



COX INALL RIDGEWAY

**Hawkesbury Shelf Marine
Bioregion Phase 1 Aboriginal
engagement report for**

**Office of
Environment &
Heritage**



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Hawkesbury Shelf Marine Bioregion Assessment

Phase 1 Outcomes of Aboriginal engagement

1. Introduction

Cox Inall Ridgeway is working with the NSW Marine Estate Management Authority (MEMA) to facilitate Aboriginal engagement for the Hawkesbury Shelf marine bioregion Assessment (the Hawkesbury Shelf Assessment). The Hawkesbury Shelf marine bioregion extends from Newcastle to Shellharbour and includes the coastline, estuaries, coastal lakes and lagoons, beaches and ocean waters out to three nautical miles. A map of the bioregion is provided in Figure 1.

The aim of the Hawkesbury Shelf assessment is to develop recommendations to enhance and conserve biodiversity in the bioregion, consistent with the NSW Government's new approach to the management of the marine estate. Accordingly, MEMA recognizes that Aboriginal people have special rights and values in the marine estate and have an historic connection with the land and sea that warrants tailored arrangements for engagement.

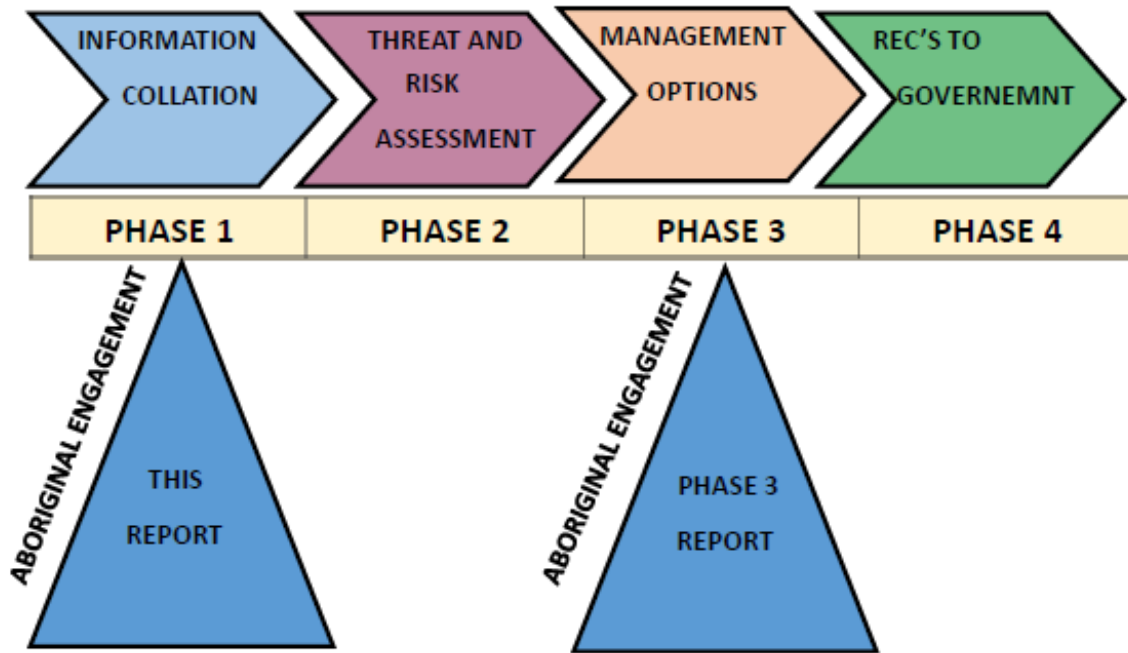
Cox Inall Ridgeway has been commissioned to enhance MEMA's understanding of:

- the benefits and values derived by Aboriginal people from the marine environment of the bioregion
- the threats to these benefits and values
- management opportunities to mitigate threats and maximize community well-being.

This Phase 1 report by Cox Inall Ridgeway is one of two reports that will be generated to inform the Assessment (see Figure 1). Phase 1 is an information collation phase where information is gathered on the values, benefits, threats and management opportunities Aboriginal Stakeholders associated with the Hawkesbury Shelf marine bioregion. This information will be used by MEMA to inform its threat and risk assessment.

A subsequent report will be developed in Phase 3 to understand the impacts of management options on Aboriginal people once the draft management options have been developed and engagement has occurred with the Aboriginal community. This report will inform MEMA's recommendations to Government in Phase 4.

Figure One: Aboriginal stakeholder engagement process for the Hawkesbury Shelf marine bioregion



As shown in Figure 3, MEMA’s threat and risk assessment is also being informed by various environmental, social and economic inputs including a statewide Aboriginal cultural heritage report¹. The report *Sea Countries of NSW* provides information on Aboriginal values and current uses of the NSW marine estate by Aboriginal people. In particular, it provides a description of cultural heritage benefits and a comprehensive list of threats to these benefits across the NSW Marine Estate. In addition, information obtained from the AHIMS database and documented in the *Sea Countries of NSW* report provide useful insight into what information is known and has been already mapped in terms of Aboriginal cultural heritage within the Hawkesbury Shelf marine bioregion. Selected findings provided in *Sea Countries of NSW* have therefore been used to inform this report as they relate specifically to the Hawkesbury Shelf.

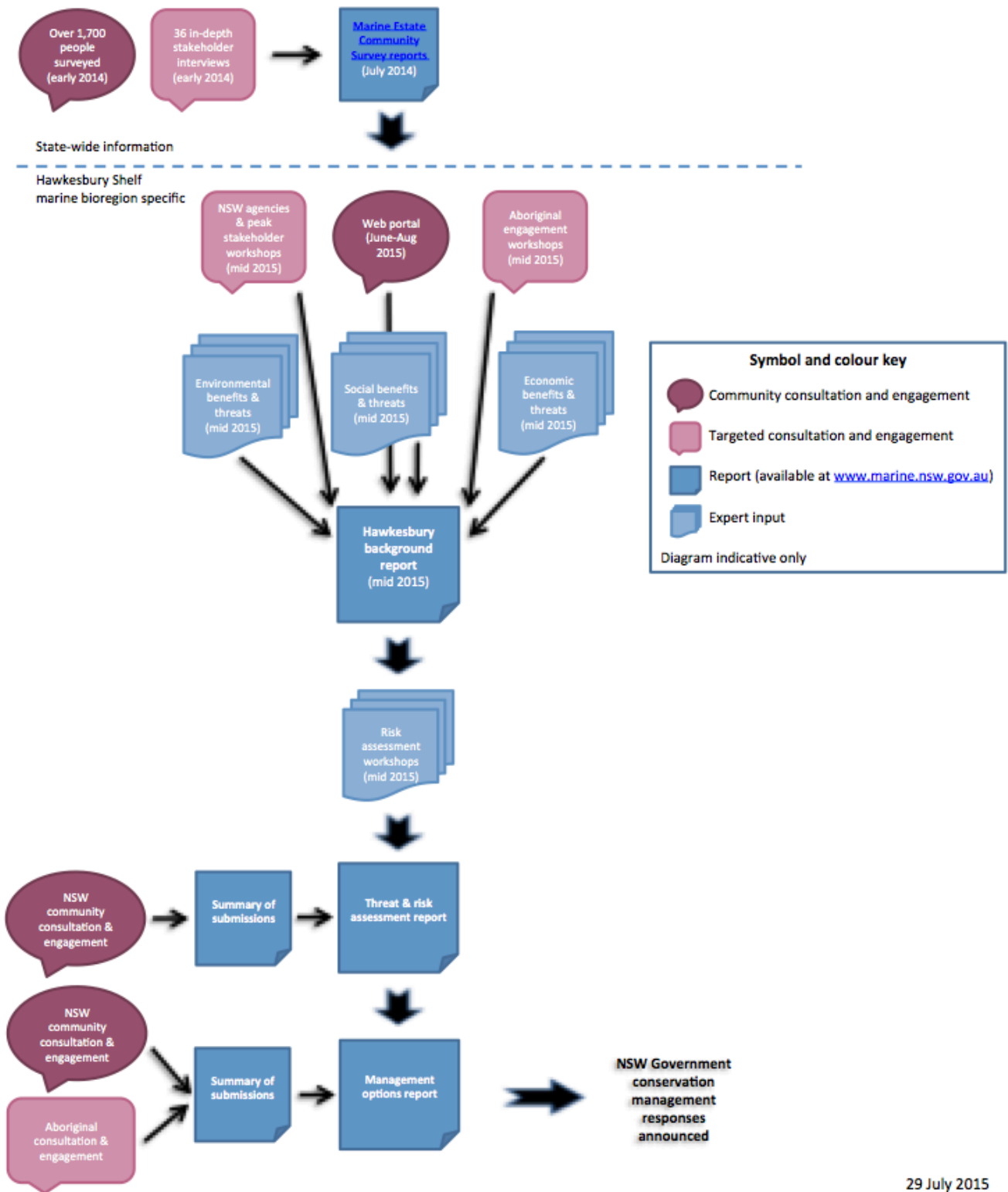
Given that the Hawkesbury Shelf Assessment is determining options to improve marine biodiversity conservation, some of the broader issues that arise during engagement with Aboriginal people may be separately considered as part of the development of the Marine Estate Management Strategy.

The key aims of this Phase 1 Aboriginal engagement report are to:

- identify benefits derived by Aboriginal people and the threats to these benefits (Section Five)
- recommend engagement strategies with the broader Aboriginal community for Phase 3 (Section Six)
- identify management opportunities that could be considered by MEMA when developing management options (Section Seven)

¹ Feary, Sue,. (2015) *Sea Countries of NSW*, pp35-60.

