigal people of the Eora Nation, the Boorooberongal people of the Dharug Nation, the Bidiagal people and the Gamaygal people, upon whose ancestral lands our university stands.

We would also like to pay respect to Elders both past and present, acknowledging them as the traditional custodians of these lands.

We also wish to acknowledge and pay our respects to the traditional custodians of the lands and waters where we undertook project activities, which occurred across Australia.

Acknowledgement of contributions

We wish to recognise the many and varied contributions made to this project that have enabled us to build this picture of engagement and future relationship between the Australian government and Indigenous nations.

We particularly wish to acknowledge that without the generous sharing of expertise, knowledge, experience and wisdom of our many Indigenous colleagues in the field of community-government relations and the development of ethical and equitable governance for Country, this project would not have been possible. We further recognise that this expertise and knowledge is borne of many decades of labour, effort and dedication among those we have learned from, and we recognise community leaders that engaged with this project do so only with the support and authorisation of their communities.

Notwithstanding that the authors take responsibility for all findings and conclusions made, this report should be viewed as the outcome of a collective process in which Indigenous leaders and their communities have played an essential part.

Executive Summary

The Commonwealth *Fisheries Management Act 1991* (FMA) was amended in 2017 to require the Australian Fisheries Management Authority (AFMA) to ensure that the interests of Indigenous fishers were taken into account in Commonwealth fisheries management decisions. In seeking to meet the requirements of the Act, the Commonwealth sought to develop an appropriate Indigenous engagement strategy for fisheries management purposes, and with broad applicability to appropriate state and local level processes. A research team from UTS was successful in applying for FRDC funding in 2021 to undertake a project to develop such a strategy.

The team comprised a mix of Indigenous and non-Indigenous researchers with relevant experience in Indigenous governance, and fisheries policy and management. The team undertook broad consultations and workshops with 255 people and 67 organisations across Australia, and included sustained engagement throughout the project with Indigenous leaders as well as government agencies responsible for the management of Commonwealth fisheries. This included:

- 2 national level workshops, and 3 regional workshops in Torres Strait, South Australia and Tasmania.
- Regular meetings over a 6 month period of a trial Indigenous Fisheries Technical Working Group.
- Meetings, presentations and interviews with a wide range of Indigenous, government, scientific and fishing industry bodies.

We further reviewed available information from existing engagement approaches and models, Indigenous-led Sea Country planning initiatives, past Commonwealth inquiries related to oceans and fisheries, relevant legislative, policy and case law documents, and published research in this area.

Two broad findings of this research are firstly that Indigenous leaders and community members, as well as successive public inquiries, have communicated over a sustained period of time a view that Indigenous people's interests have not been considered appropriately in fisheries management processes to date. Secondly, that there is a need for Indigenous nations and communities to be connected to relevant fisheries management processes, to ensure the appropriate consideration of their interests in decisions which affect them.

Considering the research team findings, this project recommends advancing an engagement strategy that includes a number of components.

1. Engagement initiatives for policy-level and strategic processes which apply across all Commonwealth fisheries.
2. Engagement initiatives in particular regions and fisheries.
3. Initiatives that will support the effectiveness of engagement over time.

Our recommendations in implementing this engagement strategy are as follows:

Firstly, an overarching engagement structure for Commonwealth fisheries be established as a priority, which includes the following components:

1. Establishment of an **independent national coalition or peak body for Indigenous fisheries and fisheries-related Sea Country issues**, to support and advance effective Indigenous leadership and representation between Indigenous nations with relevant fisheries interests and the Australian government. This peak body should be consistent with Closing the Gap priority reforms and partnership agreements and be developed in co-operation and with Commonwealth agencies with whom it will have a formal relationship (DAFF, AFMA, DCCEE, ILSC, FRDC).

2. Establishment of an **Indigenous Fisheries Technical Working Group**, initially funded and implemented by DAFF and AFMA, and over time other bodies who may draw on this group (e.g. DCCEEW, ILSC). The purpose of this group is to facilitate the input of Indigenous expertise into Commonwealth fisheries policy and management processes, and provide focused technical support to a national coalition/peak body in developing and advancing its priorities.
3. Establishment of an **Indigenous fisheries unit inside Commonwealth fisheries agencies** to support DAFF and AFMA in day-to-day aspects of meeting legislative obligations relating to Indigenous fisheries under the FMA and EPBC Act. This unit should also include connection to relevant Indigenous units and initiatives at a whole-of-department level (e.g. DAFF First Nations Platform), inside DCCCEW (e.g. Indigenous Advisory Committee to the EPBC Act), and at a whole-of-government level (e.g. Closing the Gap program).
4. Establishment of a **national Indigenous fisheries capacity development program**, to be developed and implemented by FRDC. While establishing an engagement structure is a critical first step in improving engagement, equally important is the engagement process, and the knowledge and capacity of parties to the process. The intention of this program is to build knowledge and capacity in government agencies, fishing industry, recreational fishing and Indigenous organisations, for effective and mutually beneficial engagement, in relation to Indigenous fisheries, and the wider fisheries management process.

The following diagram displays the envisaged relationship between the elements of this overarching engagement structure.

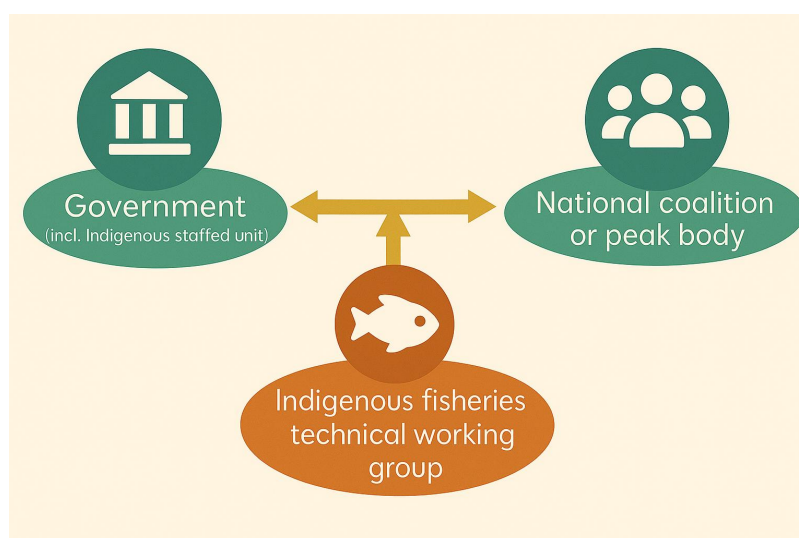


Figure 1. A proposed engagement structure for fisheries, initially at the Commonwealth level and in future, intended to operate at a national level

Secondly, that DAFF pursue as part of negotiations with a national coalition or peak body, and with the support of an Indigenous Fisheries Technical Working Group, **the development of a framework agreement** that guides engagement between parties to this overarching structure. This should include:

- **Identification of key legislative, policy and strategic planning processes** that most impact Indigenous fishing and Sea Country interests, and a **formalised engagement process** around priority policy/legislative processes.
- Development of a process for
 - o working with Indigenous nations and communities in different regions to **establish the nature of their interests** in specific fisheries
 - o **prioritising opportunities for engagement in these fisheries**, in light of those interests.

