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### 1.2.1 Engagement brief

For the engagement of Aboriginal people, MEMA requested the holding of six facilitated workshops, with two sessions to be held in each coastal region as follows:

- Northern region: Queensland border to Stockton Beach
- Central region: Stockton to Shellharbour
- Southern region: Shellharbour to Victorian border

The engagement process was required to target the following stakeholders:

Tier 1 (State Peak Bodies)	Tier 2 (Key State and Regional Advisory Bodies)	Tier 3 (Marine estate interest/user groups)	Tier 4 (Community)
<ul style="list-style-type: none"> <li>• NSW Land Council</li> <li>• Office of the Registrar, Aboriginal Land Rights Act</li> <li>• Aboriginal Fisheries Advisory Council (AFAC)</li> <li>• Aboriginal Cultural Heritage Advisory Committee (ACHAC)</li> <li>• NTSCORP</li> <li>• Aboriginal Affairs NSW</li> </ul>	<ul style="list-style-type: none"> <li>• Representative of Aboriginal Joint Management (Lease-back agreements, ILUAS, MOUS and other informal arrangements).</li> <li>• Aboriginal representatives on:               <ul style="list-style-type: none"> <li>○ Marine Park Advisory Committees</li> <li>○ National Parks and Wildlife Advisory Council</li> <li>○ Regional National Parks and Wildlife Advisory Committees</li> <li>○ NSW Heritage Council</li> <li>○ NSW Heritage Council</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Native Title bodies</li> <li>• Registered Aboriginal Owners</li> <li>• Local Aboriginal Land Councils</li> </ul>	<ul style="list-style-type: none"> <li>• NSW Aboriginal Community</li> </ul>

Following some delays, the engagement period was announced by MEMA to run from 30 October – 8 December 2017. This provided a six-week period for MEC to promote, schedule, run and report on the engagement activities.

### 1.2.2 The engagement process

In response to the brief, MEC planned and promoted the following workshop schedule, to allow for maximum lead time to promote the workshops after the opening of the consultation period.

23 November	Narooma	28 November	Port Stephens
24 November	Nowra	29 November	South West Rocks
27 November	Sydney	1 November	Ballina

The workshops were preceded by communications activities with stakeholders to encourage attendance.

To promote the workshops MEC (together with MEMA) created promotional material tailored to the Aboriginal engagement. This material included a brochure outlining the purpose and dates of the consultation, the context of the draft Strategy and details about initiative four; Protecting the

cultural values of the marine estate. It also included a cover letter inviting people to attend, along with a request to distribute the material to relevant networks. The emails contained the same material.

The promotional material was distributed to:

- 40 Local Aboriginal Land Councils in the three marine estate regions
- The Executive Director, Aboriginal Affairs NSW
- 4 Regional Directors, Aboriginal Affairs NSW
- The Chair and CEO of NTSCorp
- Chair of NSW Aboriginal Land Council
- Registrar, NSW Aboriginal Land Rights

The mail out was followed up by emails to each Local Aboriginal Land Council, and four of the NSWALC Councillors representing the LALC Regions in the three marine estate regions. Similarly, emails were sent to NTSCorp for distribution to relevant Native Title groups, and to ACHAC and AFAC for distribution to networks.

Phone calls were made to each of the 40 LALCs, with LALCs in workshop locations contacted by phone a number of times.

### 1.2.3 Engagement design principles and objectives

MEMA’s Community and Stakeholder Engagement Strategy (2014) identifies seven principles of community and stakeholder engagement. MEC’s engagement design was guided by objectives that align with these principles.

MEMA ENGAGEMENT PRINCIPLE	ABORIGINAL ENGAGEMENT DESIGN OBJECTIVE
<p><b>1. Participation</b></p> <p>The community and stakeholders <i>will have the opportunity to be engaged</i> in decisions about the NSW marine estate that will affect their lives</p>	<p>To maximise the opportunity for the Aboriginal community to participate in this consultation by making it accessible and well promoted.</p> <p>To use lessons from previous communications and engagement to deliver the best possible structure for participants.</p> <p>To create a positive, authentic, culturally sensitive engagement experience for participants, so that Aboriginal people can provide feedback on the Strategy in a way that is comfortable for them.</p>
<p><b>2. Early involvement</b></p> <p>The community and stakeholders <i>will be involved early in the decision-making process.</i></p>	<p>To demonstrate listening and convey the importance MEMA places on receiving feedback from Aboriginal people in order to make changes to and improve the Strategy (i.e. this is a <i>draft</i> Strategy).</p>

	<p>For MEMA to gather genuinely useful input into ways to revise the Strategy (initiative 4) for better outcomes.</p> <p>To gauge the level of support for the ideas contained within Strategy.</p> <p>For participants to feel that they have had a genuine opportunity to give useful input on possible improvements to the Strategy.</p> <p>To motivate participants to collaborate with MEMA in the future on implementation of initiative 4 of the Strategy.</p>
<p><b>3. Communication</b></p> <p>Communication to the community and stakeholders will be clear, consistent and accurate and use a variety of channels/methods</p>	<p>To ensure that the engagement process (past, present, future) and expectations are clearly laid out (i.e. what's open to be influenced and what is not).</p> <p>To build stronger relations with the Aboriginal community through the demonstration of listening, sharing, and working together.</p>
<p><b>4. Proportionate</b></p> <p>Community and stakeholder engagement in decisions is to be proportionate to the scope of the proposed decision</p>	<p>For participants to thoroughly consider if the proposed management strategies (initiative 4) will provide protection of Aboriginal cultural heritage on the NSW coast, and suggest improvements and alternatives.</p>
<p><b>5. Transparency</b></p> <p>Decisions will be made in an open and transparent way and provide the community and stakeholders with reasons for their decisions including how their views have been taken into account</p>	<p>To inform participants:</p> <ul style="list-style-type: none"> <li>• how the input from the engagement will be used by MEMA</li> <li>• how they can make a submission</li> <li>• how they can be involved in Strategy implementation in an ongoing way</li> <li>• about the next steps in the Strategy implementation process</li> </ul>
<p><b>6. Evaluation</b></p> <p>Engagement activities will be monitored and evaluated to adaptively manage future public participation and communication activities.</p>	<p>To gain feedback on the engagement design for immediate and future improvements.</p>

### **1.2.4 Structure and approach to engagement conversations**

In the initial weeks following the opening of the consultation period MEC promoted the workshop schedule as planned, however after commencement a number of things came to light that were unanticipated, these included;

- The death of two Aboriginal community members of the Nowra region, with the funerals coinciding with the date of the planned workshop. The community asked MEC to postpone the workshop.
- Knowledge that the NSW Prescribed Body Corporate and Traditional Owner Corporation three-day Workshop was to be held Coffs Harbour coinciding with date of the workshop planned for South West Rocks.
- Knowledge that the Northern Region Aboriginal Land Council Forum was to be held in Lismore on the same date as the workshop planned for Ballina.