Figure Two: Key inputs and outputs for Hawkesbury Shelf Marine Bioregion Assessment



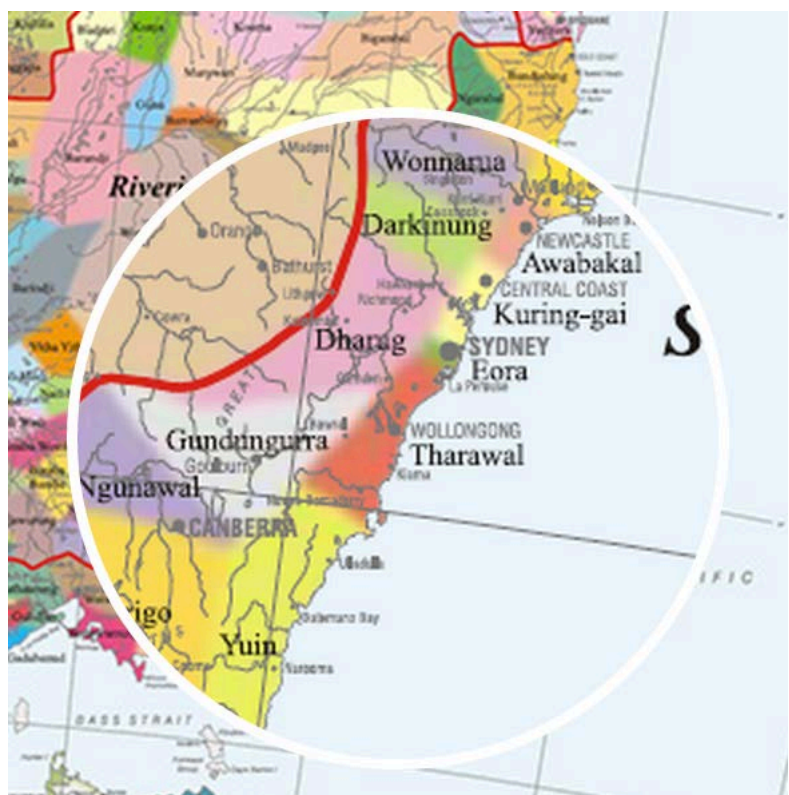
29 July 2015

2. Aboriginal cultural landscape across the Hawkesbury shelf marine environment

Traditional Aboriginal groups with connections to the Hawkesbury Shelf marine bioregion come primarily from the Awabakal, Kuring-gai, Darkinung, Dharag, Eora, Tharawal and Yuin Aboriginal nations. A map showing the general location of these groups is provided at figure three below.² The Worimi nation, while located just outside the Hawkesbury bioregion (to the north) has been included in this assessment because of its close proximity to the Hawkesbury shelf, and because of the environmental and cultural significance of the Worimi Conservation Lands and the Stockon Bight landscape.

Figure Two: Aboriginal nations of the Hawkesbury Shelf marine bioregion

The impact of colonisation across NSW on these traditional groups, however, was to dispossess many Aboriginal people from their traditional lands, often severing traditional ties with both land and sea. For some Aboriginal peoples, this resulted in partial, or in some cases a complete loss of knowledge of cultural traditions and creation stories.³ Without the capacity to demonstrate ongoing and unbroken ties to their traditional lands the *NSW Aboriginal Land Rights Act 1983* was passed with the aim to compensate Aboriginal people for this dispossession through establishing rights for Aboriginal people to claim land and resources in NSW.



The mechanism through which these rights are realised is the NSW Aboriginal Land Council (NSWALC), along with a network of 122 Local Aboriginal Land Councils (LALCs). Through provisions in the *NSW Aboriginal Land Right Act*, it is the function of every land council “to promote the protection of Aboriginal culture and the heritage of Aboriginal persons in its area and other persons who are members of the council”.

² This map indicated general locations of larger Aboriginal groups, which may include smaller clan groups within them.

³ It is noted that there is a registered Native Title claim that extends from Newcastle down to Mona Vale from the Awabakal-Guringai people. However, this is the only such claim across the Hawkesbury Shelf marine bioregion (Fed Court No. NSD780/2013).

In the contemporary landscape, the Hawkesbury Shelf marine bioregion spans across the boundaries of 12 LALCs, which can be seen at the map provided at Figure three⁴. While some land councils have members with strong ties to the traditional nations and clan groups, others reflect a membership made up considerably from Aboriginal people who have migrated from west to east, or to larger metropolitan cities over more recent decades (namely Metropolitan LALC). This has come about from a variety of reasons such as searching for employment, improved lifestyle or for better access to services and facilities available in coastal townships.

Figure Three: LALC boundaries within the Hawkesbury Shelf marine bioregion



⁴ This includes all those within the pink shaded boundary within Figure 3, along with Illawarra to the south.

Traditional connections to the Hawkesbury shelf marine environment

Aboriginal people's connections to the marine environment are shaped through both traditional practice, including post-contact history, as well as through contemporary connections. When examining traditional practices archaeological sites, in particular, show a direct and visible connection with the ancestors of today's Aboriginal population as well as forming an important repository of irreplaceable information on Aboriginal life prior to white settlement.

Within the Hawkesbury Shelf marine bioregion there are many thousands of archaeological sites on lands in and adjacent to the NSW marine estate and on offshore islands that are testament to a traditional Aboriginal existence that relied heavily on the resources of the marine environment⁵.

These sites are recorded in the Aboriginal Heritage Information System (AHIMS), which contains information and records about Aboriginal places that have special significance with respect to Aboriginal culture. AHIMS refers to these recorded Aboriginal objects and declared Aboriginal places as 'Aboriginal sites'.

Analysis of Aboriginal sites by bioregion shows that the greatest number of recorded sites is in the Hawkesbury Shelf marine bioregion, equal to the combined total of sites in all the marine bioregions. However, as noted in the report *Sea Countries of NSW*, while this may reflect higher densities of pre-contact Aboriginal occupation around Sydney Harbour, Port Jackson and the Parramatta River, when compared to other marine bioregions, it could equally be a function of relatively more archaeological surveys undertaken during heritage assessments for proposed developments such as subdivisions, roads etc (of which more have been undertaken in the Hawkesbury Shelf marine bioregion than anywhere else).

Table One: Recorded Aboriginal sites associated with the NSW Marine Estate (Source: AHIMS⁶, March 2015)

Marine bioregion	Recorded sites
Tweed-Morton	1080
Manning	1884
Hawkesbury	6565
Batemans	2889
Twofold	460

Further, the AHIMS provides a summary of the types and frequency of Aboriginal sites and features within them. A more detailed description and explanation of these Aboriginal sites are contained the report *Sea Countries of New South Wales*⁷. Below is a breakdown of sites that are recorded within the Hawkesbury Shelf marine bioregion.

⁵ Feary, Sue,. (2015) *Sea Countries of NSW: Benefits and Threats to Aboriginal People's Connections to the Marine Estate*, Marine Estate Management Authority, 36.

⁶ Aboriginal Heritage Information Management System. Sites are recorded to be located in and within 500m of the NSW marine estate.

⁷ Feary, Sue,. (2015) *Sea Countries of NSW*, pp35-60.

Table Two: Recorded sites in and within 500m of the marine estate

Description	Hawkesbury Bioregion
Aboriginal ceremony and dreaming	31
Aboriginal resource and gathering	49
Art	1037
Artefacts	2520
Burials	70
Ceremonial	2
Conflict	0
Earth mound	9
Fish trap	4
Grinding grooves	207
Habitation structure	44
Hearth	1
Modified tree	35
Non-human bone	7
Ochre Quarry	8
PADs	252
Shell	2260
Stone arrangements	18
Stone quarry	3
Waterhole	8
Total	6565

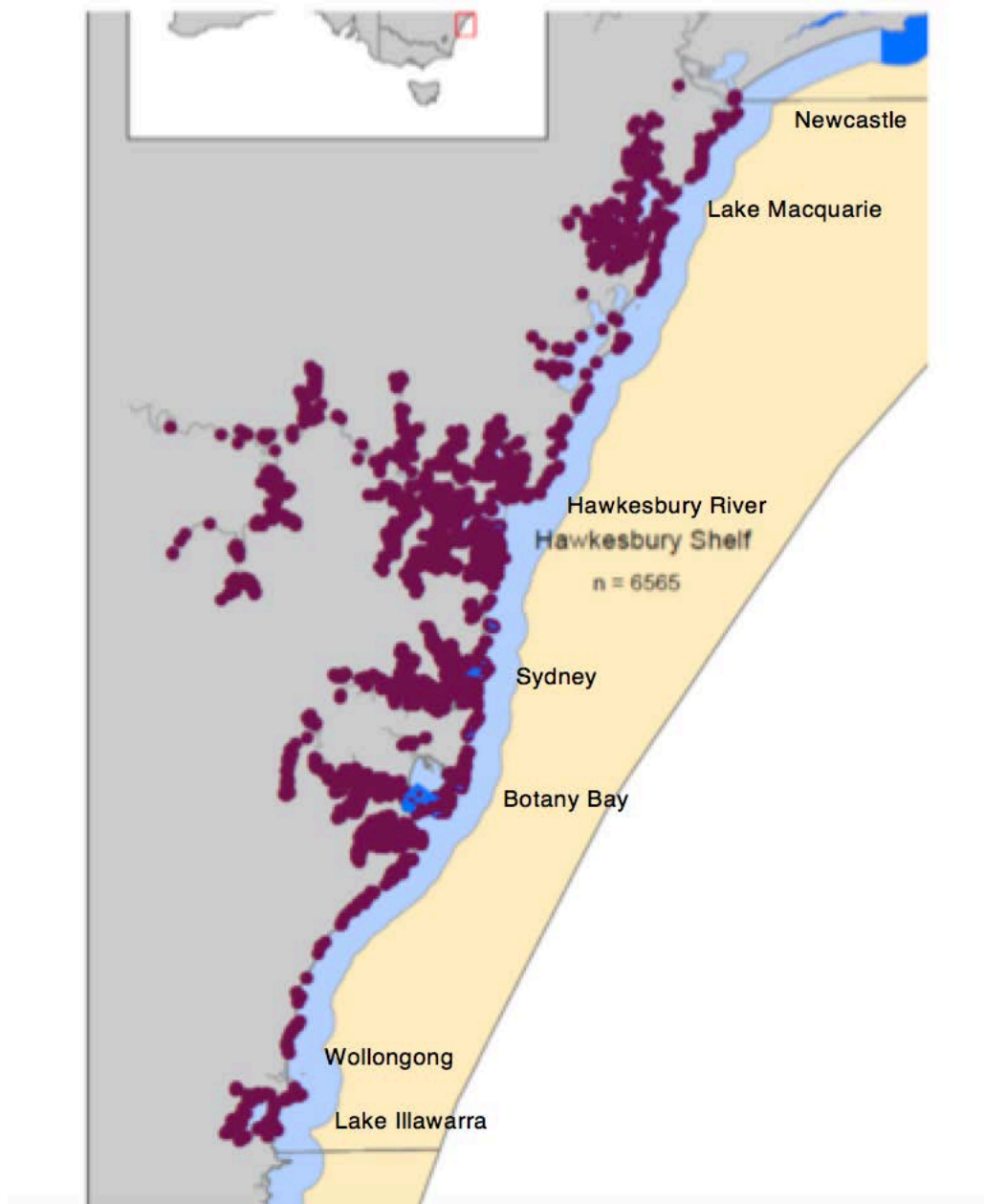
The report also provides some useful analysis particularly relevant to the Hawkesbury Shelf marine bioregion by providing a breakdown of the number of sites associated with estuaries to those primarily linked with the open ocean. Feary notes this is a reflection of fishing practices and cultural traditions, many of which are continued today, in the same location and often with similar technology⁸. It is particularly relevant to the Hawkesbury Shelf, as it demonstrates the strong relationship between the distribution of sites and the presence of waterways. This can best be seen by the map provided as Figure Four below.