- Consideration of key initiatives that will influence the long-term effectiveness of engagement, specifically:
 - **Reform of legislation and policy** to more explicitly address Indigenous rights, responsibilities and interests.
 - The development of an **economic fund to support Indigenous fisheries and Sea Country initiatives**. This may not be achievable by DAFF and AFMA alone and may be a whole-of-government consideration.

Thirdly, this overarching engagement structure be designed so that it is **clearly aligned with parallel initiatives in government** at Commonwealth and state/territory levels. In this regard the proposed structures and processes in this report present an approach initially intended to be implemented by the Commonwealth and for the purposes of Commonwealth fisheries management. However, as these can also be viewed as broadly applicable in principle to state/territory level processes, this strategy also provides a framework appropriate for an eventual **national-level structure for engagement in relation to Indigenous fisheries across agencies and jurisdictions**.

As part of developing this co-ordinated approach over time, we recommend that:

- The overarching engagement structure recommended in this report include as part of its scope **a formal role in the governance body implementing National Fishing Plan priorities**.
- **The Guidelines on the Ecologically Sustainable Management of Fisheries be reviewed** to ensure their consistency with obligations related to Indigenous people under the EPBC Act.
- **Formal advice on strategic fisheries assessments be provided to DCCEEW Sustainable Fisheries Branch by a fisheries-specific Indigenous consultative body**, such as the Indigenous Fisheries Technical Working Group proposed as part of this engagement strategy.

Finally, based on our legal overview and analysis we highlight the following key findings with respect to the legislative basis for a proposed overarching engagement structure:

- Our legal review has identified no obstacle in the legislation to the Commonwealth establishing the overarching engagement structure being recommended.
- We have identified no case law or legislative provisions to support any claim that DAFF and AFMA would be acting outside of legislative mandate to examine and consider interests related directly to Indigenous fishing, to examine and consider interests related to species and Sea Country areas of importance to Indigenous people that are impacted by commercial fishing, or consulting in relation to broader interests related to Sea Country. The only caveat is that the FMA requires that the Minister and AFMA must ultimately exercise their decision-making functions under the Act.
- The adoption of the proposed overarching engagement structure has the capacity to promote a number of the Minister's and AFMA's statutory objectives. Specifically, the proposed structure provides a mechanism to:
 - Integrate principles of ecologically sustainable development (ESD Principles) into policy-level decision-making for all Commonwealth fisheries, and facilitate effective consultation processes for these purposes in specific fisheries, and with individual affected Indigenous nations, communities and rights holders where required. This includes "considerations relating to people and communities that form constituent parts of ecosystems, natural and physical resources, qualities and characteristics of locations, places and areas, heritage values of places and (collectively) their social, economic and cultural aspects".
 - Support the Minister and AFMA to meet their statutory objective to have regard to "the interests of commercial, recreational and Indigenous fishers" at a policy level, and facilitate effective consultation processes for these purposes in specific fisheries, and with individual affected Indigenous nations, communities and rights holders where required.
 - Support consultation with Indigenous nations that fulfils AFMA's accountability objective which requires it to "give an account of its policies and decisions" and "explain to the industry and to the community its management of Australia's fishery resources."

Key quotes from Indigenous leaders

What we want is a voice in all places where decisions are made

Chairman of the Yidinji Aboriginal Corporation, Gordonvale, Queensland,
during Coastal Zone Inquiry consultations, August 1992

It's important to remember Indigenous people never stopped managing their fishery. They are having to try and manage all of the other impacts on their fishery now through their own decisions and adjusting practices, but they don't have a say in decisions about those impacts.

CEO, Aboriginal Sea Company
Interview, November 2022

Aboriginal people have a very strong role to play in the management of biodiversity. I believe that the federal government needs to take a lead role for Indigenous people here, so that the states can follow... From an Aboriginal perspective, this is about our culture and our life and trying to protect that.

Stephan Schnierer, Indigenous fisheries specialist.
Speaking to Australian Senate legislative committee review of the draft bill for the
Environmental Protection and Biodiversity Conservation Act, February 1999

The question is, what changes as a result of engagement?

Daryle Rigney, Ngarrindjeri, South Australian regional workshop,
Commonwealth fisheries Indigenous engagement strategy consultations, July 2023

Indigenous rights, responsibilities and interests in fisheries and sea country

Indigenous people have been stating clearly their rights, responsibilities and interests in fisheries and Sea Country for a very long time, and publicly available statements intended to communicate these to government are readily available since at least the 1980s. Initial themes were developed from project consultations and workshops, and then crosschecked via a review of 119 historical documents, including public inquiries and policy initiatives since 1986, and Sea Country and Indigenous Protected Area planning documents produced by Indigenous groups since around 2000. Through this we identified the following rights, responsibilities and interests that Indigenous people hold in fisheries and Sea Country.

- Recognise connections to Country and the primacy of Indigenous people, including protection of fishing and Sea Country rights.
- Recognise responsibilities for governance and custodianship
- Equitable share in the economic benefits of commercial fisheries operating on Sea Country
- Protect and maintain Indigenous fishing practices, and associated knowledge.
- Protect and maintain species of significance to Indigenous people, and associated knowledge.
- Reduction/avoidance of impacts of non-Indigenous fisheries.

We presented the results of this review to a group of knowledgeable Indigenous workshop participants in the second national workshop for this project. We received feedback that this schema strongly reflected participants' understandings of what Indigenous communities and organisations on the ground are seeking, and concurred that these statements have been very consistent over a long period of time.

In communities I work in, the perspectives that were borne out of these documents are a completely natural thing to them. They've all shown up for this time and time again. They've all done this for years and years.

Indigenous participant, NSW, 2nd national workshop

I'm currently facilitating an Indigenous nations Advisory Group related to oceans, and there is an Indigenous consulting group talking to communities about what's important. They asked us what we thought of those priorities [which are similar to what's included in the UTS review], and what people were saying in those communities. One of the members raised the point that it's really nothing new. We keep hearing these same things over and over again.

Indigenous participant, Torres Strait, 2nd national workshop

The following table includes a statistical overview of the results of document analysis of these rights, responsibilities and interests, and identification of key themes related to each.