As such, the engagement plan and approach was amended to accommodate this. MEC arranged to:

- Cancel the South West Rocks workshop and attend the NSW Prescribed Body Corporate and Traditional Owner Corporation Workshop in Coffs Harbour instead. There MEC set up an area, or 'conversation corner' and invited attendees to drop by and discuss the Strategy during their breaks.
- Meet with the two registered attendees for the Ballina workshop and then attend the NSW Prescribed Body Corporate and Traditional Owner Corporation Workshop in Lismore, and hold a break-out conversation after lunch for those interested in giving feedback on the Strategy.
- Reschedule the Nowra visit to Tuesday 5 December, the workshop hosted by Jerrinja Local Land Council.

The style of engagement was conversational, in a plenary, round-table setting. Participants were given the opportunity to share their top of mind concerns, ideas and general comments about the marine estate, before being invited to comment specifically on the actions under initiative 4.

### 1.2.5 Participation and involvement

The number of attendees was reasonably low, however the quality of feedback given by them was high. Many of the participants who have provided feedback are very knowledgeable about their Sea Country and the difficulties faced by people in their communities. They are also universally keen to see significant change to the level of respect shown to Aboriginal culture on the marine estate as well as willing to be part of seeing the changes affected.

<b>Location</b>	<b>Participants</b>
Pilot AFAC/ACHAC	5
Narooma	14
Sydney	1
Port Stephens	5
Coffs Harbour	8
Ballina	2
Lismore	5
Nowra	5
<b>Total</b>	<b>45</b>

## **SECTION TWO: Feedback on the draft Marine Estate Strategy**

This section contains a comprehensive record of the comments made by engagement participants in relation to the Strategy.

Each of the engagement conversations began with general conversation about the marine estate and setting the context for this round of consultation. As a natural part of the discourse, participants shared their most pressing thoughts and concerns about their Sea Country, and experiences with being engaged by government on various issues historically.

The comments made by participants in these conversations were recorded and are documented here in this report as a very important part of the feedback given to us by the Aboriginal community.

The key topics of these discussions were cultural fishing and unsatisfactory engagement of Aboriginal people by government and these are included as general feedback on the Strategy.

MEC then facilitated discussions to focus in on the actions under Initiative four; Protecting the cultural values of the marine estate. Considerable time was spent working through each of the eight actions.

The majority of conversations about initiative four focussed on action one; involvement of Aboriginal people in Sea Country management and decision-making, and action three; coastal management works on Country. These two actions generated the greatest interest and ideas from participants.

Any general comments that were made about the Strategy as a whole (or the other seven initiatives) were recorded and are also documented, however there was little time and opportunity to devote to soliciting this feedback.

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## 2.1 Feedback that relates to the whole of the draft Marine Estate Strategy; Initiatives 1-8

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### 2.1.1 Key messages from participants

Aboriginal people have an interest in all aspects of the Strategy and marine estate, not only initiative four, and should be engaged accordingly and given procurement opportunities.

All aspects of the Strategy are interdependent and have an impact on Aboriginal culture. MEMA governance should reflect and respect this by having Aboriginal representation in it, and MEMA should involve Aboriginal people more directly in creating the Strategy.

Working together through on-ground works is important for building trust, relationships and collective knowledge.

People are disappointed that there is no clear link between decision making and this consultation activity and no evidence of power sharing or a commitment to collaborate with Aboriginal people.

There is a feeling of consultation fatigue and that the messages of Aboriginal people who participate in engagements are not being listened to and acted upon.

Aboriginal people don't get paid to participate in all the various engagement activities run by government and people are exhausted by it. It costs participants money in transport and/or taking a day off work and they are not reimbursed these costs.

It is suggested that there should be a whole government approach to engagement so that Aboriginal people don't get worn out by all the separate government agendas.

There is a perceived lack of commitment and funding to deliver outcomes and implement change. Participants would like to see reliable and secure funding that is available over a long period of time.

MEMA should consider the legal requirements as to whether the draft Strategy or consultation feedback can be endorsed, without formal consultation with all the Native Title holders involved.

Some participants would like government to formally negotiate with Aboriginal people via a treaty.

State government is at risk of losing the good will of Aboriginal people as stakeholders.

## **2.1.2 MEC Analysis**

It is important that MEMA take the view that it is not just initiative four of the Strategy that needs to address the threats to Aboriginal cultural values, but all the initiatives, because of the interrelationship between the various initiatives and actions. Aboriginal people look at their Sea Country as a whole and are very sensitive to the interdependency between cause and effect. In fact, their ability to see these links could be invaluable in protecting the health of the marine estate as a whole, if it is properly acknowledged, respected and sought out.

The whole Strategy needs to enable Aboriginal people to have access to sites of importance, traditional areas, fishing sites and camping sites for educating young people. In particular, MEMA should make it a priority that the whole Strategy works towards (and not against) enabling cultural fishing for Aboriginal people and giving them access to traditional areas and sites of significance. Protections should be put in place to ensure that more sites are not lost due to development. (See the comments in the next section on Cultural Fishing pages 20-23.)

The many comments from people about the unsatisfactory engagement of Aboriginal people by government should be taken seriously by MEMA and action should be taken to build stronger relationships with the Aboriginal community and demonstrate a commitment to change and improvement. As one important step, MEMA should consider its governance and include Aboriginal representation on it as soon as possible.

## **2.1.3 Record of discussion comments**

### **2.1.3.1 General**

- Our Core value in the marine estate is cultural fishing. All other initiatives actions in the Strategy need to be geared towards facilitating and enabling this.
- The whole Strategy needs to ensure that Aboriginal people have access to sites of importance, traditional areas, fishing sites and camping sites for educating young people. It also needs to address as the fishing rights of Aboriginal people.
- This is ALL culture. You shouldn't separate it out like this, or see it as being one initiative only.
- Aboriginal people are not only interested in 'Aboriginal stuff', we are interested in all of it. There should be training and expertise of Aboriginal people so that we can participate in all of it.
- We need one policy for all land and water access for Aboriginal people, one consistent policy over water management.
- How the Aboriginal procurement policy will work across the whole strategy? We would like it to be possible for the Aboriginal people to take advantage of all the procurement opportunities.



- DPI needs to make it clearer that the Strategy is not a piece of law, but a plan for the next 10 years.
- The on-ground stuff, our Mob working with you Mob - this is the core of the Strategy, this is the most important.

#### **2.1.3.2 MEMA Governance**

- The MEMA board should include more than one Aboriginal person on it.
- The Department of Aboriginal Affairs should be a MEMA agency.
- MEMA structure should have a second Expert Knowledge Panel focusing on Aboriginal expert knowledge.
- Aboriginal people should have been involved in creating the Strategy.

#### **2.1.3.3 Concerns about development generally**

- I'm concerned about the impact of development on waterways, destruction and of environment along coastal areas, mainly in and around Sydney.
- I'm very concerned about the new port that is being built at Yamba. It is a state significant development so government/developers are not engaging with the Aboriginal community and Traditional Owners about its impact, particularly on the reef.
- Development is taking place in sites where my son and I usually fish. Our access to fishing sites is being removed without warning or consultation. I don't think cultural fishing sites are being taken into consideration when it comes to development approvals.
- There are a lot of disturbances from development, erosion and sand-mining.
- I'm really concerned about Marine Life and estuaries.