Table Three: Percentages of sites in estuaries and adjacent to open waters

Marine bioregion	Total no. of sites	Estuary	Open coastline	% of Total	
				Estuary	Open
Hawkesbury Shelf	6565	5876	687	67%	14%

⁸ Feary .

Figure Four: Hawkesbury shelf marine bioregion showing site distribution



While the above figures and tables give an indication of the types of physical sites as they relate to the Hawkesbury Shelf marine bioregion, it must be noted that the AHIMS database only contains records where a site card has been submitted and entered into the database. In this respect, the AHIMS has its limitations in terms of its usefulness in assessing the benefits of the marine environment to Aboriginal people across the region. For example, sites such as resource and gathering sites may be underrepresented in the database as they often relate to historical, rather than pre-contact use. In addition, there are many duplicated recordings of the same site and the location of many sites may contain a burial, a midden and an artifact scatter.⁹

⁹ Feary, p40.

Similarly, while the above refers to the physical evidence of Aboriginal connections to the Hawkesbury marine environment, there are a number of other cultural considerations to take to be considered as part of the bioregion assessment that are not captured as part of the AHIMS database. In particular, this is in reference to Aboriginal connections to the marine environment related to:

- Cultural religious beliefs associated with the marine environment
- Totems
- Protocols and ritual practices
- Traditional ecological knowledge; and
- Transmitting and maintaining cultural knowledge.

The AHIMS usefulness as it relates this project as it allows these sites to be mapped to show the location and density of Aboriginal sites within or nearby the bioregion as well as the types of sites that are present in any given area. These can subsequently be mapped against Local Aboriginal Land Council (LALC) boundaries to show how these sites might be managed in a contemporary sense.

Broader engagement, however, has been needed in order to undertake a comprehensive benefit and threat analysis that considers Aboriginal relationships to the marine environment in both traditional and contemporary senses.

3. Approach to Aboriginal engagement

MEMA has put in place constructive measures to manage issues around government management of resource use as it relates to cultural access in the marine environment including drawing on the advice of the Aboriginal Fishing Advisory Council (AFAC). AFAC is a statutory Ministerial level council consisting of Aboriginal people from around the state with relevant knowledge of fisheries resource management issues and provide advice at a strategic level on fisheries management issues to the Minister. The Council consists of 10 Aboriginal people with connections to regions around the state; a ministerially selected Aboriginal individual with relevant additional expertise, along with representation from NSWALC, NTSCORP and DPI.

While AFAC is an important mechanism in the provision of culturally appropriate advice to the Minister on fisheries management and resource use, this nature of this project required much broader engagement with Aboriginal groups who have direct connection to the Hawkesbury Shelf marine bioregion.

The 12 identified Local Aboriginal Lands Councils whose boundaries fall within the Hawkesbury Shelf marine bioregion were identified as the best contact points for Aboriginal community engagement. LALCs have strong networks with Aboriginal communities in their boundaries, and in many cases, staff dedicated to cultural and heritage issues. They are also connected with Traditional Owner and or Knowledge Keeping groups, so could recommend additional stakeholders to be involved where appropriate.

In addition to the LALCs, a list of key stakeholders was also developed which included NTSCORP, AFAC, NSWALC and DPI. MEMA and the MEMA Agency Steering Committee members were also offered the opportunity to input into the development of the stakeholder list.

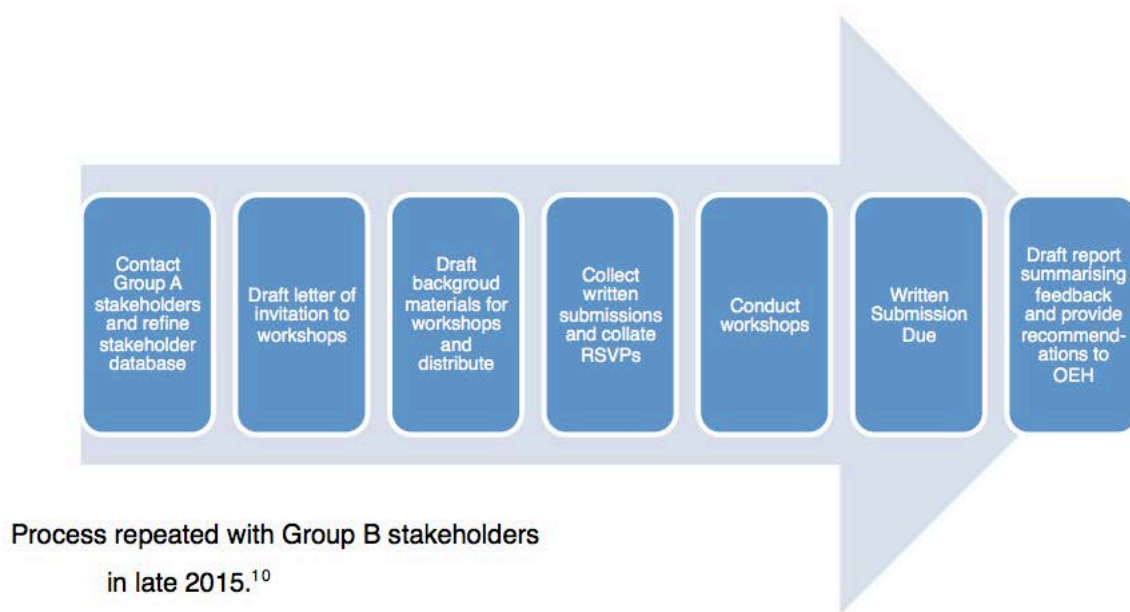
Engagement with these stakeholders would form part of the information-gathering phase of Hawkesbury Assessment, and inform this Phase One report (as outlined in Figure One). Figure Five is an overview of the Aboriginal engagement approach, developed by Cox Inall Ridgeway in engagement with MEMA agencies. Further detail can be found in the Aboriginal Engagement Plan at **Attachment A**.

Determining suitable locations and venues

Cox Inall Ridgeway organised a series of workshops at appropriate locations across the Hawkesbury Shelf marine bioregion. In line with the mainstream approach, workshops were held in the Newcastle, Sydney and Wollongong areas in order to encourage participation from local stakeholders and minimise travel across a large region. Venues in each area were chosen upon recommendation by the LALCs, or through Cox Inall Ridgeway's knowledge of suitable locations accessible to Aboriginal audiences. The three workshops were held on:

- Monday, 13th July – Yumuloong Centre, Gardens Suburbs, Newcastle, 10:30 – 2pm
- Tuesday 14th July – Aboriginal Health and Medical Research Council (AH&MRC) Aboriginal Health College, Little Bay, 10:30 – 2pm
- Wednesday 15th July, Illawarra Aboriginal Corporation, Wollongong, 10:30 – 2pm.

Figure Five: Approach to Aboriginal Engagement



Workshop methods

Cox Inall Ridgeway drafted a discussion paper outlining key issues for Aboriginal stakeholder in regards to the Hawkesbury Shelf marine bioregion assessment, with the aim of providing some background and key questions for participants to consider prior to the workshop. This paper is provided at **Attachment B** to this report.

The aim of our approach in holding workshops in the first phase of engagement was to encourage conversation and provoke thinking from participants about the different ways they interact with the marine environment in both a traditional and contemporary sense. However, the challenge in this approach is often combatting 'workshop / consultation fatigue' by Aboriginal community members, which can often lead to a low turn out on the day. Indeed, this sentiment was conversed by some people we spoke to, who expressed their frustration at being engaged through various engagement processes at different times, and therefore were difficult to engage in yet another government consultation process. In some cases it was not because of a lack of interest in the issues, but also difficulty in finding the time to attend amongst other work commitments. This was our experience in both Newcastle (4 attendees) and especially in Sydney (2 attendees). In both cases, there were people who had RSVP'd, but were apologies on the day. 15 people attended the Wollongong workshop. However, the higher turn out in Wollongong can also be put down to heightened activity and sensitivity around issues to do with the marine environment in the community at present. These issues are discussed in section 4 below. A full list of attendees to the workshops is provided at **Attachment C**. This also includes the proposed invitee list for the phase two engagement, as key contacts have been made through phase one engagement and there is new knowledge of traditional owner groups throughout the Hawkesbury Shelf marine bioregion.