Table 1. Rights, responsibilities and interests Indigenous people hold in fisheries and Sea Country

Broad rights, responsibilities and interests of Indigenous people	Key themes	# of documents in which theme is mentioned	
		Yes	No
Recognise connections to Country and the primacy of Indigenous people, including protection of fishing and Sea Country rights.	Country understood as a holistic and interconnected entity that covers land, waters and ocean	110	9
	Statements explicitly noting the importance of offshore areas as an aspect of Country	79	40

Recognise responsibilities for governance and custodianship	The right to “a seat at the table” in decision-making processes that impact on Indigenous rights and interests in fisheries/Sea Country	112	7
	Access to detailed and accessible information about what is happening on Sea Country to inform decision-making about fisheries/Sea Country	82	37
	Protection for and clear IP provisions surrounding Indigenous nations’ cultural, environmental or fishing knowledge that may be utilised in decision-making about fisheries/Sea Country	77	42
Equitable share in the economic benefits of commercial fisheries operating on Sea Country	Desire for a share in the economic benefits of industries operating in Sea Country, including allocation of fishing rights for commercial purposes	87	32
	Employment opportunities through ranger programs and other cultural/environmental management initiatives	98	21
	Employment or business development opportunities in fisheries/Sea Country	82	37
Protect and maintain Indigenous fishing practices, and associated knowledge.	Security/reliability of access to marine resources that are the subject of Indigenous fishing or food gathering	75	44
	The protection/maintenance of associated cultural, environmental or fishing knowledge held by Indigenous nations	82	37
Protect and maintain species of significance to Indigenous people, and associated knowledge.	Specific marine species of importance named	84	35
	Security/reliability of access to and shared decision-making for species of importance to Indigenous people	77	42
	The protection/maintenance of associated cultural, environmental or fishing knowledge held by Indigenous nations	76	43
Reduction/avoidance of impacts of non-Indigenous fisheries on:	Overall and localised fish abundance	55	64
	Indigenous fishing/cultural catch.	45	74
	Indigenous food resources	42	77
	Significant species	48	71
	Significant areas	39	80
	Marine habitats and overall marine environmental health	52	67

Based on this, for the purposes of considering indigenous involvement in the development and management of commercial fisheries at the Commonwealth level and with broad applicability across state jurisdictions, we identified 3 tiers of interests that Indigenous people hold in fisheries and Sea Country in Australia.

- **Tier 1: Broad interests in Sea Country health and marine and coastal development .**
Connections to Sea Country at a broad level support a role in shared decision-making in relation to Sea Country, and equitable benefit sharing/opportunities for economic development in industries operating on Sea Country.
- **Tier 2: Interests in Sea Country species or areas impacted by commercial fisheries ,**
including of particular importance, impacts on species and areas that may be of particular cultural significance, and impacts on species that are important for cultural harvest.
- **Tier 3: Direct interests in commercial fishing**, which include participation in commercial fisheries as employees, business owners or entitlement holders.

These three tiers of interests can be depicted as concentric circles, which incorporates the fact that there will in many cases be overlap between these tiers. For example, organisations and individuals with direct interests in commercial fisheries, will also have responsibility and expertise with respect to specific Sea Country areas and species impacted by commercial fisheries, and will also have responsibility and expertise with respect to Sea Country health and marine and coastal development. When considered in this light the degree of expertise held by some community members can be viewed as multi-layered and of considerable significance for fisheries management.

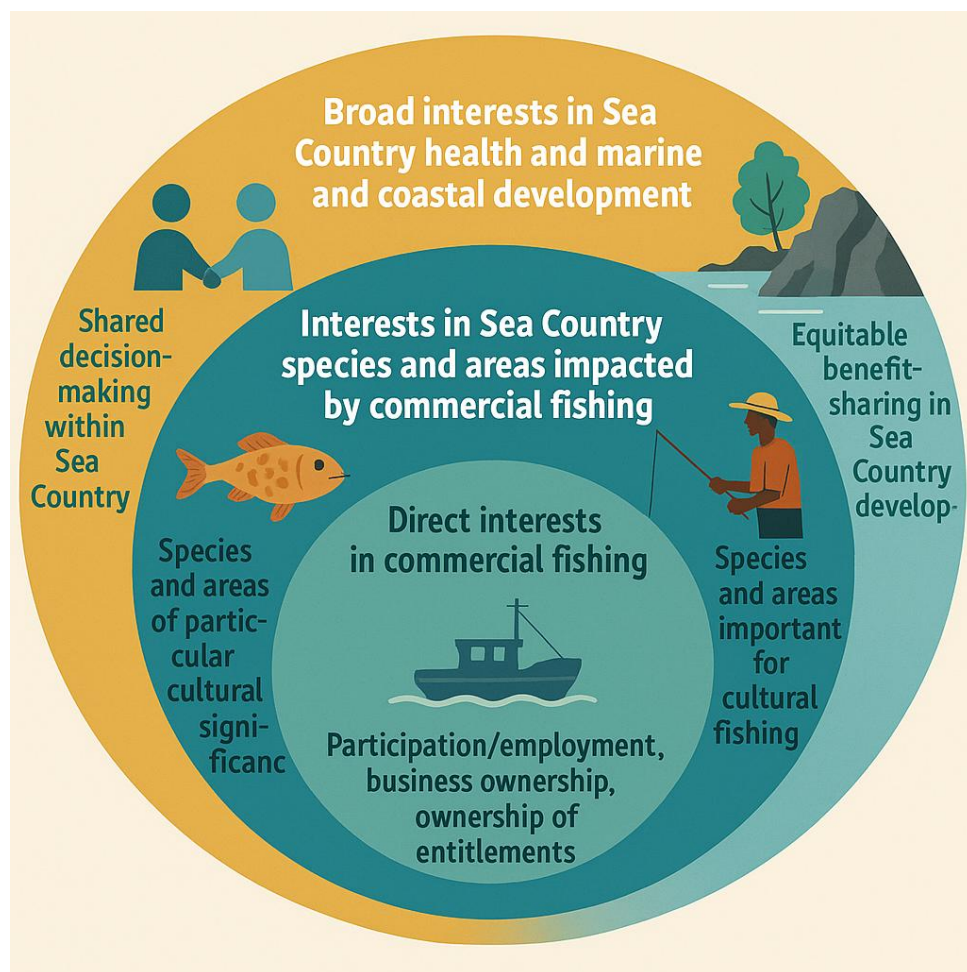


Figure 2. Schema of Indigenous interests in commercial fisheries

Organisations, groups and individuals associated with different tiers of interests, and the nature of their expertise

The following table details the organisations, groups and individuals typically associated with each tier, and the nature of their expertise. It is noteworthy that in all tiers, expertise and experience in Indigenous traditions, law and systems of governance exists. This table assists in highlighting the specific nature of expertise/experience in addition to this ubiquitous form of expertise Indigenous groups hold.

Table 2. Organisations and expertise associated with Tiers of Interests as depicted in Figure 2.