### **Unsatisfactory engagement of Aboriginal people by government**

#### **2.1.3.4 Consultation fatigue from lack of government co-ordination**

- Stakeholder fatigue – there is too much discussion and not enough coordination done by government.
- It's starting to feel like death by engagement', while there is no money to back outcomes and implement change. Government should come back with a coordinated process.
- They need to set up an *OCHRE* style, whole government, one-stop shop consultation model. Whole of government consultation should be coordinated by the Department of Aboriginal Affairs. There needs to be state community engagement strategy for issues from:

- LLS – Local Land Services
  - OEH
  - DPI
  - AA
  - Education
- The engagement strategy identified in *OCHRE* should be followed.
  - Stop government coming here one by one – bring them here with decision makers.
  - We need regional models developed for consultation across the board. There should be one agreed prescribed model that all agencies use. Aboriginal people need to be involved in developing this model.
  - We need a mechanism to formally agree with agencies about how agencies and Aboriginal people will work together.

**(Note: *OCHRE* is the NSW Government plan for Aboriginal Affairs. It stands for opportunity, choice, healing, responsibility and empowerment and is symbolic of Aboriginal communities’ deep connection with country. *OCHRE* aims to support Aboriginal communities to influence and participate fully in social, economic and cultural life.)**

#### **2.1.3.5 Inadequate or inappropriate engagement by government**

- The threat and risk assessment consultation was inadequate. Engagement on that didn’t happen in our region.
- There should be more people here (today) from our culture – we can’t go on like this. It’s against our lore, there has to be consultancy as a group.
- Engagement is run to the Ministers timetable and it doesn’t take into account local community needs.
- How can the draft Strategy or consultation feedback could be endorsed, without formal consultation with the Native Title holders all the way down the coast? The plan might take away rights under Native Title and under law the government can’t put anything into place unless it is endorsed by the Traditional Owners in that area. This is part of the future acts obligations. There is nothing in the information provided about the Strategy that addresses this. Special arrangements need to be made for formal consultation in places where there are Native Titles, as failure to consult can trigger provisions under the Native Title framework.
- We own the land, we have never conceded our rights, never. Aboriginal people don’t recognise the constitution. We want to negotiate with you, we want a treaty. Government should be coming to us to negotiate, not tell us what to do.
- State government is at risk of losing the good will of Aboriginal people as stakeholders. People are walking away.

#### **2.1.3.6 Government is not listening**

- We've been telling you things for years. All our recommendations are probably sitting on the shelf. We'll be pushing up daisies before something gets implemented.
- Do you think the government really listen? We get bored and say here we go again, promises, promises.
- When you share knowledge with government, where does it go?
- "What part of what I said in earlier consultations did you not understand?" Our messages don't get through, they fall on deaf ears.
- 'How can we feel that our voice has been listened to and not blown away into the sea?'
- Agencies only do enough to tick off on boxes. They assume no-one knows anything useful to contribute.

#### **2.1.3.7 Government is not responsive**

- All the evidence and support from Aboriginal community that went into the Sue Feary report was not included in the copy that went to Government, so how is the community being heard?
- We sent 35 questions to various government agencies (11 agencies). No response was ever given on the Marine Park. We want decisions makers meeting us.

#### **2.1.3.8 Government is not committing, funding or employing**

- Can we get an agreement that if things are not done in a certain time, they pay us? They should compensate us.
- We're going to spend the rest of our lives engaging and government doesn't have any money for Aboriginal employment. There's no money to pay for this. Aboriginal employment will not/has not happened.
- All these different engagements are unconnected, with no outcomes for Aboriginal people from any of them.
- It costs participants money in transport and/or taking a day off work and we are not compensated for these costs.
- NSW government is cutting lots of jobs and the first jobs to go are Aboriginal positions. When someone leaves, the vacancy is left unfilled for years.
- People are cynical and angry that the NSW Government, both ALP and Coalition are not sincere about making improvements to Aboriginal policy. They never put money in and they never deliver outcomes. We would like to see reliable and secure funding that is available over a long period of time (5 years).

- There was an independent inquiry about Marine Parks Liaison and Cadet Rangers because the roles were all taken away from us. The results of the inquiry were that these roles should be brought back. Government hasn't complied with this.

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## **2.2 Feedback that relates to the whole of Initiative four of the Strategy; Protecting the cultural values of the Marine Estate**

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### **2.2.1 Key messages from participants**

Every participant in the engagement referred to cultural fishing as a concern and imperative for the culture of Aboriginal people.

Many participants expressed that was not possible to talk about the Strategy and managing Sea Country without resolving the issues associated with cultural fishing and allowing it.

There is frustration and anger about the failure of the NSW Government at a senior level to engage with Aboriginal people, resolve Aboriginal cultural fishing issues and recognise rights under Native Title.

Fishing is the main cultural value for Aboriginal people on the coast. The risk around loss of access to cultural fishing is a major threat to Aboriginal culture and it hasn't been captured as a social risk in the TARA.

Cultural fishing has a huge impact on the whole health and family wellbeing of Aboriginal people and the transfer of culture from one generation to the next. People feel they are losing their culture and are not teaching their children because they are too afraid that they will get prosecuted.

Aboriginal people should be part of MEMA, particularly to look at fishing rights and it should also be addressed in the role of the ACH Authority.

Action 1 about the involvement of Aboriginal people in Sea Country management and decision making, is the critical action that needs attention in the Strategy. All the other actions under initiative 4 will then follow on from this, and will be difficult to achieve without it.

Funding, investment and economic opportunities need to be for the medium-long term for sustainability and the achievement of positive outcomes, with procurement opportunities for Aboriginal people.

## 2.2.2 MEC Analysis

The feedback on the ideas in initiative four were positive and initiative is broadly supported. However, participants felt that as a first priority, the Strategy needs to address the cultural fishing concerns, and the absence of direct mention of this in the strategy is a critical omission.

The strongest and most universally held view of all participants consulted is that Cultural fishing is the main cultural value under threat and there is much unhealed pain. The restriction of it is greatly detrimental to the health and well-being of Aboriginal people as well as to the ability to transfer culture from one generation to the next. Thus, MEC recommends that much stronger and clearer links be drawn by MEMA between the Strategy and the plans in place by other areas of government for addressing cultural fishing issues.

Participants expressed many frustrations with DPI. The difficulties in the relationship between DPI and Aboriginal people is likely to have a flow on affect to the relationship between MEMA and Aboriginal people. The distinction between different government departments is not clear or seen as relevant to Aboriginal people. There is a sense that everyone in government is 'tarnished with the same brush', or in particular those people working for the protection of the marine estate.

MEMA may like to consider how to forge greater internal alignment and collaboration between those working on the Strategy and those in the cultural fishing department, as part of the next stage in developing the Strategy, followed by an external roll out of this collaboration.