Workshops were facilitated by Cox Inall Ridgeway partner Aden Ridgeway, supported by DPI staff who provided a broader overview to the Hawkesbury Shelf assessment as a whole. An overview of some of the management and legislative framework was given in line with the discussion paper provided. Discussion centred around four key questions, with conversation facilitated by Aden to maintain a focused, constructive discussion. These questions were:

1. What are the social, environmental, and / or economic benefits of the marine environment
2. What are the known cultural practices / considerations?
(archeological / sacred sites, philosophical beliefs, creation stories, rituals, Totems, protocols and rituals, traditional ecological knowledge)
3. What are the unknowns we need to consider?
4. What are the threats? And how do we balance the range of benefits / threats across different groups?

4. Summary of workshop key issues

Below is a summary of some of the key issues for MEMA to consider that were raised through the Aboriginal engagement process. These have been reflected in the benefits and threats tables below.

1. NSW Government use and protection of culturally sensitive information Public identification of culturally significant places (for example places of men's business and women's business and birthing places) and traditional stories was identified as a sensitive issue at the Wollongong workshop. Participants raised concerns about who would be the keepers of this sensitive knowledge, how it would be used and what would happen if the agreement was violated. Attendees requested that MEMA develop a confidentiality agreement and consult on the methods for this process with local communities.

2. Identification of cultural sites and practices not currently recorded by AHIMS

Following on from the issue outlined above, there is an opportunity to map further specific cultural gathering places not currently recorded by AHIMS. This is a conversation that should be had with Traditional Owner groups, rather than Land Councils. The *Sea Countries of NSW* report points to thousands of culturally significant sites that are recorded within the Hawkesbury Shelf marine bioregion, but notes resource and gathering sites are under-represented on the database as they often relate to historical, rather than pre-contact use.

It was also suggested that programs be established to help translate cultural stories, which may only be held by Aboriginal Elders, and only known in Aboriginal languages. Translation and safe keeping of some of these stories may bring ecological knowledge related to bio-conservation and protection of the marine environment.

Additionally, it was suggested that the AHIMS database may be limited in what is registered because cultural sites with a specified physical impression on the landscape is easier to identify and map as opposed to cultural sites which may involve a creation story, covering a much wider geographical landscape, including seascape.

Examples which were made mention of during each of the workshops included:

- cultural stories related to Norah Heads and Barrenjoey Point areas,
- men's and women's places on Pulbah Island, Lake Macquarie, and
- cultural connection stories running from and between Mt Yengo and Tuggerah Lakes, Central Coast.

Further commentary was also made in respect of cultural practices for the collection of red worm, understanding seasonal cycles for the 'mullet run' and whale migration and connections with Captain Cook's lookout.

Mention was also briefly made in respect of a number of animal and plant species, including shark, the sea eagle, and a birdlife songline related to Wollongong, as well as one species of sand dune plant species; 'pig-face' – a red flowering sand plant.

It is important to note, that these mentions are only cursory and it is likely that there will be more species in which traditional cultural knowledge is held.

The fact that they were all mentioned with some hesitation, appears to indicate an uncertainty on the part of the workshop participants about whether the knowledge and information would be properly acknowledged and treated with confidence and sensitivity.

It would also seem apparent that in order to understand and/or positively manage the cultural seascape, would require a more detailed process of engagement with the holders of traditional cultural knowledge.

3. Balancing traditional and contemporary resource use

The importance of fishing, as well as the collection and harvesting of pipis, was noted strongly at all three workshops. Fishing is seen as being integral to Aboriginal people's relationship with the marine environment and practices in cultural, social and recreational settings. Similarly, the collection of pipis for consumption by large Aboriginal family groups is a long-held cultural practice for Aboriginal groups across the Hawkesbury Shelf marine bioregion. These practices derive a number of social benefits that including the transfer of knowledge, being able to realise / undertake cultural practice and spirituality.

However, in regards to the collection of Pipis for consumption purposes, while DPI accepts that collection of Pipis does take place for this purpose, current legislation does not allow, and DPI does not issue section 37 permits, to provide a protection from prosecution for consumption of Pipis.

Some Land Councils distribute cards to their members that identifies them as members of their Land Council, and hence exclude them from having to pay a recreational fishing fee. However, this is not a common practice across all LALCs, but rather at the discretion of each individual land council. Specific cultural events that were mentioned around fishing included the annual mullet run, practicing spear fishing and the collection and harvesting of pipis and abalone.

There was a firm view from a select number of Aboriginal stakeholders that restrictions and bag limits captured under cultural fishing regulations are not appropriate, as they don't properly reflect or consider Aboriginal family structures and obligations, or the Aboriginal practices of fishing for communal purposes. This was mainly in regards to the collection of abalone (from South coast communities) and pipis. In addition, discussion around cultural rights associated with commercial fishing came up at all three workshops, and the ability for Aboriginal people to use cultural knowledge to self regulate the amount of fish caught and harvested was raised at both the Sydney and Wollongong workshops.

4. Traditional cultural practices made illegal

Each of the workshops to varying degrees also mentioned issues surrounding some cultural practices being made illegal. Rather than the issue of catch take or harvest size, it related more to cultural practices, including those that use more modern equipment.

For example, two key matters raised related to the use of (traditional) spears especially within shallow or enclosed waters. In the past, being able to scour and spear fish within the shallow waters and seaside rock pools, has now become much more difficult to do because of issues surrounding broader community safety.

A similar issue was raised in respect of the taking and use of certain species of plants which contained high alkaloid content or toxins, were traditionally used to stun and/or kill fish for take, within rock pools, smaller lagoons, backwaters and the like.

Specific information about the types of practices, implements and tools used, locations for practice, and plant species used, were not provided in any detail. As information presented earlier suggests, specific studies may need to be undertaken to capture and better understand how such practices might have a positive or negative effect on bio-marine outcomes.

5. Balancing indigenous and non-indigenous resource use

The workshops identified conflict between Aboriginal resource use, such as recreational fishing and cultural fishing, (for gatherings and ceremonies) and that of the non-indigenous resource use including both recreational and commercial fishing. Specific examples were given at the Newcastle workshop of recreational fisherman gutting fish upstream resulting in blood from their catch running downstream and affecting traditional fishing spots. This was communicated as basic knowledge known by Aboriginal fisherman, but not understood by the mainstream population.

6. Areas of cultural significance in and nearby the Hawkesbury Shelf

WORIMI CONSERVATION LANDS

Although located just outside the Hawkesbury Shelf marine bioregion, the Worimi Conservation Lands represent significant cultural, economic and social values to the Worimi Traditional Owners. The Conservation Lands are co-managed by the Aboriginal Traditional Owners, the Worimi people and NPWS through a Board of Management. A Plan of Management is currently being developed, which takes in 25.5kms of coastline, including the intertidal zone down to the mean low water mark. The coastline may therefore be captured as part of Marine Park management options, meaning any management actions should therefore take-in and consider the draft Plan of Management as it relates to beach access and protection of the coastline.

There were also specific concerns raised about the impact of dredging for shipping lanes off the Worimi coast, and the impact this has on the preservation of the sand dunes.

BASS POINT

The shipwrecks at Bass Point were identified at the Wollongong workshop as a place of significant Aboriginal value. The Office of Environment and Heritage already acknowledges the significance of Bass Point its European and its pre- and post-contact history and maritime heritage,¹⁰ There is archaeological evidence that Aboriginal people have occupied Bass Point Reserve and the surrounding Illawarra area for some 20,000 years prior to European colonisation. Bass Point was regarded as a traditionally important camping and meeting place for local Aboriginal people.

FIVE ISLANDS

Similarly, Five Islands Nature Reserve located off the Illawarra coast was also noted as a place containing several significant sites at the Wollongong workshop. There are also reported Aboriginal Dreamtime stories related to the Five Islands. Discussion about some form of 'joint management' arrangement of this area, was looked on favourably by Aboriginal stakeholders at the workshop.

NORAH HEAD LIGHTHOUSE

Norah Head Lighthouse on the Central Coast was identified as an area of cultural significance. There are cultural artefacts (namely middens) in the area, and it is still a place where cultural practices occur.

SHELLHARBOUR MARINA

The development of the Shellharbour Marina was raised as an extremely sensitive issue at the Wollongong workshop. The location of the approved marina is a site of extreme cultural significance with several important midden sites and traditional archaeological sites in the area. There was grave concern that adequate consultation with the right Aboriginal groups was not undertaken as part of the development process for the new marina. This is causing considerable angst and an element of mistrust from local community members about engagement protocols and processes in regards to management of the marine estate in the area.

7. Pollution and other threats

A number of more general threats to the environment were raised including pollution, for example of Lake Macquarie, which in turn impact on cultural and social activities such as fishing. Attendees noted that fishing and other activities such as crabbing are no longer worthwhile in many locations as the water is too polluted and the aquatic life is not safe to eat.

In addition, pollution due to urban development and coal mining (and the subsequent flow-on effects through shipping, dredging etc) were raised at the Newcastle workshop. Non-compliance and enforcement of shipping and boating regulations was a concern that has flow on effects and pollution impacts, which were raised as a concern by those at the Newcastle workshop.

¹⁰ See OEH website: [Link to OEH website](#)

5. Assessment of the benefits and threats by Aboriginal people to the Hawkesbury Shelf marine bioregion

Contemporary Aboriginal cultural is living, breathing and dynamic and is practiced widely by Aboriginal people today. Biodiversity and the health of the environment and waterways are recognised as central to Aboriginal peoples attachment to both land and sea, and to their ability to pass on cultural knowledge and undertake cultural practice. The benefits Aboriginal people derive from the marine estate are therefore significant, and integral to both individual and community wellbeing.

MEMA has a defined 'benefit' as the following:

Community benefit – anything that contributes to the wellbeing of the community. There are three separate categories of community benefits: economic, social and environmental benefits.

When assessing Aboriginal benefits of the marine estate, we have revised the categories of benefits to include culture and heritage (which includes environmental), as well as aspirational benefits. For the most part, social benefits derived from the marine estate are the same as everybody else. They allow people to undertake a broad range of recreational activities such as fishing, boating, swimming etc.