Tier of interests	Examples of organisations, groups or individuals who may be engaged in this tier	Nature of expertise typically held, alongside expertise in Indigenous traditions, law and governance.
Broad rights and interests in Sea Country and marine and coastal development	<ul style="list-style-type: none"> • Treaty bodies. • Regional authorities and broad representative groups. • Native Title Representative Bodies and Service Providers (NTRB/NTSP). • Land councils and Native Title PBCs covering multiple rights holders/claimants and wide geographic areas. • High level Indigenous advisory committees related to fisheries and Sea Country (e.g. those operating at a national, Commonwealth or whole of state/territory level). 	Expertise in: <ul style="list-style-type: none"> • Nation-to-nation relationships. • Indigenous social and economic development. • “Whole-of-region/nation” rights and aspirations in Sea Country. • Role of fisheries and Sea Country in meeting broad aspirations. • Managing and maintaining strategic relationships with government, science, industry and legal sectors.
Rights and interests in Sea Country species and areas impacted by commercial fishing	<ul style="list-style-type: none"> • Local Land councils. • Native Title PBCs with one or a few rights holding/claimant groups, or in a localised geographic area. • Land and sea management organisations and L+SM units within larger Tier 1 organisations. • Indigenous ranger groups • Issue-specific or geographically specific Indigenous advisory committees related to fisheries and Sea Country. • Indigenous Protected Area management boards. • Traditional owners. • Indigenous cultural fishers. 	Expertise in <ul style="list-style-type: none"> • Management of Sea Country. • Specific species, areas and fisheries of interest. • Localised cultural relationships and knowledge. • Community-level social and economic development. • Importance of fishing as a part of community life and ongoing traditions and practices. • Rights and aspirations in fisheries and Sea Country at a more localised level – e.g. in a restricted geographic area, in a particular organisation, or a particular clan, family group. • Partnering with government to deliver specific Sea Country projects and programs. • Training, capacity building and employment pathways for Indigenous organisations.
Direct rights and interests in commercial fishing	Indigenous businesses or organisations who hold fishing entitlements.	Expertise in <ul style="list-style-type: none"> • Commercial fishing operations. • Commercial fisheries management from an Indigenous perspective. • Indigenous business development. • Training and employment pathways for Indigenous fishing businesses. • The role of commercial fisheries businesses in meeting Indigenous social and economic development aspirations. • Partnering with government and industry to develop Indigenous fishing business opportunities.

An engagement strategy to meet Indigenous rights, responsibilities and interests in fisheries and Sea Country

The following engagement strategy has been developed based on the information provided above and substantiated in the main project reports. It includes three sections:

- Engagement initiatives for policy-level and strategic planning processes which apply across all Commonwealth fisheries.
- Engagement initiatives in particular regions and fisheries.
- Initiatives that will support the effectiveness of engagement over time.

In developing this strategy and these initiatives, we applied Indigenous nation-In each case we describe the aims and scope of these initiatives, whether these should be implemented in the short/medium/long term, by whom, and with instructive examples and precedents provided.

Component 1: Engagement initiatives across Commonwealth fisheries

Table 7. Engagement initiatives across Commonwealth fisheries

Engagement initiatives across Commonwealth fisheries				
Initiative	Scope/Aims	Timeframe	Implementing bodies	Instructive examples and precedents
A national coalition or peak body on Indigenous fishing and related Sea Country interests	<p><u>Aim:</u> To support and advance effective Indigenous leadership in the fisheries sector, through broad facilitating of leader-to-leader and nation-to-nation diplomacy and representation between Indigenous nations with relevant fisheries and fisheries-related Sea Country interests and the Australian government.</p> <p>A key aspect of this body is that its main role is to co-ordinate a unified voice (where consensus exists) on issues of concern to member Indigenous Nations, rather than provide representation on their behalf. Formal representation should remain the role of leaders in each individual nation who are accountable to Traditional Owners and community-level collectives. As a result such a body should also be designed so as to facilitate direct engagement between</p>	Short term priority (Advance within 2 years).	<p>Funding for design, establishment and ongoing operating costs should be jointly provided by govt depts with remit for oceans and a future formal relationship with this body – DAFF, DCCEW, DCCEW, AFMA, ILSC, FRDC, NIAA.</p> <p>With respect to convening initial development of the peak body, ILSC is potentially an appropriate body for these purposes as</p>	<p>Examples of representative, community-controlled Indigenous peak bodies.</p> <ul style="list-style-type: none"> - First Nations Fisheries Council British Columbia. https://www.fnfisheriescouncil.ca/ - National Sea Country Alliance (see https://nntc.com.au/sca/) - Coalition of Peaks under the National Agreement on Closing the Gap

	<p>Indigenous nations, their representatives, and government to the greatest extent possible.</p> <p>While this strategy is initially developed for engagement with government agencies, this body would be well placed to develop direct relationships with industry peak bodies over time. Such relationships could be beneficial for facilitating dialogue around legislative, policy and strategic planning issues, and facilitate potential dialogue and collaboration at a regional and local level.</p> <p><u>Scope:</u> To be effective in the longer term this body needs to:</p> <ul style="list-style-type: none"> - Operate independently of government. - Have a direct relationship with government at the ministerial and department secretary level. - Be recognised under the National Agreement on Closing the Gap and the <i>Commonwealth Fisheries Management Act</i> as a peak body with regular consultative functions that government are obliged to engage with. - Have a mandate to co-ordinate/facilitate the negotiation of broad agreements between members and government on Indigenous rights, responsibilities and interests in fisheries and Sea Country. - Have a formal relationship with advisory/working groups, relevant boards and commissions (e.g. AFMA Commission, Ministerial Fisheries Advisory Council, FRDC Board). This may include a role in appointing members to advisory/working groups, boards and commissions. - Receive appropriate funding and logistical support from government to perform its role. E.g. via registration under the <i>Primary Industries Act</i>. 		<p>its remit is to support “Aboriginal and Torres Strait Islander people to enjoy the rightful entitlements, opportunities and benefits that the return of Country and its management brings” and, under its National Indigenous Land and Sea Strategy 2023–2028 (see ILSC 2023) it has mandate to fund initiatives that:</p> <ul style="list-style-type: none"> - Operate in the fisheries sector as a priority sector. - Promote initiatives that support sector leadership by Indigenous nations. - Promote initiatives that enhance the recognition of rights over Country for Indigenous nations. 	<ul style="list-style-type: none"> - Sea Forum, an independent coalition of Indigenous groups in the Southern Great Barrier Reef between 1997–2003. - National Aboriginal Community Controlled Health Organisation. <p>Other examples of community-controlled organisations with interests in fisheries and Sea Country include major coastal land councils, regional authorities, Indigenous alliances, and representative (i.e. membership-based) Indigenous groups.</p>
<p>An Indigenous Fisheries Technical Working Group</p>	<p><u>Aim:</u> Facilitate Indigenous expertise on fisheries into fisheries policy and technical management processes, by providing focused advice and support to a both an Indigenous coalition/peak body, and to government.</p> <p><u>Scope:</u> Initially, this body should support the development and prioritisation of a strategic action plan for an Indigenous national coalition/peak body and a framework agreement between a peak body and Commonwealth fisheries agencies.</p>	<p>For Commonwealth fisheries processes: Short term priority (Advance within 2 years).</p> <p>For national-level/cross jurisdictional processes:</p>	<p>This body should be implemented by DAFF, with support and possible co-funding from AFMA, DCCEW and relevant cross-agency and cross-jurisdictional initiatives (National Oceans Plan, National Fishing Plan).</p>	<p>Examples of advisory bodies and working groups that are instructive.</p> <ul style="list-style-type: none"> - Indigenous Technical Advisory Network, British Columbia. https://www.fnfisheriescouncil.ca/program/indigenous-technical-advisory-network/