It also became apparent through much of the discussions that the success of everything within the initiative is highly dependent on action item one; involvement of Aboriginal people in Sea Country management and decision-making. The need for 'a voice' is strongly held. MEC believes it will require commitment from the government to engage with Aboriginal people in a comprehensive, authentic and long-term way to give Aboriginal people that voice and bring the Strategy to fruition.

Many people consulted expressed a wish for procurement opportunities to become available for Aboriginal people as part of the Strategy implementation. This could be an important element for MEMA to act upon as it one way to demonstrate a willingness to engage with and give responsibilities to Aboriginal people in managing the health of the marine estate.

## 2.2.3 Record of discussion comments

### 2.2.3.1 General

- All of the actions in initiative 4 are subsets to action 1. Action 1 is the key action to get right and all then other actions are supporters.
- Overall, initiative 4 of the Strategy is moving in the right direction.
- The Strategy leaves out the well-being and intangible aspects such as access to storytelling.
- If we are going to have a Strategy, we must be able to adopt it and amend it to fit locally.

- Why isn't NSW following and replicating what is working well in other states, such as the Northern Territory?
- The activities in the Strategy should make use of the Aboriginal listed sites in the AHIMS system; middens, gazettes, Aboriginal places etc.

### **2.2.3.2 Funding, investment and economic opportunities**

- There's got to be new money for this. We don't want to see this initiative funded by other funds that exist or we see coming. For example, don't use the Aboriginal Fishing Trust Funding to buy businesses or do the projects and cultural work.
- Reliability and security of funding year on year is important – funding needs to be available over a long period of time. Give us 5 years to run our programs.
- Investment in the capacity building of Aboriginal people to manage their Sea Country needs to be a long-term engagement strategy, not piece-meal and one-offs.
- Will there be government procurement for initiative four? The government needs to make it possible for Aboriginal procurement to happen to take advantage of opportunities.

## **Comments about preserving cultural fishing practices**

### **2.2.3.2 Threat to cultural values, health and well-being**

- Fishing is the main cultural value for us on the coast. The key threat to our cultural values is in lack of access to fishing.
- Cultural fishing shouldn't be 'low' against environmental risk in the TARA. The segregation doesn't work for Aboriginal people. The TARA is not quite right about this aspect. Cultural fishing is not there on the social and economic section where it should probably be high. It should have been picked up there and an action developed around it. The risk is social and hasn't been captured in the TARA.
- We've done consultation about South Coast Aboriginal people fishing – 70 people were interviewed all the way down the coast. The case study is ready to be fed back to the people. There was also a second case study on the impact on Abalone fishing. These two case studies should be considered or correlated in the Strategy if you are serious about the issues. Cultural fishing has a massive impact on our whole health and family wellbeing – the case study highlighted this.
- Not being able to participate in cultural fishing negatively effects the fitness and health of our people (especially young people) and the lost opportunity to practice our culture means it could be discontinued.
- When we give up fishing our health goes down.

- Being denied commercial fishing leads to a loss of self-respect among our people. We feel the loss of acknowledgment and there is no recognition of our cultural values.

### **2.2.3.3 Aboriginal people's relationship to the environment and gathering activities**

- We have more seasons than you do.
- Aboriginal people have 8 seasons, not 4. We're brought up with so much knowledge about marine animals and how and when to fish them. We can be hit with penalties for these cultural practices.
- Pipis is the biggest thing. What Pipis we get we share around the elders. We care and share for elders who can't get out and dig.
- Our fishing is always shared with our Mob, it was never individual, but for elders as well. Nothing went to waste.
- We lived off the waterways fish, oysters, pipi's and cockerels, we just took what we needed, treating things with respect and now people are being taken to court for it, but that's our food. We share the food amongst our communities.
- We feel restricted and afraid to get fined, we just want to live how we live on the beaches. We don't know what we can do or not do. My granddaughter was walking along the beach with Pipi's for her family and was scared she would get in trouble so she put them back.
- We know of people teaching their children about Pipi's and getting in trouble for fishing them.
- We still go for our bush tucker. Our bush tucker is very important. We're dying from not having lean meat and other nutritious food from the land.

*We belong to the lake. We know where the best fishing stops are and where the best fathead, groper, brim, black brim are and what water holes. We still want to go hunting and gathering with our little ones. Gathering is where we get back to country. The other things is, when they lock us out of one area, we go to another areas, but so does everyone else, so that puts big pressure on the different systems here where we live and work.*

### **2.2.3.4 Frustrations with DPI**

- Fisheries have 'nearly severed' cultural fishing.
- It's in fisheries legislation that we are exempt from the fisheries act. Section 21AA hasn't been enacted and people are being prosecuted. It's doing a lot of damage to our people.
- Abalone fishing – Aboriginal people are made out to be the bad ones but we have the right to do it. We take so much less than commercial fishers and they complain about it.
- People with money can buy a license to take 130 tonnes of abalone, while Aboriginal people get harassed for taking a family feed.

- Aboriginal people don't use the word 'commercial', to us we see it as 'cultural' to collect fish and barter and sell it to each other. We should be able to use our resources in our way.
- DPI keeps contradicting themselves. Native Title gives us a right. Why would we give that up to come and negotiate with DPI and agree to bag limits in Marine Parks? The resources belong to the original people of this country and they should be allowed to harvest and sell it. Government should be negotiating with us to buy resources from us.
- When we went to the fisheries meeting yesterday they didn't ask us, they just told us what would be done with regard to section 37 permits. Fisheries are forcing their legislation on to our fisherman when they don't even want it, because they can fish under cultural fishing anyway.
- Aboriginal people made out to be the villains when Fisheries are 'raping the ocean'.
- Where are all the Papis coming from in commercial shops? There's a lot of farmers.
- There are access issues and a lack of enforcement of fishers in general who for example are breaching bag limits and size of prawns.
- We've had nearly 600 engagements with fisheries in recent times.
- We've seen that non-Aboriginal recreational fishers are being prosecuted differently to Aboriginal people.
- Native Title rights are not recognised by DPI. We have rights as first people. We're exempt from Marine Park and Fisheries Act. They keep prosecuting our people. We've got rights already and they need to acknowledge it. We've been educating our people down here about our rights and people are starting to recognise it, but they are still being sent to jail. DPI have started calling our activities trafficking.
- In the Northern Territory, seasonal approaches to regulating catches worked well.

#### **2.2.3.5 The need for 'a voice'**

- What's really happening is we are not having our say, so it's at the core of everything.
- Aboriginal people don't have the lobbying power of other fishers.
- We came with a lot of recommendations in previous years to DPI and only two were taken up.
- Have Aboriginal people on MEMA, particularly to look at fishing rights. This should also have a linked role to ACH Authority.
- Cultural fishing should be considered by the ACH Authority.
- Give us back our water and let us work (fish), or we need to speak to political advisors who are running the government but we can't get to them.