Cultural and heritage and benefits are fundamental to Aboriginal people as they allow the continuation of cultural practices and using traditional ecological knowledge. Table Four is a summary of some of the benefits under these four categories and description of some of the specific activities related to each benefit. These findings are a combination of feedback received from the workshop, and from Cox Inall Ridgeway's specialist expertise in matters concerning Aboriginal cultural heritage and their relationship with the environment.

Following this is a series of five tables further examining the benefits summarised in table four, which also document the threat to each of these benefits and assessment the likelihood and consequence. They are specific to the Hawkesbury Shelf marine bioregion. The structure of these tables has been adapted from the Social and Economic Background Report for the statewide marine estate strategy, with the same criteria for developing the likelihood and consequence for consistency (see **attachment four**).

The content of the tables are a combination of findings from the Sue Feary report, along with findings from the Hawkesbury Shelf Aboriginal engagement workshops in combination with Cox Inall Ridgeway's expert knowledge and experience in Aboriginal cultural heritage and cultural practice as it relates to the marine environment. The coloured shaded areas in table four are indicative of how they relate to the threat and risk assessment tables following.

Table Four: Summary of benefits derived by Aboriginal people from Hawkesbury Shelf marine estate

Benefit category	Benefit	Specific Activity
SOCIAL	Recreation	On-water recreation
		Foreshore and water-based passive and active uses (swimming, beach use.)
		SCUBA diving, snorkelling
		Wildlife observation, photography
	Fishing, recreation	Shore based, boat based, spear fishing, hand gathering
	Boating, recreation	Sailing, power-boating, kayaking, canoeing, jet-skiing, house boats
	Research and education	Sampling, monitoring, measuring, surveying, data collection, tagging
	Health and well-being	Exercising, observation, meditation, socialising, intrinsic value
Practices maintaining social / cultural cohesion		
HERITAGE / CULTURAL	Cultural Activities	Traditional and contemporary resource use
		Practicing cultural traditions (intangible)
	Conserving Heritage	Maritime, post-contact
		Indigenous, both traditional and post-contact (tangible)
Environmental	Practicing cultural traditions which improve biodiversity	
ECONOMIC	Commercial	Fishing
		Cultural tourism eg sand dune tours at Port Stephens
ASPIRATIONAL	Recognition of rights	Greater participation in the management of the Hawkesbury Shelf marine bioregion
	Native Title	Greater recognition of rights as traditional owners and access to the marine estate

Benefits and Threat in the Hawkesbury Shelf marine bioregion – Health and Wellbeing

Activity	Sub-activities	Benefits	Threats	Likelihood	Location	Consequence	
1	<p>Exercising, observation, meditation, socialising, intrinsic value</p> <p>Practices maintaining social / cultural cohesion</p>	<p>Camping</p> <p>Social gatherings</p> <p>Cultural gatherings</p> <p>Recreational activities</p> <p>Environmental Spiritual Healing Programs</p>	<p>Religious / Spiritual Significance</p> <p>People are revised revitalised by being on Country</p>	<p>Totemic species becomes endangered</p> <p>Can result in loss of traditional knowledge and discontinuation of spiritual beliefs.</p>	Unlikely.	Not specified.	Major.
			<p>Natural environment as cultural landscape</p>	<p>Access restrictions for cultural significant places</p> <p>Could result in traditions associated with religious and spiritual beliefs discontinued.</p>	Likely.	Not specified.	Major.
			<p>Maintains social cohesion within Aboriginal communities (Community and individual well-being)</p>	<p>Restrictions on resource collection which form the basis of social gatherings</p> <p>Can result in social gatherings no longer able to take place or illegal fishing activity.</p>	Likely.	Wollongong. North Coast.	Major.
			<p>Preservation of cultural practice and ecological knowledge</p>	<p>Spiritual / healing places no longer accessible / kept sacred. Can mean spiritual healing programs and / or practice can no longer take place in a traditional way.</p>	Possible.	Not specified.	Minor.

Activity	Sub-activities	Benefits	Threats	Likelihood	Location	Consequence
			Access restrictions for social events including to camping grounds, collecting places where social event occur.	Likely.	Across the Hawkesbury Shelf.	Major.
			Inadequate recognition of rights and interests in marine estate.	Likely.	Across the Hawkesbury Shelf.	Moderate.
			Imposing modern laws over traditional systems of resource management and use.	Almost certain.	Across the Hawkesbury Shelf.	Minor.

Benefits and Threat in the Hawkesbury Shelf marine bioregion – Cultural Activities

Activity	Sub-activities	Benefit category	Threats	Likelihood	Location	Consequence	
2	Traditional and contemporary resource use	Recreational fishing	Cultural This includes transfer of knowledge, being able to realise / undertake cultural practice, spirituality.	Environmental issues Reduces fish stocks and incentive for recreational / cultural fishing. Can result in loss of cultural practice and traditions.	Likely.	Lake Macquarie.	Moderate.
		Fishing for cultural events / gatherings		Depletion of fish stocks through overfishing Reduces fish stocks and incentive for recreational / cultural fishing. Can result in loss of cultural practice and traditions.			
		Spear Fishing	Social Source of social cohesion amongst Aboriginal communities.	Toxicity of fish caught Reduces incentive for recreational / cultural fishing. Can result in loss of cultural practice and traditions.	Possible.	Not specified.	Moderate.
		Collection of pipis (north coast)	Health and wellbeing through medicinal use.				
		Collection and harvesting of abalone (south coast)	Source of food and bait This includes fishing for subsistence purposes; resources given away to the extended family and community elders.	Increased restrictions / regulatory changes Reduces incentive for cultural / recreational fishing. Can result in loss of cultural practice and traditions. Important in regards to illegal collection of Pipis and Abalone for consumption	Likely.	Likely for Sydney Harbour, reported in Lake Macquarie.	Moderate.

				<p>Lack of understanding of the customary / informal / subsistence economy and how it works.</p>	Likely.	Pipis – across the bioregion Abelone – Wollongong.	Moderate.
				<p>Modified water flows Reduces fish stocks and incentive for recreational fishing.</p>	Further change is unlikely.	Newcastle / Worimi.	Minor.
				<p>Exotic species and diseases Reduces fish stocks and incentive for recreational fishing.</p>	Possible.	Not specified.	Unknown.
				<p>Depletion of food resource Restricts access to food.</p>	Likely in some places.	Wollongong.	Moderate.
				<p>Prioritisation of imposing modern laws Rather than traditional systems for resource management and use.</p>	Likely.	Across the bioregion.	Unknown.
3	Practicing cultural traditions (intangible)	Continuation of cultural traditions / practices / knowledge (intangible)	Cultural This includes transfer of knowledge, being able to realise / undertake cultural practice, spirituality	<p>Damage to cultural places Can result in loss of sacred places to perform cultural ceremony.</p>	Likely in some places.	Not specified.	Moderate.
				<p>Loss / diminution in cultural practices and knowledge Can result in loss of cultural practice and traditions.</p>	Possible in some communities.	Not specified.	Major.

	<p>e.g. Men's and Women's Business</p> <p>Religious / spiritual places and landscapes</p> <p>Continuation of traditional ecological practices</p> <p>Practices influenced by White contact</p>	<p>Environmental Including knowledge of marine species, seasonal changes, flora and fauna.</p>	<p>Lack of acknowledgement of traditional methods of environmental preservation Can also result in loss of cultural practice and traditions Environmental issues may be overlooked</p>	Possible.	Not specified.	Moderate.
			<p>Unable to access places Associated with cultural practices and traditions</p>	Possible.	Across the Hawkesbury Shelf.	Major.
			<p>Insufficient documentation of cultural practices and of Aboriginal relationships with the marine environment.</p>	Likely.	Across the Hawkesbury Shelf.	Minor.

Benefits and Threat in the Hawkesbury Shelf marine bioregion – Conserving Heritage

Activity	Sub-activities	Benefits	Threats	Likelihood	Location	Consequence	
4	Indigenous, both traditional and post contact (tangible)	Maintenance of Aboriginal cultural heritage	<p>Cultural Preservation of Aboriginal cultural heritage sites (e.g. those listed in Table Two above including burial and midden sites) which demonstrate prior custodianship and use, and links to contemporary culture.</p>	<p>Damage to sacred or Dreaming place embedded in the natural world Can result in loss of cultural practice and traditions.</p>	Almost certain.	Bass Point. Five Islands. Additional sites not disclosed across the bioregion.	Moderate.
			<p>Cultural Sharing of knowledge about the environment and its resources by Aboriginal people with European settlers.</p>	<p>Damage or destruction to recorded and unrecorded sites Can result in loss of cultural practice and traditions.</p>	Possible.	Not specified.	Moderate.
			<p>Religious / Spiritual significance</p>	<p>Biodiversity / economic outcomes favoured over cultural preservation Could result in loss / damage of culturally significant sites</p>	Possible.	Wollongong.	Unknown.
			<p>Religious / Spiritual significance</p>	<p>Unaware of location and significance of culturally important sites Adequate protection is not provided; culturally sensitive sites are placed at risk</p>	Likely.	Across the Hawkesbury Shelf.	Unknown.
			<p>Religious / Spiritual significance</p>	<p>Lack of cohesion with existing management plans implemented by Aboriginal Traditional Owners Groups Conflicting public messages and confusion regarding public access to places</p>	Possible.	Worimi Conservation Lands.	Major.

				Totemic and culturally significant species not adequately protected	Unlikely.	Across the Hawkesbury Shelf.	Major.
				Loss of traditional knowledge Such as creation stories and dreaming tracks	Major.	Not specified.	Possible.