	<p>As part of its ongoing functions, this group should provide technical advice and input into the following processes:</p> <p>For Commonwealth fisheries:</p> <ul style="list-style-type: none"> - Commonwealth fisheries legislative and policy reviews. - Management of Commonwealth fisheries to identify possible Tier 2 and Tier 3 interests in a fishery. - Fisheries assessments undertaken under the EPBC Act to identify possible Tier 2 interests. - Provide advice to the IAC under the EPBC Act pertaining to Commonwealth fisheries, where requested by IAC chair. - Provide advice on aspects of the Sustainable Oceans Plan pertaining to fisheries. <p>National-level/cross-jurisdictional initiatives:</p> <ul style="list-style-type: none"> - National Fishing Plan. - Fisheries assessments undertaken under the EPBC Act to identify possible Tier 2 interests in state fisheries. - Provide advice to the IAC under the EPBC Act pertaining to fisheries matters where requested by IAC chair. - Support deliberations in state jurisdictions on Indigenous fisheries and Sea Country issues where requested either by state agencies or a national coalition/peak body, especially where these relate to cross-jurisdictional fisheries issues. <p>To be legitimate and effective over the longer term this group must:</p> <ul style="list-style-type: none"> - Have a formal relationship with a representative Indigenous structure (i.e. a coalition/peak body or similar). This may include the ability for joint appointment of members by both government and a coalition/peak body. - Have a clear remit under legislation or policy, and clearly identified core advisory tasks, as well as capacity/resourcing to meet "as needs" requests and undertake focused work. - Publish summaries of meeting proceedings. 	<p>Medium term priority (Advance within 5 years)</p>		<ul style="list-style-type: none"> - National Agreement on Closing the Gap Partnership Working Group. - National Aboriginal and Torres Strait Islander Coastal Reference Group, 1994–1997 advised the Commonwealth govt. on Indigenous coastal, marine and fisheries policies. - National Indigenous Fishing Technical Working Group 2004 developed Indigenous fisheries principles to guide development of fishing strategies in Australia. - Indigenous Advisory Committee under the EPBC Act. - National Sustainable Oceans Plan Indigenous Reference Group. - Fisheries Research and Development Corporation Indigenous Reference Group. - Committee on Aboriginal Water Interests as part of the Commonwealth Government National Water Reform Committee. - NSW Indigenous Fisheries Working Group 2001–2005 for Indigenous Fisheries Implementation Plan. - NSW Aboriginal Fishing Advisory Council (AFAC) 2011–present.
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<p>An Indigenous unit within DAFF and AFMA</p>	<p><u>Aim:</u> Advance Indigenous engagement and the consideration of Indigenous rights, interests and responsibilities in the day-to-day operations of DAFF and AFMA.</p> <p><u>Scope:</u> As part of its regular functions this unit should:</p> <ul style="list-style-type: none"> - Provide a secretariat function for an Indigenous Fisheries Technical Working Group. - Engage on a regular basis with Indigenous nations to develop an information base on Indigenous interests in Commonwealth fisheries, with support of a peak body, technical working group and DAFF First Nations Platform for Benefit Sharing. - Provide support to fisheries managers and advisory committees in identifying, engaging with and accounting for Indigenous interests in fisheries management processes. - Build a cohort of Indigenous professionals with detailed knowledge and understanding of commercial fisheries and their management, both within the unit and across DAFF/AFMA. - Support all staff within Commonwealth agencies to enhance their understanding and support for recognition of Indigenous connections to Sea Country and engagement in fisheries. - This unit may be appropriate to provide a secretariat function to the overall engagement structure (i.e. administer structured engagement processes between government, Indigenous peak body and technical working group). However, as this function could also legitimately be performed by an Indigenous peak body or large Indigenous organisation, this matter should be subject to negotiations with a peak body and with support from the technical working group. - It should be noted that experiences of Indigenous participants within similar units have been varied, based on project discussions. Having a clearly defined scope that this unit should deliver on, Indigenous leadership in the running of the unit, and specific support mechanisms to assist in the challenging role of negotiating between Indigenous nations and government, such as cultural load leave, will be important for this unit to function effectively. 	<p>Short term priority (Advance within 2 years).</p>	<p>DAFF and AFMA should fund and implement this unit.</p> <p>This unit should be led by an Indigenous person. It should be staffed by Indigenous people where possible, however this unit should be established with non-Indigenous staff recruited where capable Indigenous recruits are not available.</p>	<p>Numerous government departments and research organisations now have dedicated Indigenous-led units, which develop and maintain relationships with Indigenous organisations and communities.</p> <p>In the marine space, some good examples include:</p> <ul style="list-style-type: none"> - AIMS Indigenous Partnerships Program. - Great Barrier Reef Foundation Traditional Owner governance program. - Within NSW DPI, Aboriginal Fishing and Marine & Coastal Environment unit.
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A secretariat for the national engagement structure.	<p><u>Aim and scope:</u> Provide ongoing logistical support to a peak body, a technical working group, and government, to ensure structured and regular engagement around shared priorities and at key points in the policy and management cycle.</p>	<p>Short term priority (Advance within 2 years).</p>	<p>To be determined in negotiation with a national coalition or peak body and with input from technical working group.</p> <p>This secretariat could be housed within government (i.e. as a function of an Indigenous-staffed unit within DAFF/AFMA), within a peak body, or within a large Indigenous organisation that is a party to the engagement process.</p>	<ul style="list-style-type: none"> - NSW DPI, Aboriginal Fishing and Marine & Coastal Environment unit. Supporting the NSW AFAC. - Tweed Cultural Fishing Steering Committee Secretariat provided by NSW DPI.
The prioritisation of options for engagement in specific fisheries and regions.	<p><u>Aim:</u> Negotiate a strategic partnership agreement between a peak body and the Commonwealth government on implementation of specific policy, regional and fishery-level initiatives.</p> <p><u>Scope:</u> This agreement should:</p> <ul style="list-style-type: none"> - Adopt Indigenous nation-building principles contained in this strategy. - Support a process of identifying priority legislative/policy planning processes and development of a formalised engagement process for these processes. - Support a process of identifying interests held by Indigenous nations in particular fisheries, and identification of regional/fishery-level engagement options and related initiatives in light of those interests. - Adopt the schema of interests identified in section 5 of this report as a basis for identifying relevant interests in particular regions and fisheries. - Specify the role of government, a peak body, individual Indigenous nations/coalitions of Indigenous nations, and industry in advancing specific initiatives in particular regions and fisheries. - Provide an entry point for dialogue with state governments where it is mutually agreed that the Commonwealth is not the appropriate entity to address specific interests Indigenous 	<p>Medium term (Advance within 5 years)</p>	<p>This should take the form of a strategic guiding agreement between a national peak body and Commonwealth fisheries agencies (DAFF, AFMA, DCCEW), with technical advice and support provided by the technical working group.</p> <p>Negotiation of this agreement should be funded as part of the core operations of the peak body and government fisheries agencies.</p>	<p>ILSC support to build capacity and purchase fishing entitlements in four existing Indigenous fisheries businesses.</p> <ul style="list-style-type: none"> • Kuti Co, South Australia • Wanna Mar, South Australia • Tidal Moon, Western Australia • Land and Sea Aboriginal Corporation Tasmania <p>Federal government grant used to establish Aboriginal Sea Company and purchase NT commercial fishing entitlements.</p>