### **2.2.3.6 General comments about the transfer of culture from one generation to the next**

- The 4<sup>th</sup> (current) generation now need to build the sustainability of our culture.
- We want to preserve our practices for future generations.
- Children need camping, outdoor places, stories under the stars.
- It is very important that we have all our stories and sites
- It's our job to leave something behind for our children, we think the strategy is for our people to be guardians.
- We need some control over the areas where the women's sites are. We need to use waterholes for women's business. We need our local rangers to be guardians of these areas.
- We need our yarning camps to restore our culture, our boundaries, values and beliefs. We give young Aboriginal people their values and beliefs; this can't come from any other influence. We are bound by the lore to our land, we are part of all the elements, past and present is together – past is present with us. You can't 'breed our connection out of us'. Whatever other bloodline you may have, you are originally an Aboriginal person.

### **2.2.3.7 Unhealed pain**

*Gerringong 1836 - Three Aboriginal men were in a boat with first settlers. Gerringong came up to swim alongside the boat and the settler shot him! Gerringong Women started wailing and crying. The settler had shot one of our Elders who in our beliefs, passed into the spirit world. I remember one old fella used to sit in a cave shelter. A natural stone rock chair (a special chair for Elders only!) used to look out over the sea crying, mourning for our people who had passed and were now spirits swimming in the wild.*

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## 2.3 Specific feedback on Action 1 of initiative four

### Sea Country Management

***Work with Aboriginal Communities to evaluate current arrangements for Aboriginal involvement in Sea Country management and decision making. Establish and implement a framework to ensure the involvement of Aboriginal people is effective and appropriate.***

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#### 2.3.1 Key messages from participants

Government should be more mindful of the cultural differences in involving Aboriginal people in decision making or advisory roles and the sensitivity (or cultural pressure) associated with placing people in isolated roles on committees, without giving them adequate resourcing, cultural safety and other forms of support.

Aboriginal people would like to see a consistent, ongoing, long-term Aboriginal engagement model for Sea Country across NSW.

If government is to engage and ask advice from Aboriginal people, it needs to demonstrate deeper listening through acting on the concerns raised by them.

Aboriginal people are seeking a shift in the power balance, to enter into a collaborative space with government (power sharing), rather than control by government.

The government needs to develop readiness to respond to the changes that need to occur with the coming of more Native Title determinations and support Traditional Owners to carry out their role in decision making on the marine estate.

Significant improvement is needed in the mindset of government in relation to the level of understanding and respect paid to Aboriginal people, and the value given to the contribution of Aboriginal cultural knowledge in managing and protecting the marine estate.

This action is the critical action that needs attention in the Strategy, and all the other actions under initiative 4 will then follow on from this, and will be difficult to achieve without it. In particular, the success of actions 2, 3 and 8 are dependent on the close involvement of Aboriginal people in Sea Country management and decision making.

Action 1 doesn't work without 3, and that engagement should occur through having something tangible to work on. This will give the activities relevance and ownership.

### **2.3.2 MEC Analysis**

The feedback on action 1 should be viewed in conjunction with the comments by participants about unsatisfactory engagement of Aboriginal people by government (pages 16-18), as they are strongly related and influence the ability of government and Aboriginal people to work together to implement this action and the Strategy as a whole.

There needs to be greater understanding and acknowledgement by government that there are two cultures that coexist on the marine estate, and not one culture (western culture) that the Aboriginal people need to adjust, respond to and assimilate into.

The western world view tends to produce solutions along the lines of providing of capacity building or roles to Aboriginal people in order to enable them to participate in, or operate more effectively in the western paradigm. While this may be an important and necessary part of our ability to work together, MEC believes it is also necessary for those with the western world view to learn to adjust, respond and assimilate more into the Aboriginal world view.

If government is prepared to do this, then the pathway for true collaboration may open up more fully and more cultural safety can be provided to Aboriginal people. Under these conditions, the knowledge, skills and wisdom of Aboriginal people in managing the marine estate may be brought to bear and combined with western knowledge, skills and capabilities for a stronger collective approach.

Aboriginal people involved in this consultation provided many suggestions about how to improve and change things and MEC urges MEMA to consider the gravity of this feedback, commit to and invest in a new way of working with Aboriginal people.

### **2.3.3 Record of discussion comments**

#### **2.3.3.1 Mindset of Aboriginal people in relation to decision making**

- We don't do things without our elder's permission.
- Everything has to be done by our elders as a group conversation – it has to be signed by all of us. It has to be a lot of our people coming together.
- We won't trust people from other communities. Aboriginal people understand Aboriginal people from their own community in their own language.
- Keep things addressed at a local level, we cannot address things in a general way.
- Our communities have failed because they've taken away our systems.

#### **2.3.3.2 Experience of Aboriginal people being engaged by government**

- It's hard to be a solo Aboriginal representative of a community on committees. Don't send one bloke out to do things and represent people up and down the coast. They become 'meat in the sandwich' and they need support. Employed people also become the 'meat in the sandwich'.

- As an advisory committee member, the community holds you very accountable for the decisions that government makes. You have accountability back to your community. You need to give advice to government also and back to your community. So, if advice is not implemented it can mean people on the committee get harassed by their own community and it makes it hard for them to be on the committee.
- One chair of an Aboriginal group who sits on the Aboriginal Batemans Marine Park Advisory committee talked about the difficulty and isolation of being an Aboriginal representative on the Marine Park Advisory Committee.
- Aboriginal people are in their community 24/7 not 9-5 so then you end up with a high turnover of Aboriginal people in these roles because of the pressure from their communities.
- Aboriginal employed people should not be 'police officers'.
- They drag the people in to get their opinions and then use it against us.
- There is tokenism. Aboriginal people put themselves out, taking people into their country and showing them things, but we're not listened to. A lot of people are taking our knowledge and then not addressing the issues we brought up.
- Engagement of Aboriginal should not be tokenistic. Employees or committee members have to speak on behalf of their community and country and can't have their own opinion. We need more even numbers, more than 1 or 2 Aboriginal people so we are not intimidated.
- What is the consultation giving us back? Make sure that it is genuine.
- There is a lack of continuous engagement, people come and go with big gaps in between.

### 2.3.3.3 Comments on advisory bodies

- Marine Park Advisory Committees: Is the government going to review the current arrangements in marine parks and why they have appeared to have failed? If we go the same road of setting up advisory committees, we have to ask people why they no longer come.
- Advisory committee structures are ineffective because they meet infrequently and Aboriginal members give advice that is then not implemented on the ground.
- Action 1 doesn't work without 3. Give the committees something tangible to work on. This gives them relevance and ownership.
- If you employ more Aboriginal people in the agencies maybe you don't need the committees?