Benefits and Threat in the Hawkesbury Shelf marine bioregion – Environmental

Activity	Sub-activities	Benefits	Threats	Likelihood	Location	Consequence
5	<p>Practicing cultural traditions which improve biodiversity</p> <p>Self-regulation of fishing of particular species</p> <p>Traditional methods of weeding</p> <p>Fishing / environmental management based on traditional knowledge of seasons.</p>	<p>Cultural Preservation of Aboriginal cultural heritage sites (e.g. those listed in Table Two above including burial and midden sites)</p> <p>Environmental Improved biodiversity, preservation of endangered / traditional species of flora and fauna.</p> <p>Environmental Natural environment as a cultural landscape</p>	<p>Lack of recognition of benefits / inadequate understanding of biodiversity from traditional environmental practices Could result in loss of knowledge of cultural practices and lessen biodiversity outcomes.</p>	Likely.	Not specified.	Major.
			<p>Restrictions on undertaking particular cultural practices. Can result in loss of biodiversity outcomes.</p>	Possible.	Not specified.	Moderate.
			<p>No mechanism for knowledge sharing between MEMA and Aboriginal communities Through employment; joint management or other.</p>	Possible.	Across the Hawkesbury Shelf.	Major.
			<p>Environmental degradation impacting spiritual connections</p>	Moderate.	Across the Hawkesbury Shelf.	Possible.
			<p>Non-Indigenous use of the marine estate that fails to accommodate Aboriginal connections to sea country.</p>	Major.	Across the Hawkesbury Shelf.	Likely.

Benefits and Threat in the Hawkesbury Shelf marine bioregion – Economic

Activity	Sub-activities	Benefits	Threats	Likelihood	Location	Consequence		
6	Business & Employment (Commercial)	Commercial and charter fishing, post harvest sector	Economic development of Aboriginal communities	Limited opportunity to enter capped commercial fishing industry for Aboriginal people to benefit from economically from commercial fishing and the economy more broadly.	Likely.	Across the Hawkesbury Shelf.	Potentially major.	
			Increased knowledge of cultural practices and how they relate to the marine estate					
			Aquaculture	Lack of expertise and training Can lead to opportunities not taken advantage of by Aboriginal people.	Likely.	Across the Hawkesbury Shelf.	Moderate.	
			Tourism Enterprises	Shared knowledge between Government and Aboriginal communities.	Lack of cultural awareness within Government departments. Means government is not considered a desirable place of employment for Aboriginal people.	Possible.	Across the Hawkesbury Shelf.	Moderate.
			Employment within National Parks and Wildlife / Office of Environment / DPI	Business and employment opportunities for Aboriginal people.				
						Inadequate recognition of rights to benefit economically from commercial fishing, and right to benefit commercially in the informal economy.	Likely.	Across the Hawkesbury Shelf.
			Lack of government or industry support for Aboriginal commercial fishing or other businesses such as eco-tourism.	Possible.	Across the Hawkesbury Shelf.	Major.		

	Activity	Sub-activities	Benefits	Threats	Likelihood	Location	Consequence
				<p>Declining wildstock and no suitable places to establish aquaculture.</p>	<p>Unlikely.</p>	<p>Across the Hawkesbury Shelf.</p>	<p>Minor.</p>

Benefits and Threat in the Hawkesbury Shelf marine bioregion – Aspirational

Activity	Sub-activities	Benefits	Threats	Likelihood	Location	Consequence
6	Rights & Interests of Aboriginal Communities Cultural Fishing Planning & Management Partnerships (CRUAs, MOUs)	Self-determination of Aboriginal people to manage their own social / cultural interests Environmental Improved natural environment through greater Aboriginal participation. Economic More economic development through employment and business development. Access to the marine environment unfettered (mainly non-exclusive in regards to waters) access to resources/areas Greater understanding of Aboriginal culture by agencies and non-Aboriginal people	Inadequate recognition of rights and interests of the marine estate Especially in terms of fishing rights	Possible.	Across the Hawkesbury Shelf.	Moderate.
			Inadequate consultation and opportunities for involvement in planning and management of the marine estate.	Possible.	Across the Hawkesbury Shelf. Wollongong.	Moderate.
			Lack of commitment from Government To improving social and economic outcomes for Aboriginal peoples.	Possible.	Across the Hawkesbury Shelf.	Moderate.
			Lack of recognition of the special place of Aboriginal people as the original custodians with special rights and interests.	Likely.	Across the Hawkesbury Shelf.	Major.
			Lack of understanding of the customary / informal / subsistence economy and how it works.	Possible.	Across the Hawkesbury Shelf.	Minor.
			MEMA Act does not allow for Joint Management or co-management of Marine Parks with Aboriginal communities	Almost certain.	Wollongong (e.g. Five Islands).	Minor.
			Poor relationships between Government and Aboriginal communities	Possible.	Wollongong.	Minor.
			Activity	Sub-activities	Benefits	Threats

				Inadequate opportunities to develop commercial enterprise.	Unlikely.	Across the Hawkesbury Shelf.	Minor.
				Reduction in natural resources or too much competition.	Possible.	Across the Hawkesbury Shelf.	Possible.
				Mismatch between Indigenous and government worldviews.	Likely.	Across the Hawkesbury Shelf.	Major.
7	Greater recognition of rights for Native Title holders Registered Native Title claim that extends from Newcastle down to Mona Vale from the Awabakal-Guringai people.	Protection of Heritage and culture Economic opportunities Cultural Fishing Planning and Management	Access to the marine environment unfettered (mainly non-exclusive in regards to waters) access to resources/areas. Environmental Improved fish stocks, habitat protection, pollution control. Economic More economic development through employment and business development.	Failed Native Title Claims	Possible.	Not Specified.	Moderate.
				MEMA Act does not allow for Joint Management or co-management of Marine Parks with Aboriginal communities	Almost certain.	Newcastle.	Moderate.
				Inadequate consultation and opportunities for involvement in planning and management of the marine estate.	Possible.	Newcastle.	Moderate.
				Lack of Recognition of the special place of Aboriginal people as the original custodians with special rights and interests.	Likely.	Across the Hawkesbury Shelf.	Major.
				Poor relationships between Government and Aboriginal communities	Possible.	Newcastle.	Minor.

6. Recommended engagement strategies with the broader Aboriginal community for Phase 3

Following the submission of this report and the accompanying mainstream benefit and threat analysis, MEMA will draft some management options for the Hawkesbury Shelf marine bioregion. These draft options will need to be put to the wider Aboriginal community for feedback. Cox Inall Ridgeway recommends the following strategies for this phase three Aboriginal engagement.

1. All stakeholders involved in the Phase 1 of the workshops, or those who expressed interest in the project but were unable to attend, should be sent an update on the engagement process, outlining next steps and strategy for phase 3 engagement.
2. Strategies for engagement for Phase 3 should be more targeted in their approach. It is recommended that Phase 3 engagement take place through one-on-one meetings with Traditional Owner Groups / and or Knowledge Holder groups in each of the LALC regional boundaries. Details are provided in the revised stakeholder engagement plan at **attachment five**.
3. That if additional meetings are needed in order to draft appropriate management options, that these be undertaken in one-on-one format with targeted Traditional Owner groups before phase three workshops. This may avoid any opposition to management options when the process is further developed.

7. Management opportunities that could be considered by MEMA when developing management options

Following are some management options for consideration to MEMA for phase two of the Hawkesbury Shelf marine bioregion.

1. That innovative management options be considered where appropriate, including 'co-management' of particularly areas that have greatest cultural significance. This should be viewed in terms of the benefits such plans brings both government and Aboriginal stakeholders, including shared ecological and cultural knowledge, improved relationships as well as the creation of employment opportunities for local Aboriginal community members.
2. While recognising that improving biodiversity is the key outcome for the Hawkesbury Shelf marine bioregion that MEMA look at this project holistically in terms of placing strong value on the creation of economic opportunity for Aboriginal peoples, but also not underestimate the importance of those 'aspirational' benefits the marine environment bring Aboriginal and Torres Strait Islander communities.
3. If feasible, that MEMA reviews sites catalogued in the AHIMS database with a view to making an assessment of whether they may be affected by any management actions for the Hawkesbury Shelf marine bioregion. It will also be important to assess if sites captured in the database include those associated with the marine estate, or if an additional mapping exercise of the marine estate needs to take place. While the stakeholder engagement sessions held in phase one gave a broad overview of the types of cultural practices and activities Aboriginal people associated with the marine environment, they did not give details of specific location of sites and indication of importance in terms of ensuring their preservation. More detailed information would need to be collected through a different engagement process, as it requires agreement on processes around collection and knowledge handling and holding of cultural sensitive information.
4. That MEMA examine further the cultural significance and protection needs associated with the sites identified in Section Four of this report, if they fall within the scope of the Hawkesbury Shelf marine bioregion. Sites outside the region should be considered as part of the broader statewide strategy.