	<p>nations hold in fisheries and Sea Country in a given geographical area.</p> <ul style="list-style-type: none"> - Specify funding and capacity-building mechanisms that can support more effective partnership between collaborating bodies over time. 			
<p>Indigenous-specific forums on fisheries issues.</p>	<p><u>Aim:</u> Facilitate regular two-way dialogue and communication between Indigenous interests and government with respect to fisheries and their management.</p> <p><u>Scope:</u> These should encompass:</p> <ul style="list-style-type: none"> - Regular forums convened as part of a standardised process for communication and dialogue between government, a peak body, and technical advisory group members. - Issue-specific and as-needed forums. Ideally, these would be region-specific (e.g. Northern, Southern, Eastern, Western fisheries forums), and/or focus on clusters of species that have similar attributes or common interests with respect to Indigenous groups. These forums would also seek to directly engage Indigenous parties with interests in specific regions/fisheries. 	<p>Medium term (Advance within 5 years)</p>	<p>DAFF and AFMA, in negotiation with a national coalition or peak body and with input from Indigenous fisheries technical working group.</p>	<ul style="list-style-type: none"> - Maori <i>iwi</i> fisheries forums. These forums are separate to regular multi-stakeholder fisheries management advisory processes, providing a specific engagement forum for Maori in specific regions. These forums cover key issues related to both commercial and customary fishing interests. - AFMA NGO forums This initiative provided NGOs with an interest in fisheries sustainability issues and particularly bycatch with a regular forum within which issues of a range of fisheries were reported on. Where specific fisheries or issues arose as of interest to NGOs, they then subsequently were able to participate in the Management Advisory Committee for that fishery. - National Indigenous Fisheries Research Forum, 2011, otherwise known as the "Cairns Forum." Shaping advice for Indigenous fishing and aquaculture RD&E.

Component 2: Initiatives for regional-level and fishery-specific engagement

Table 8. Options for regional-level and fishery-specific engagement

Regional-level and fishery-specific engagement initiatives				
Initiative	Scope/Aims	Timeframe	Implementing bodies	Instructive examples and precedents
Regional Indigenous fisheries representative bodies	<p><u>Aim:</u> To support and advance effective Indigenous leadership in the fisheries sector at a regional level, where coalitions of Indigenous nations with similar interests and situations wish to formalise partnerships between them and relevant government agencies.</p> <p><u>Scope:</u> These regional bodies would:</p> <ul style="list-style-type: none"> - Provide a forum for Indigenous groups with similar regional circumstances and histories to advance their interests in fisheries and Sea Country. - Have a formal relationship with a national representative peak body, potentially acting as regional “sub-forums.” - Provide a connection point for government to notify and work with Indigenous groups in regional areas on specific legislative, policy, or fisheries management processes and issues. - Depending on the specific interests and priorities of participating Indigenous nations, and existing processes for Indigenous engagement in fisheries in state jurisdictions, these bodies may be focused on Commonwealth fisheries, or provide a common function across state and Commonwealth fisheries. 	Medium term (Advance within 5 years where there is a desire for regional coalitions)	<p>National peak body should lead this process, where requested from member Indigenous nations in a specific region.</p> <p>State and Commonwealth governments should support development of these sub-forums where they intend to regularly engage with these bodies as part of regular legislative, policy and fishery management processes.</p>	<p>Examples of regional alliances and efforts to work across multiple Indigenous groups, that have instructive value in developing a peak body and regional sub-forums include:</p> <ul style="list-style-type: none"> - Northern Australia Indigenous Land and Sea Management Alliance. - Aboriginal Sea Company. - Kimberley Indigenous Saltwater Reference Group (ISWAG). - Tweed Cultural Fishing Steering Committee, and Hastings Cultural Fishing Steering Committee. <p>Indigenous bodies providing advice and collaboration on development of local Aboriginal Cultural Fishing Local Management Plans.</p>