### 2.3.3.4 More resourcing needed for Aboriginal people to be involved in Sea Country decision making and engagement

- A lot of information is being sucked out of Aboriginal people (e.g. survival skills, how to conserve everything, we looked after the land and water all rolled into one) when they participate in consultation and they go away and do what they like with it. **We should be paid**

### **for our time and knowledge.**

- Resource us for what happens between meetings. Community people are not resourced to have conversations between meetings and to find out 'is the community interested in this?'. People ask 'what's in it for me?', 'why should I go to a meeting?' The government is not investing in our community.
- Train people in our communities to be able to contribute in these roles. It takes a while.
- Often the wrong people are in the roles. A person's connection to the community is not prioritised as a key selection criteria.
- We have to protect and support committee members or Aboriginal employees of government, so that the Aboriginal community is more realistic about what they can achieve on their behalf.
- Provide the resources to support Aboriginal committee representatives to engage more broadly in their communities. Provide employment this way to locals. You can't expect the community to do the organisation of all the logistics (bus and food etc) involved with yarn-ups, they run out of energy.
- Resource our meetings and gatherings.
- Are you asking communities to volunteers for nothing? Groups/committees should be respectfully financially supported in all actions supporting public in NSW.
- When representing Aboriginal people, you don't have decision making power, you need to be supported to go back to your community to consult.
- Community people need capacity building.

### **2.3.3.5 Suggestions on engagement models**

- We need a consistent ongoing Aboriginal engagement model for Sea Country across NSW. This engagement model should be supported by expert technical committees for science. We want to see MOU's at regional level to govern engagement.
- We need regional models developed for consultation across the board. There should be one agreed prescribed model that all agencies use. Aboriginal people need to be involved in developing this model.
- We need a mechanism to formally agree with agencies about how agencies and Aboriginal people will work together.
- The engagement strategy should be created at the state level under OCHRE – the state government Aboriginal engagement policy.
- Right now, we have to engage with multiple layers of government agencies to get to our Sea Country resources e.g. councils, OEH, DPI etc. We need to be connected to and engaging with the relevant managers. Can you make this easier?

- We need multiple layers of government agencies to be at the table with us, for example we've had mayors or managers with us.
- What involvement is proposed in this initiative? What will be the representation from the communities? What respect will be shown? How will these people be brought together respectfully? Will it be a process of respect that allows enough time?
- We should have panels and junior panels with succession planning – associate members and members – all people involved should be at the same table. Now there are too many groups, plans and policies.
- Set up Aboriginal local groups to work together in continuity (not one-off consultation) with Sea Country agencies. Senior level agency representatives need to be present and accountable. These local groups would also address economic development, employment, community capacity building as well as managing Sea Country.
- Ensure there is the capacity and ability to communicate with lots of different groups across Aboriginal community.

#### **2.3.3.6 Comments and suggestions on Governance**

- There should be Aboriginal Affairs representation in MEMA as a sign of good faith.
- Why are Aboriginals not part of MEMA's governance?
- Aboriginal people need a vehicle to assert their rights.
- Outside of national parks we have no representation in OEH locally.
- We do not have an Aboriginal voice in power. We've got to employ people who will stand up for our culture.
- We want representation on Boards.
- What happened to self-determination? Why can't we be more involved in making the big decisions?
- If you put the ownership back to the Aboriginal people, then they will perform – we have to take responsibility for decisions.
- An expert panel on Cultural knowledge should be established to bring the cultural expertise on all this.
- We want self-governance. Each local area needs its own group for managing the Sea Country estate with community employment and capacity building.
- We want to work with white people but we have to work together, it should not be them telling us what to do. We will determine what can and can't be caught and when. Local people have the knowledge.

- Aboriginal groups should have rights to veto proposals. If the group doesn't agree then that aspect of the strategy should be stopped. If the communities are saying no, then it's no. We need decision making power.
- It's got to be an equal representation of Traditional Owners and Land Councils. Both the state and federal legislation has to be covered and it also has to involve Elders. You've got to have the two groups involved to back each other up and work together, the Land Councils represent more broadly and should be included.
- Land surrounding waterways have so many different tenures. We need to identify and map all the stakeholders with tenures. Private owners don't understand they have responsibility to those with native title claims. The stakeholders need to be brought together to see what their policies are around respecting Aboriginal cultural rights and ask do they even have them? This needs to be right down to the nitty gritty of anyone accessing water e.g. boat licenses. These people should be informed of their responsibilities to Aboriginal people.

#### **2.3.3.7 Respond to the changes due to coming with Native Title determinations**

- There is conflict between Land Council Act and Native Title Act. Agencies have an obligation to consult with Native title holders (under the future acts regimes). They should be developing this capacity because within 10 years there will be activities up and down the coast taking place outside the law. Native Title owners don't have the capacity to deal with all the requests that will be coming to them.
- DPI should not employ directly but fund Native Title organisations to employ and manage/run activities. A lot of our Mob know about the sea and country.

### **Change is needed in the mindset of government**

#### **2.3.3.8 Disappointment with MEMA approach to the Strategy**

- What Aboriginal person was part of the development of this Strategy (inside government)?
- "What elders have you consulted in this plan?"
- There is no financial commitment given here today. The government needs to learn to do business our way.
- Fisheries won't acknowledge that we have rights and until they do we will keep coming to these rooms for years and years. The government is too afraid to give us what we want when they won't get anything from it.

#### **2.3.3.9 Lack of respect shown to Aboriginal people's knowledge**

- We would like Aboriginal people's views to be respected by government.

- Most inherent problem is the lack of respect for knowledge holders.
- We can learn from each other all the time “if they’d just sit and listen”.
- Respect the connection we have to our Country and Sea Country.
- You can never ‘walk in our shoes’ with our knowledge and memories.

#### **2.3.3.10 Lack of cultural awareness**

- People involved in managing or using the marine estate need cultural awareness training.
- Education of government is needed around Aboriginal History.
- Government people should also do an Aboriginal history lesson. There needs to be a cultural change from the top down.
- NSW needs to increase its understanding of the intangible world of Aboriginal people. Our culture is based on a different value system – we’re about looking after people. Until this is acknowledged by the Minister and Government we will continue to be at logger heads.
- A lot of them are so ignorant. Not prepared to sit and listen. They think they have all the answers. We do things opposite to them. They look at the land as money. We see the land as something that looks after us. We live off it, we don’t think of it as money.
- Departments should be culturally trained in the first place, it should be made mandatory and by locals (from land councils) to an area and not generic, not inter-department training. There is not enough training. The MEMA Board should be the first ones to do it.
- Local government ‘doesn’t know many things about the Country’, they don’t understand Aboriginal perspective. We consider larger areas of occupation and that we are all part of a system. We need to consider all of that. Local government doesn’t have the knowledge to understand why things are on maps. They need to talk to us to understand the context of the bigger picture. What you see in the sky you see on the ground – it’s all connected through the sky.

#### **2.3.3.11 Culturally inappropriate methods and time frames**

- Enforcement methods are not good for Aboriginal people (fines and imprisonment etc). Get the elders involved and look at other methods.
- Can’t separate the land and water (MEMA). There’s no distinction between sea and country. The way you divide things up is artificial and not the way Aboriginal people see things.
- You cannot have non-Aboriginal people giving cultural directions, we must have local decision making.
- We can’t seem to engage Marine Parks. They dictate the timeframes for us to talk to them.