COX IN ALL RIDGEWAY



Office of Environment and Heritage

Aboriginal Engagement, Hawkesbury Shelf Marine Bioregion Assessment

Aboriginal Stakeholder Engagement Plan

Engagement approach: actions and timing

Figure 1: Engagement approach

Phase One May – July, 2015

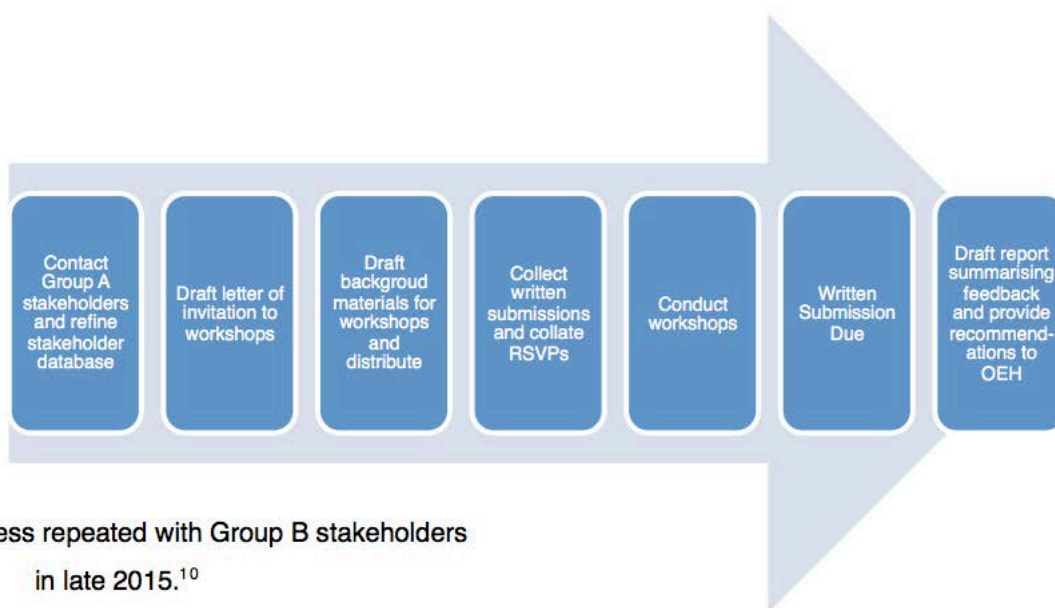


Figure 2: Initial Aboriginal Stakeholder List

GROUPS	TYPE	STAKEHOLDER
GROUP A STAKEHOLDERS	Government bodies	Department of Primary Industries OEH NSW Trade and Investment Native Title Tribunal Office of the Registrar established under the <i>Aboriginal Land Rights Act 1983</i> Office of Communities – Aboriginal Affairs
	Peak bodies	Aboriginal Fishing Advisory Council (AFAC) Aboriginal Cultural Heritage Advisory Committee Native Title Service Provider
	Land Councils	NSW Aboriginal Land Council (NSWALC) Worimi Land Council Mindaribba Land Council Awabakal Land Council Koompatoo Land Council Bahtabah Land Council Metropolitan Land Council Darkinjung Land Council Deerubbin Land Council Gandangara Land Council La Perouse Land Council Illawarra Land Council Tharawal Land Council
GROUP B STAKEHOLDERS	Traditional Owner Groups and Native Title Claimants	To be determined of Sue Feary's work, advice from conversations with Land Councils and Cox Inall Ridgeway, as well as outcomes from engagement with Group A stakeholders.
	General Public (Aboriginal)	

Overview of stakeholder engagement approach

- Cox Inall Ridgeway will make calls to each of the organisations listed in the initial stakeholder list to give an overview of the project and invite a nominated person from each organisation to participate in the stakeholder engagement process.
- Stakeholder groups will be given a summary of the Feary report with an accompanying briefing paper detailing the scope and direction of the Aboriginal Engagement component of the consultation process.
- Groups will be encouraged to participate through a combination of written submissions, plus participation by nominated personnel in the workshops.

- A detailed stakeholder list will be established through this process, capturing advice on additional stakeholders to be included in the second round of consultation efforts.
- OEH to supply known contacts where appropriate for Cox Inall Ridgeway to follow up.

Workshops

- Cox Inall Ridgeway will consult with the Local Aboriginal Land Councils regarding appropriate venue choices in each location.
- Cox Inall Ridgeway will develop a discussion guide and workshop agenda in consultation with OEH to ensure content covers scope of the Aboriginal Engagement Plan appropriately. This will be based on the latest draft of Sue Feary's report.
- Resources will be distributed prior to the workshop to encourage people to think about the workshop content prior to attending.
- The focus of these workshops will be information gathering and idea generating on values, benefits, threats and management opportunities for Aboriginal stakeholders.
- The second round of workshops is devised to respond to priority threats. Depending on these threats, Cox Inall Ridgeway will develop a second stakeholder list of people to invite to these workshops. Agenda and direction of this workshop will be depending on the 'options paper' to be developed following the Stage 1 one consultation.

Timing

1. CONSULTATION: ROUND 1		Timeframe
1.1	Contact Group A stakeholders to refine stakeholder database. Consult on appropriate venue hire with Local Aboriginal Land Councils	Complete by 5 June
1.2	Draft and distribute letter of invitation to Aboriginal engagement workshops	Complete by 12 June
1.4	Draft meeting preparation materials and distribute to those who have RSVP'd	By 10 June
1.3	Attend mainstream Sydney stakeholder engagement workshop led by Department of Primary Industries	11 June
1.5	Host workshops in Sydney, Illawarra and Newcastle regions	25 th , 26 th and 30 th June (TBC)
REPORT WRITING		
1.6	Draft research report and summary of key findings	Complete by 8 July

2. CONSULTATION: ROUND 2		
2.1	Draft email invitation to invitees for round 2 consultations and call invitees to follow-up RSVP's.	early August
2.2	Attend stakeholder meeting from mainstream engagement process	If applicable
2.3	Draft meeting preparation materials and distribute to those who have RSVP'd	Week beginning 31 August
2.4	Attend and facilitate consultation meetings with Group A and Group B stakeholders. Assume 1/2 day workshop with each group.	Early September
REPORT WRITING		
2.5	Incorporate feedback from second round of consultation and draft final research report	Complete by 15 September
2.6	Project Completion	30 September

Risks and considerations

TYPE		COMMENTS	MITIGATION
3.1	Legislative and regulatory environment	<p>Existing legislative and regulatory provisions that refer to engagement with Aboriginal stakeholders</p> <p>e.g.</p> <ul style="list-style-type: none"> • Native Title Act 1993 (Cth) and Native Title Act 1994 (NSW) • <i>National Parks and Wildlife Act</i> • <i>Fisheries Management Act</i> • <i>Indigenous Fisheries Strategy</i> • Aboriginal Land Rights Act 1983? • Marine Estate Management Act 2014? 	<p>OEH to provide guidance to CIR on relevant legislation and strategies.</p> <p>CIR to consult Aboriginal Land Councils regarding relevant consultation requirements / strategies.</p>
3.2	Political	<p>Balancing the rights and interests of various stakeholder groups to access the marine and foreshore environment.</p>	<p>Management options will be tested across stakeholder groups through second round workshops.</p> <p>OEH to provide guidance on likely contentious issues across the marine estate that may be relevant to Hawkesbury Shelf.</p>
3.3	Local / operational	<p>Identification of local issues that might currently impact in terms of marine management options.</p>	<p>CIR to consultation with Local Aboriginal Land Council.</p> <p>OEH to provide guidance on issues at existing aquatic reserves that may be relevant</p>
3.3.1	Communications	<p>Communication of sensitive information</p>	
3.3.2	Communications	<p>Communication of scope – limiting the issues and managing stakeholder expectations</p>	<p>Clearly communicate what can be expected at each stage in terms of engagement and outcomes and clarify scope of this project vs statewide strategy project</p> <p>Clearly communicate differing stakeholder opinions and the need to</p>

			<p>accommodate a range of uses within the Hawkesbury Shelf marine bioregion.</p> <p>Clearly communicate trade-offs that are associated with alternative uses of the marine estate in the Hawkesbury Shelf marine bioregion.</p>
5.4.3	Communications	Lack of interest to engage	<p>Engage stakeholders at critical points in the project to encourage ownership of the outcomes and allow adequate time for engagement.</p> <p>Early identification of key groups/individuals in the bioregion that need to be engaged in the project and engagement methodologies that need to be employed.</p> <p>Work with Local Aboriginal Land Councils and other key stakeholders including any native title claimant groups to encourage improved engagement.</p> <p>Reflect Aboriginal requirements in decision-making.</p> <p>Clearly document and communicate how Aboriginal requirements will be and have been included in the decision making.</p>
5.4.4	Communications	Identifying the right representatives i.e. “who speaks for country” and ensuring the attendees are representative of the community	<p>CIR to consult Aboriginal Land Councils and other key stakeholders including any native title claimant groups to identify appropriate representatives.</p>

Hawkesbury Shelf Marine Bioregion Assessment

Discussion paper

Introduction

Cox Inall Ridgeway is working with the Marine Estate Management Authority (Authority) to facilitate Aboriginal engagement as part of the Hawkesbury Shelf Marine Bioregion Assessment. This study is considering threats to environmental, economic, social and cultural benefits derived from the bioregion so that options for enhancing marine biodiversity can be developed that also take into account balanced outcomes for all users including Aboriginal communities.

Following a series of initial workshops this next phase of workshops will focus on engagement with Aboriginal peak bodies and interest groups to identify benefits and threats to the marine environment from an Aboriginal perspective. Another round of workshops with the broader Aboriginal community is proposed at the end of 2015 to discuss draft management options for the bioregion.

This paper seeks to provide information to workshop participants to enable you to be informed about the Hawkesbury Shelf Marine Bioregion Assessment and the input we are seeking from you. It provides a brief background to the laws and policies that are relevant to how we manage the marine environment and presents some questions for you to think about before the workshops.

Why are we seeking your input?

We are aiming to collate and gain a better understanding of Aboriginal worldviews and their connection to the marine environment. Your views and the information you provide will be used to:

1. Review and summarise Aboriginal connections with the marine environment through documentary research (all of NSW focus)
2. Identify and describe Aboriginal values and benefits of the Hawkesbury Shelf
3. Identify and describe threats and stressors to Aboriginal values
4. Identify major gaps in knowledge concerning Aboriginal values and benefits within the NSW marine environment that could assist in forming this and future projects
5. Inform the development of culturally appropriate management responses to priority risks.

The Hawkesbury Assessment is being undertaken so that we can identify options for marine biodiversity conservation. These options will be considered by the NSW Government in 2016.

Fishing rights: How far have we come?

Aboriginal worldviews and understanding connection to seascape and the marine environment

Aboriginal communities of the NSW coast and coastal hinterland have a long and unique association with the marine environment. It has sustained Aboriginal people for thousands of years and continues to have a pivotal role in individual and community wellbeing. It is therefore natural that Aboriginal people have a strong interest in how the marine environment is governed and managed.

Recognition by government agencies and the wider non-Aboriginal population of the importance of the marine environment to Aboriginal people and the nature of their connections has evolved over the past 30 years.