Nation-based agreements to guide relationships between government and specific nation groups.	<p><u>Aim:</u> Provide a strategic basis for co-operation between an Indigenous nation and government agencies on all aspects of fisheries and Sea Country governance.</p> <p><u>Scope:</u> A key aspect of these agreements is that they support Indigenous nations to:</p> <ul style="list-style-type: none"> - Exercise sovereignty over their Sea Country. - Support them to proactively build internal capacity in relation to fisheries issues and wider Sea Country governance. - Guide key external relationships that support these efforts. - Through these efforts, collaboratively plan and manage their Sea Country in partnership with other key actors such as government, industry and NGOs. 	<p>Longer term (Advance within 10 years where there is a desire for agreement-making)</p>	<p>Individual nations should initiate this process, with support from a national coalition/peak body and/or regional representative bodies</p>	<ul style="list-style-type: none"> - Kungun Ngarrindjeri Yunnan Agreement (KNYA) between SA government and Ngarrindjeri people, which led to joint management planning for RAMSAR listed coastal wetlands. - Buthera Agreement between South Australian government and Narungga people, which provides specific direction on co-operation on fisheries issues.
Engagement of Indigenous representatives in annual fisheries management processes.	<p>Provide input into annual fishery management cycles through Management Advisory Committees.</p> <p>Participation in these forums should, as a principle, be open to any interested Indigenous parties, however participation would largely depend on:</p> <ul style="list-style-type: none"> - The specific Indigenous interests in a fishery. - The presence and effective functioning of a wider engagement structure to build capacity to participate in technical management forums and provide support to representatives. - The degree to which individual impacted nation groups are able to exercise their sovereignty over Sea Country, which influences their capacities and willingness to participate in these forums. - Resourcing of Indigenous representatives to participate in these processes. 	<p>Medium term where interests are well defined and capacity exists (Advance within 5 years)</p> <p>Longer term where groundwork identifying specific interests and capacity development is required (Advance within 10 years)</p>	<p>AFMA lead, with support on capacity development and support to representatives from a peak body.</p>	<ul style="list-style-type: none"> - Involvement of traditional inhabitant fishers and representatives on Torres Strait fisheries management advisory groups, including participation in development of harvest strategies for Tropical Rock Lobster and Beche-de-mer fisheries. It is important to note these members' effectiveness is supported by a range of factors including the presence of the Torres Strait Regional Authority. - In NSW, AFAC representative on Rock Lobster Harvest Strategy and Draft Mulloway Harvest Strategy. - Standing invitation to, and occasional/issue-specific involvement of Indigenous representatives on the Northern Prawn Trawl Fishery Management Advisory Committee.

Development of Indigenous fisheries and Sea Country strategies.	<p>Support development of a vision and plan for an Indigenous nation, community, or organisation in advancing their rights, responsibilities and interests in fisheries and Sea Country.</p> <p>Often these plans can be a precursor to wider partnership agreements that provide the basis for co-operative action on areas of mutual interest.</p> <p>The ability to advance these partnerships would likely be strongly influenced by the existence of an economic fund that includes support for fisheries and Sea Country planning initiatives.</p>	<p>Medium term (Advance within 5 years)</p>	<p>These plans should be developed by Indigenous nations, with funding and active support and funding from DAFF, AFMA, DCCEW and ILSC.</p>	<ul style="list-style-type: none"> - Indigenous Sea Country plans published widely around coastal Australia. - Regional Action Plans developed in Queensland by Aboriginal groups to address localised dugong depletions in the late 90s/early 2000s. - Birpai Barray (Hastings) and Tweed Aboriginal Cultural Fishing Local Management Plans. - Aboriginal Sea Company Strategic Plan. - Traditional Use of Marine Resources Agreements (TUMRAs)
Development of fishery-level management plans and strategies in partnership with Indigenous nations.	<p>Development of commercial fisheries management plans with Indigenous people's input and deliberation, and including where appropriate development of harvest and bycatch mitigation strategies that are able to address Indigenous-specific objectives and outcomes, is an important aspect of addressing legislative obligations to have regard to Indigenous fishing interests. This should involve the following steps:</p> <ul style="list-style-type: none"> • Pre-engagement relationship-building and capacity development. • Engagement to identify relevant Indigenous interests, objectives and outcomes. • Risk and impact assessment. • Development and dissemination of management plan or harvest/bycatch strategy. • Implementation and maintenance of relationships. <p>The identification of specific fisheries and species of relevance to these processes should be undertaken in negotiation initially with a peak body and with support from a technical working group.</p> <p>Initial Commonwealth fisheries which have been highlighted in the current project as of potential interest by Indigenous nations for</p>	<p>Medium term where interests are well defined and capacity exists (Advance within 5 years)</p> <p>Longer term where groundwork identifying specific interests and capacity development is required (Advance within 10 years)</p>	<p>AFMA lead, with support from a national coalition and technical advisory group.</p>	<p>Torres Strait harvest strategies for:</p> <ul style="list-style-type: none"> - Tropical rock lobster - Beche-de-mer - Finfish <p>NSW Lobster Harvest Strategy</p> <p>Indigenous Fisheries Technical Working Group submission to Commonwealth Harvest Strategy and Bycatch Policy reviews (available here).</p> <p>Current projects in progress that aim to support development of Indigenous-led harvest strategies include:</p> <ul style="list-style-type: none"> - NSW DPI development of a harvest strategy framework for Aboriginal cultural

	<p>these purposes include the Southern and Eastern Scalefish and Shark Fishery, and the Northern Prawn Fishery.</p> <p>Depending on the nature of the interests in a fishery, and the willingness for engagement among interested Indigenous nations, such processes may take various forms, including:</p> <ul style="list-style-type: none"> - Indigenous participation in the development of the fishery management plan, including descriptive information on important species interacting with the commercial fishery, shared goals/objectives for fisheries management including Indigenous specific objectives, resource allocation arrangements (where appropriate), and specification of management approaches to account for Indigenous people's interests. - Indigenous participation in the development of harvest and bycatch strategies for commercial fisheries which impact on Indigenous interests. - Indigenous participation in the development of holistic harvest and bycatch strategies which cover all sectors. - Indigenous co-development of strategies that apply to Indigenous fishing. <p>The effectiveness of these efforts would likely be dependent on:</p> <ul style="list-style-type: none"> - The degree to which overarching legislation and policy are reformed to provide clarity on how objectives of fisheries management should address Indigenous interests in fisheries and Sea Country to support outcomes for Indigenous nations. - The degree to which Indigenous nations are able to secure access to fisheries resources in relations to fisheries and species of interest to them. 			<p>fishing to enable cultural fishing to be integrated into all relevant Harvest Strategies developed in NSW, 2021–2024.</p> <ul style="list-style-type: none"> - FRDC PRO 2021-098. <i>Incorporating Aboriginal perspectives into fishery management review processes, using the Northern Territory Barramundi Fishery as a case study.</i> - FRDC PRO 2019-127. <i>Developing a traditional fishing harvest strategy to support the sustainable harvest of Quamper (Pinctada albina) in Moreton Bay.</i>
<p>Negotiation of resource-sharing agreements in partnership with Indigenous nations.</p>	<p>Develop fishery-level resource-sharing agreements in partnership with Indigenous nations.</p> <p>The need for resource-sharing agreements in specific Commonwealth fisheries will likely be dependent on:</p> <ul style="list-style-type: none"> - The degree to which allocation of commercial fishing entitlements to Indigenous nations is highlighted as a priority of a national coalition/peak body, and by individual nations. - The degree to which commercial fisheries are managed to a level of biomass abundance that does not compromise fish availability for non-commercial forms of Indigenous fishing. 	<p>Medium term where interests are well defined and capacity exists (Advance within 5 years).</p> <p>Longer term where groundwork identifying specific interests and capacity</p>	<p>DAFF lead, with support from a national coalition/peak body.</p>	<p>Torres Strait fisheries allocations leading to ownership of fishing entitlements by TSI organisations in the Tropical Rock Lobster (100% of total entitlements), Beche-de-mer (100%) and Finfish (66%) fisheries. See Appendix E.</p>