- Sit with us in circles of equality. Sit with us on site, don't talk to us in a bureaucratic way. It's got to be more user friendly these strategies.
- I think they have unrealistic timeframes. They do things only when they need it, for example, giving rights for fishing, not just making decisions. Uncle needs time to go out and talk to the community as a representative. 'Uncle' is not community, he needs to go back to the community and then come back and share. On committees, uncles shouldn't have to make a call then and there in a meeting.
- Don't get involved in our politics, if Aboriginal people don't come to consultation then they don't come – don't let 'nay-sayers' derail things because they don't like people. Let us deal with people coming from 'off country'.
- Government should not pick and choose what advice they listen to, especially if it comes from people off-country.

#### **2.3.3.12 Lack of engagement with/ acknowledgement of Traditional Owners**

- We are losing a lot of our fish stock and there will be nothing left for future generations, that's why we are putting in Native Title claims for Sea Country.
- Now that we've got the sea claim we haven't heard from them. We want to talk about NRM management and Cultural heritage.
- Clarence Valley Council and National Parks and Fisheries wont engage with us – they try to put everything under future acts. They've never shown us respect. They've got to come to us, we need to be a part of this before it's too late. A lot of it comes back to attitude.
- Trust a big issue. Government should be developing protocols with us, if they want to be involved with us (Traditional Owners) from day one, that's how you build trust.
- Engagement must be on country with Traditional Owners. If these areas are going to be given Traditional Owners it should be based on this rather than the state legislation and Land Councils.

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## 2.4 Specific feedback on Action 2 of initiative four

### Cultural values of Sea Country

*Work with Aboriginal communities to identify the cultural values of Sea Country to improve the incorporation of values into decision-making on the marine estate.*

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#### 2.4.1 Key messages from participants

There is broad support for this action and feeling of imperativeness that it be done to prevent further loss of culture.

This action should be strongly linked to or conducted as part of the ACH reforms mapping processes.

Aboriginal people experience difficulties in having to deal with multiple government agencies that follow different geographical boundaries from each other and do not relate to Aboriginal cultural boundaries.

Elders should be involved in every aspect of Aboriginal traditional culture, especially in the mapping of Country.

#### 2.4.2 MEC Analysis

This action is supported and very important to participants, however MEC wonders about the relationship of this action and the mapping activities planned as part of the ACH reforms. As such MEC recommends this action be done in close collaboration with the part of OEHL responsible for rolling out the ACH reforms to avoid duplication of effort.

MEC would also like to reiterate, in relation to this action, that cultural fishing has emerged in this consultation as a priority cultural value for Aboriginal people on their Sea Country. Therefore, the mapping of cultural fishing sites should also be prioritised in mapping activities.

#### 2.4.3 Record of discussion comments

##### 2.4.3.1 This action is supported and very important

- Strongly supported – at a local level otherwise things are lost. Mapping out cultural values could be an opportunity to hand back control to Aboriginal people.
- Part of our Native Title claim was to highlight all the areas and sites of our country. We'd like to do the mapping. It has not been done to the extent we'd like to.
- We broadly support this action.

- As long as we are given our sites that we need and they are protected, we can protect our culture. Ancient stories are being destroyed. We've got to take people to our sacred sites as healing places – part of healing trauma.
- The reference of our history is not being adhered to and we can't go back to our places and sites, so mapping the sites and stopping development from destroying them is critical.
- We should have signage to acknowledge Traditional Owners and places of significance.

#### **2.4.3.2 Relationship/cross over with ACH reforms**

- How long is it going to be before DPI and Marine Parks will be reviewed again in response to ACH laws coming into effect?
- Could the new ACH proposal change things about Marine Parks?  
*(The response given to participants by OEH is that the ACH reforms won't change the way Marine Parks are governed, but the way it is consulted on. Issues may be brought to the ACH Authority and Panels. MEMA might work with the ACH Authority to develop Sea Country plans).*
- Why was the TARA etc completed before the ACH changes come into effect?
- Marine Parks review and ACH Authority establishment should coincide in 2018.
- Cultural heritage reform can provide protection for heritage on Sea Country, so the two things should be talking.
- Sea Country plans should be done as part of the ACH reform process – the reforms encompass this.
- There is already a lot of information in the AHIMS. The activities in the Strategy should make use of the Aboriginal listed sites in the system; middens, gazettes, Aboriginal places etc.

#### **2.4.3.3 Difficulties dealing with multiple government agencies and geographical boundaries**

- In the current framework, we don't know who is responsible for what – Marine Park advisory committees don't even know what's what, we hadn't even heard of this draft Strategy!
- Agencies should meet with themselves and get on the same page before they talk to us committees. Our heads are spinning trying to make sense of it all. Coming to us in bits is difficult and confusing.
- The community is getting exhausted responding to the range of government consultations being done.
- We are dealing with all these NSW departments and all have different boundaries. Each asking different questions but do they actually talk to each other (fisheries, national parks, roads, MEMA)? Until the department of NSW acknowledges the separation of the different Aboriginal cultural areas, then the system can't meet the needs of the community.

- Things are getting carved up by the government but that's not how we view our culture. It's the same cultural heritage factors that go across all areas (all different parts of government). The ideology of our people hasn't changed and doesn't change even if other people/government do change.
- The different government boundaries are really difficult. One Mob seems to get all the funding because they are in one area covered by Federal government. Our Land Council has things in our Community Land & Business Plan that we have developed but no one wants to work with us - all the resources go over the other side.
- Jervis Bay – it is a nightmare to do anything there because the Commonwealth Government is also involved.

#### **2.4.3.4 Involve the Elders and Traditional Owners**

- The Aboriginal resource centre and Traditional Owners create the plans in the Northern Territory. It comes from Aboriginal people sitting together with Government agencies, but the ideas and aspirations are driven by the Mob.
- We need to involve the Elders on every aspect of our traditional culture. We're always thinking of the next generation; they need parents to be able to pass things on to them.
- Develop a Sea Country Plan with site protection by Traditional owners and the LALC. Cultural mapping should respect the connection to Land and Sea Country. Totems, Moieties, and connections to different species. For example, for us the Dolphin is local.
- *We know our country. We looked after this land from the top of the river to the sea so we know what has happened and what is happening now. We've got to start getting better at protecting our sites such as our rock engravings and all the others that are out there that we know about.*

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## 2.5 Specific feedback on Action 3 of initiative four Coastal Management works on Country

*Undertake a pilot program to fund local Aboriginal communities to undertake coastal management works on Sea Country.*

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### 2.5.1 Key messages from participants

There is a lot of support for this action and it is not new, it is already happening.

Participants would like to see Aboriginal people in marine ranger positions.

Aboriginal people have many ideas about the kind of works they could do with support and funding, including dune rehabilitation, protecting marine wildlife, protecting cultural fishing and protecting cultural sites.

Many participants suggest involving young people, making it educational, raising cultural awareness through it and giving Aboriginal people the local authority to run and manage works or programs.