The marine environment is defined as:

Ocean, estuaries, coastal wetlands (saltmarsh, mangroves, sea grass) coastline (beaches, dunes and headlands), coastal lakes and lagoons connected to the ocean, and land next to the coast that is influenced by ocean processes.

It extends seaward out to 3 nautical miles and from the Queensland to the Victorian border.

Aboriginal peoples fishing rights for subsistence purposes were first recognised by the Commonwealth Fisheries Division in 1984, along with the right to control access to territory, which is of sacred significance. And while the passing of the Commonwealth *Native Title Act 1993* has given recognition to fishing rights, and drives much of the interest in the marine environment, it is recognised that a history of dispossession and loss of knowledge and cultural traditions has impacted on Aboriginal people's capacity to demonstrate ongoing and unbroken ties to the environment.

The NSW *Marine Park Act 1997*, allowed for the development of Cultural Resource Use Agreements under a permit (with certain constraints), allowing the taking of resources for non-commercial purposes in Sanctuary Zones.

Where are we now?

The NSW *Fisheries Management Act 1994* was amended in 2009 to recognise Aboriginal cultural fishing and commit to protecting and promoting cultural fishing. Aboriginal cultural fishing is defined in the Act as:

“fishing activities and practices carried out by Aboriginal persons for the purpose of satisfying their personal, domestic or communal needs, or for educational or ceremonial purposes or other traditional purposes, and which do not have a commercial purpose.”

A new Aboriginal Cultural Fishing Regulation is being developed, following state wide consultation last year and a draft for further consultation is anticipated later this year.

In addition, the new *Marine Estate Management Act 2014* also supports cultural uses of the NSW marine estate, including marine parks and aquatic reserves. Although the terms *cultural fishing*, *cultural use* and *cultural resource use* are defined in law, their practical application in recognising and respecting the rights and interests of Aboriginal people is an ongoing process.

Hawkesbury Shelf Marine Bioregion: Management Plans & Enhancing Marine Biodiversity Conservation

Overview of the project and broader management of the marine environment in NSW

The Authority comprises representatives from the Department of Primary Industries, Office of Environment and Heritage, Transport for NSW and Department of Planning and Environment. It advises the NSW Government on ways to better manage the marine environment. Across NSW, the marine environment encompasses 1,300km of coastline, extending 5.6km offshore; along with 184 estuaries of various types.

80% of the NSW population lives within 50km of the coast, with the marine environment supporting a broad range of economic, social cultural and environmental activities. There are currently six marine parks within the NSW marine estate.

MEMA is committed to creating a new *Marine Estate Management Strategy*, which will set policy directions for management the marine estate as a single continuous system and specify management actions that address priority threats.

The **Hawkesbury Shelf Marine Bioregion** extends from Newcastle to Shellharbour and includes the coastline, estuaries, coastal lakes and lagoons, beaches and ocean waters out to three nautical miles. The Hawkesbury Shelf is the only marine bioregion wholly contained within NSW that does not have a large marine park. However, eleven smaller Marine Protected Areas (MPAs) have been established with the objective of protecting marine biodiversity, including 10 aquatic reserves, and a marine extension of a terrestrial National Park. It includes numerous important estuaries such as the Hunter River, Lake Macquarie, Tuggerah Lakes, Brisbane Water, Hawkesbury River, Sydney Harbour, Botany Bay, Port Hacking, Port Kembla and Lake Illawarra.



The project will consider community input as well as with expert opinion, focusing on 11 particular sites, plus other identified during the engagement process. These sites are identified in the map on the following page.

Additional sites that will be considered are places where the community requests increased protection due to perceived social, economic and/or environmental threats. You are able to provide input regarding other areas as part of the engagement process.

Aboriginal engagement: Understanding the benefits, threats and risks to the Hawkesbury Shelf marine environment

Questions for discussion

There will be five stages to assessment process of the Hawkesbury Shelf (see figure to the right).

The Authority has recently conducted workshops with non-Indigenous stakeholders in regards to the two steps above. The Aboriginal engagement workshops you are involved in will be considered alongside issues raised in those workshops.

What information can you provide?

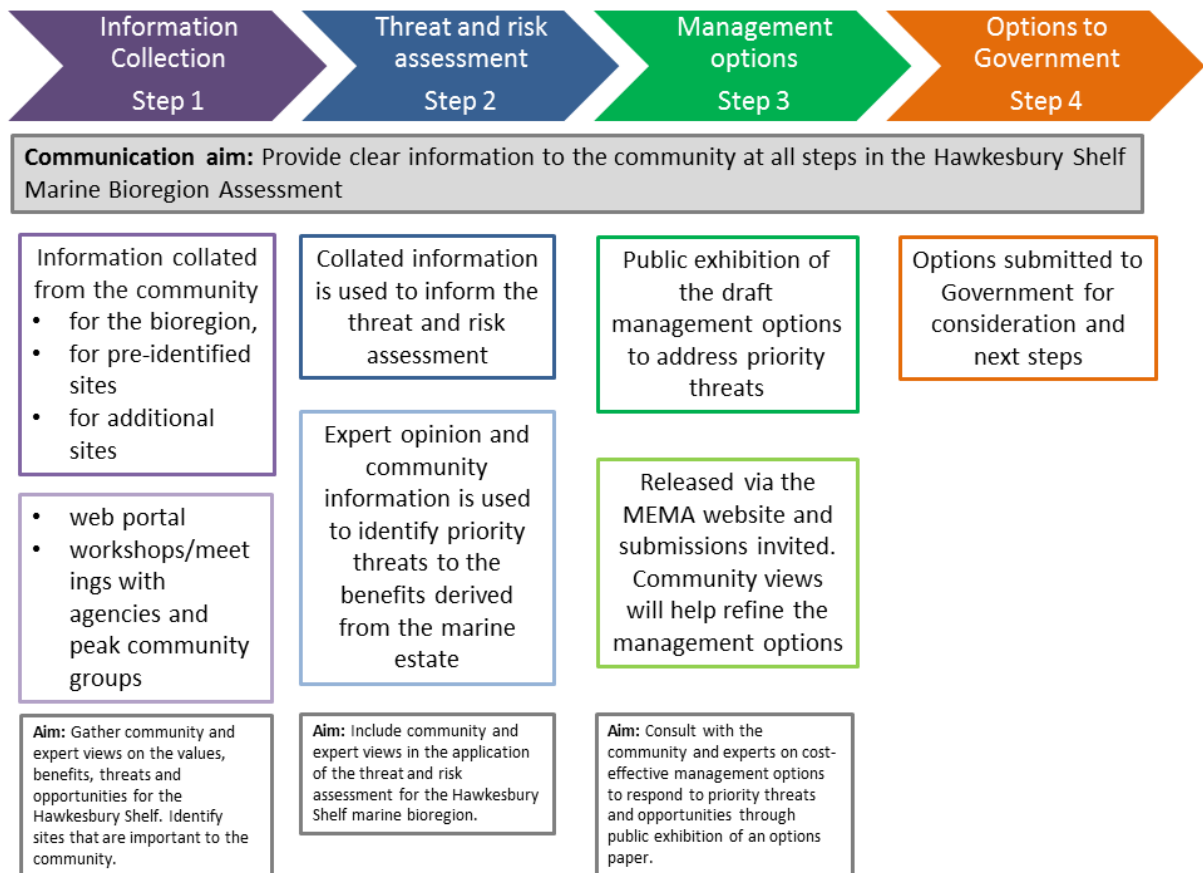
The workshops will be focused on identifying specific social, environmental, economic and cultural benefits of the marine environment in your region. We will seek to identify what the main threats might be affecting those benefits. Some specific questions for you to think about are provided below:



- What are the social, environmental, economic benefits that you get from the marine environment?
- Specifically, what do you do in the marine estate and what do you value about it? For example what are your cultural practices and beliefs (archeological / sacred sites, philosophical beliefs, creation stories, rituals, Totems, protocols and rituals, traditional ecological knowledge)?
- What do you think are the key threats to how you use, enjoy and value the marine environment?
- How do we balance the range of ways that people use, enjoy and value the marine estate across different groups?

Next steps

Below is a diagram outlining the process for the Hawkesbury Assessment. The workshops you are involved in are part of the information collection process. We will be conducting a second round of consultation sessions regarding the management options. This will most likely occur in late 2015 or early 2016.



Hawkesbury Shelf Marine Bioregion Assessment

Aboriginal engagement session

Newcastle Session

Monday 13 July 2015, 10:30am – 2pm

Yamuloong Centre, 71 Prospect Centre, Garden Suburb

WORKSHOP AGENDA			
1.0	10:30am	Welcome and introductions Welcome to Country	Aden Ridgeway
<i>How far have we come?</i>			
2.0	10:40am	<p><i>Objective: Creating narrative, context and continuity</i></p> <ul style="list-style-type: none"> Aboriginal worldviews and connection to sea scape and the marine environment Reflections on the legislative framework and previous studies Where are we now? 	Aden Ridgeway
<i>Hawkesbury Shelf Marine Bioregion: Management Plans & Enhancing Marine Biodiversity Conservation</i>			
3.0	11:00am	<p><i>Objective: Provide information and discuss the assessment of the Hawkesbury Shelf Marine Bioregion</i></p> <ul style="list-style-type: none"> Background to the project Current management process Responses from workshops to date 	Bob Creese
<i>MORNING TEA – 11:20 – 11:30AM</i>			
<i>Political landscape: Benefits, threats and risks</i>			
4.0	11.30am – 1.30pm	<p><i>Objective: Discuss and identify benefits, threats and risks of cultural connections to the Hawkesbury shelf marine environment</i></p> <ul style="list-style-type: none"> What are the social, environmental, economic benefits of the marine environment? What are the known cultural practices / considerations (archeological / sacred sites, philosophical beliefs, creation stories, rituals, Totems, protocols and rituals, traditional ecological knowledge)? Are there any unknowns we need to consider? What are the threats? And how do we balance the range of benefits / threats across different groups. 	Aden Ridgeway
<i>LUNCH – 1:30PM – 2PM</i>			