	<ul style="list-style-type: none"> - The degree to which fishery management processes such as harvest strategies include secure allocations of catch to Indigenous nations. These should cover both Indigenous non-commercial fishing (as in Torres Strait or South Australian fisheries) as well as allocations for Indigenous commercial fishing development prior to the need for any resource re-allocation processes (as in the Queensland Harvest Strategy policy 5% Indigenous fishing business allocations). 	development is required (Advance within 10 years)		Maori fisheries settlements leading to 20% ownership of all fishing entitlements across New Zealand.
Partnerships with Indigenous seafood businesses	<p>Enter into agreements that support Indigenous nations' participation in the commercial fishing industry and fisheries management.</p> <p>Provide business development support, training and capacity development to Indigenous businesses or organisations.</p> <p>The ability to advance these partnerships would likely be strongly influenced by the existence of an economic fund to support fisheries and Sea Country initiatives.</p>	<p>Medium term where interests are well defined and capacity exists (Advance within 5 years).</p> <p>Longer term where groundwork identifying specific interests and capacity development is required (Advance within 10 years).</p>	Once an economic fund is established to support these initiatives, leadership would depend on the nature and scope of specific agreements or opportunities, with either DAFF, AFMA, industry or a national coalition/peak body able to play leadership roles in developing specific initiatives.	<p>ILSC support to purchase fishing entitlements in three existing Indigenous fisheries businesses.</p> <ul style="list-style-type: none"> - Kuti Co, South Australia - Wanna Mar, South Australia - Tidal Moon, Western Australia - Land and Sea Aboriginal Corporation Tasmania <p>NSW, NT and NIAA-supported Aboriginal fishing business funding programs.</p>
Partnerships with land and sea management organisations	<p>Provide operational and business development support, training and capacity development to Indigenous land and sea management organisations.</p> <p>Enter into service delivery arrangements that support fisheries management such as:</p> <ul style="list-style-type: none"> • Participation/collaboration in fisheries science and monitoring. • Training/implementation of fisheries compliance activities. • Research and community engagement in data collection on Indigenous fisheries. <p>The ability to advance these partnerships would likely be strongly influenced by the existence of an economic fund to support fisheries and Sea Country initiatives.</p>	<p>Medium term where interests are well defined and capacity exists (advance within 5 years).</p> <p>Longer term where groundwork identifying specific interests and capacity development is required (advance within 10 years).</p>	Once an economic fund is established to support these initiatives, leadership would depend on the nature and scope of specific agreements or opportunities, with either DAFF, AFMA, industry or a national coalition/peak body able to play leadership roles in developing specific initiatives.	<ul style="list-style-type: none"> - National Indigenous ranger programs. - AIMS Indigenous Science Partnerships program, supporting collaborations with Indigenous ranger groups around marine environmental and cultural mapping, monitoring and resource assessment. - Partnerships between Indigenous organisations and universities to implement NESP research and engagement activities.

Component 3: Initiatives to support the effectiveness of engagement

Table 9. Initiatives to support the longer-term effectiveness of engagement

Initiatives to support the longer-term effectiveness of engagement				
Initiative	Scope/Aims	Timeframe	Implementing bodies	Instructive examples and precedents
A national capacity-building program for Indigenous fisheries	<p><u>Aim:</u> Build capacity in government agencies, industry, recreational fishing and Indigenous organisations, for effective and mutually beneficial engagement.</p> <p><u>Scope:</u> This program should provide two-way capacity development in the following areas:</p> <ul style="list-style-type: none"> - Indigenous fisheries and Sea Country-based governance being provided to fisheries management agencies, industry and recreational fishing representative bodies. - Science-based approaches to adaptive management of fisheries, and Indigenous nation-building approaches (history, principles and processes) being provided to Indigenous organisations and their representatives. <p>It is important to note that capacity building for non-Indigenous bodies should support a process of deepening understanding about economic, cultural, and governance aspects of Indigenous fisheries. Cultural awareness training, while important, will not be sufficient to meet these needs.</p>	Short term (advance within 2 years).	FRDC in partnership with a national coalition/peak body, and an Indigenous fisheries technical working group.	- FRDC PRO 2017-069. Indigenous Capacity Building Program.

Reform of legislation and policy to more clearly address Indigenous rights, responsibilities and interests in fisheries and Sea Country.	<p>It is important to note that this is not an engagement initiative <i>per se</i>, however this has been consistently highlighted by Indigenous participants in this project as a key influence on the likely success of engagement over the longer term.</p> <p><u>Scope:</u> Reforms should provide clarity on:</p> <ul style="list-style-type: none"> - Objectives of management that require delivery of meaningful outcomes for Indigenous nations. - Engagement, assessment and strategy development processes that should be utilised to enable fisheries management to deliver on these objectives. 	<p>Medium term (advance within 5 years).</p>	<p>DAFF, in negotiation with a national coalition or peak body and with input from Indigenous fisheries technical working group.</p>	<p>Objectives guiding the management of Torres Strait fisheries contained in the <i>Torres Strait Fisheries Act 1984</i>.</p> <p>Objectives guiding the management of Aotearoa/NZ fisheries contained in the <i>Treaty of Waitangi (Fisheries Claim) Settlement Act 1992</i>, that have informed the development of management plans for commercial fisheries with sustained input from Maori.</p>
Development of an Indigenous fisheries and Sea Country economic fund	<p>It is important to note that this is not an engagement initiative <i>per se</i>, however this has been consistently highlighted by Indigenous participants in this project as a key influence on the likely success of engagement over the longer term.</p> <p><u>Aim:</u> Support economic self-determination for Indigenous collectives through providing financial support for targeted initiatives in the fisheries sector.</p> <p><u>Scope:</u> This fund should support:</p> <ul style="list-style-type: none"> - Purchase of fisheries entitlements for transfer to Indigenous organisations or fishing businesses. - Training, business development and capacity improvement activities with Indigenous organisations in fisheries, or fisheries-related Sea Country initiatives. - Indigenous-led fisheries and Sea Country planning/strategy development initiatives. 	<p>Medium term (advance within 5 years).</p>	<p>This may be a whole-of-government consideration and may be beyond the reach of DAFF and AFMA alone.</p> <p>This fund should be developed in negotiation with a national coalition or peak body and with input from Indigenous fisheries technical working group.</p>	<p>ILSC support to build capacity and purchase fishing entitlements in four existing Indigenous fisheries businesses.</p> <ul style="list-style-type: none"> • Kuti Co, South Australia • Wanna Mar, South Australia • Tidal Moon, Western Australia • Land and Sea Aboriginal Corporation Tasmania <p>Federal government grant used to establish Aboriginal Sea Company and purchase NT commercial fishing entitlements.</p>