Transfer of knowledge should be two-way. Bring together the knowledge of western science and Aboriginal people.

### 2.5.2 MEC Analysis

MEC observed a lot of positive energy when talking with participants about this action and a willingness to be involved and/or responsible for many different types of works on Sea Country. Aboriginal people believe that involving their young people in such works could play a vital role in the transfer of culture from one generation to the next and improving the lives of young people

MEC believes that it would be prudent for MEMA to harness this energy and advice and extend plans for this action beyond a pilot to a more comprehensive program of on Country works up and down the coast, and provide procurement opportunities to Aboriginal organisations to take responsibility for and do the work.

This action can incorporate and combine many aspects of the wishes expressed by Aboriginal people in relation to the Strategy; to help keep Aboriginal culture alive, provide education and skills development, involve both men and women in appropriate ways, provide economic and employment opportunities, allow Aboriginal people in decision-making roles on these types of works, and the utilisation of their cultural knowledge in the application of rehabilitation and protective works.

### **2.5.3 Record of discussion comments**

#### **2.5.3.1 General**

- We don't need to pilot it, it is already happening! The Commonwealth offered four-year funding under the Indigenous Protected Area program. Funding for it includes wages and vehicles etc.
- A lot of people participate in the Northern Territory – that's why it works well. It seems there is less proposed here in NSW in action 3. Why? Why only a pilot?

#### **2.5.3.2 Involve young people to keep Aboriginal culture alive**

- People would like to do something, give them a job and get people involved. People feel very proud of doing this work.
- It's hard to get younger generations out and about to do things. We need to educate kids.
- Government restrictions mean our culture is lost because we are not practicing – it has just become stories.
- We need to invest in the young ones now today not tomorrow or we will lose them too. This could be a good chance for them.
- We have to support young people – assuring the kids they have something to do, to ensure our culture is not lost. They should be taught this before they leave school so they know there are avenues to take and jobs there for them.
- There must be jobs in it for young people.
- We must engage young people early – before 12 years old.
- There could be an alternative sentencing option for young people – community service orders.
- We should have a ranger program - protecting sites for next young people to take over.
- We need our young people involved in conservation.

#### **2.5.3.3 Education and skills development**

- The education side of things is important. Rangers need to be employed within communities and rangers put through an induction process to learn about country. It would be good to have a mix of young and older rangers so that the older members give knowledge to the

younger ones.

- This could be a job readiness activity for skilling young people.
- We want to utilise our land to educate young people, give them back the respect and values even though there are all the non-cultural influences.
- Works on Country would be a good mix of technical training, science and culture.
- We have got younger people with qualifications in conservation and land management. We'd like to get land care and conservation back up and running again.
- Training, education and awareness. Have men's camps and women's camps sitting around the fire, telling stories and going to the beach collecting Pipi's and bush tucker. This could be a self-esteem program for people to know who their parents and grandparents are and what they stood for. Carry on our traditions.

#### **2.5.3.4 Involve men and women**

- There is a cultural obligation to have respect for gender differences.
- Women ranger projects can be very successful.
- They always make sure they have gender balance in the Northern Territory.

#### **2.5.3.5 Economic and employment opportunities**

- This action may provide small business opportunities.
- If this generates employment for non-Aboriginal people as opposed to Aboriginal people, then this is a problem. The ratio should be such that it is primarily Aboriginal people.
- These programs needs to lead to employment, not just volunteerism.
- We would like to see local community-based Aboriginal marine rangers.
- Where are the Aboriginal people within MEMA? We need community Marine Managers.
- We need our guardians to go out on to the land.

#### **2.5.3.6 Governance and authority**

- We'd like to see delegated local authority committees established and the Land Councils to take over these protection and management protocols. Local government 'doesn't know many things about the Country' and they don't understand Aboriginal perspective. *For example, breeding grounds are dead because of the gates in rivers that don't allow the fish to reach them. In order for nature's system to function properly the government needs to look at*

*its gated systems to understand impacts down the stream.*

- Such a program must be owned and run by local communities.
- Have partnerships between agencies and Aboriginal organisations that run the working on County program.
- Local government should consult with us before putting a request for tender for dune care groups. The groups get a whole lot of money but they don't talk to us or engage us.
- IPA grants – extend a program like this to manage the coastal reserves in partnership with National Parks Marine Authority.
- The government can't access our cultural information – its sacred and secret, it's none of their business, our elders won't provide it to the government, that's why we should be in charge of our own works.
- We'd like to see programs happening 'our way', not another culture's way.
- The Yaegl people would like to employ directly ourselves. Cultural heritage expertise along the foreshores – people trained in all sorts of coastal management. We have knowledge about which fish come and how to navigate. Issues should be derived from the Aboriginal community not government.

#### **2.5.3.7 Types of works**

- Dunes and beaches
  - Dune care is important.
  - Management of dunes is really unregulated.
  - Monitoring beaches with hands-on clearing up beaches. Tourists are leaving rubbish not respecting the country.
  - Vegetation that was once good resources for our Mob is now all gone and replaced by dune stabilising. We want to get things back to their natural state. Dune care etc. are coming around and they don't 'come near us' (consult with us).
- Protecting marine life and cultural fishing
  - We want to provide the aquatic habitat for fish passage – rocks/shellfish/weeds.
  - Protecting birds and nesting is a good idea.
- Protecting cultural fishing
  - Keep special fishing places aside for cultural fishing activities. We need to set those places aside.
  - Jali Aboriginal Land Council would love to resurrect various things. Put us (Aboriginal people) in the research areas to be part of things like monitoring Pipi's etc.
  - Provide a level of authority to Aboriginal people to protect sites and monitor them. Tracks to the beaches and Pipi's are not looked after and monitored.
  - We'd like the power of the local government to prosecute people for over-fishing. There is no regulation of checking for size of take.
- Protecting sites of cultural significance



- We receive no funding for ranger programs and we'd like to control the protection of our own sites. We've got graves, burials, sacred places and we want the resources to protect it.
  - We'd like the information on the AHIMS systems brought across to inform this action.
- Cultural awareness training
  - Yaegl people haven't been fully involved in land care but there is 'cultural stuff' we want to do. We want to give cultural awareness training to people doing the work.
  - We'd love to use places as training and resource areas.
- Science programs
  - Coordinating bio toxin management programs for community access to Pipi's is a must. We want to be able to control the decisions about when it is ok to collect Pipi's or not.
  - Transfer of knowledge about science has to be two-way. Aboriginal people have data too. Its good if we can be in control of collecting data and making decisions from there.

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## 2.6 Specific feedback on Action 4 of initiative four

### Impacts of climate change

*Investigate the impacts of climate change on Aboriginal cultural heritage values in the marine estate and implement strategies to reduce or adapt to this risk.*

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#### 2.6.1 Key message from participants

Some Aboriginal people are quite accepting that climate change will occur as a natural process and that the forces of nature are always changing their environment.

It may not be possible to try to control the impact *specifically* of climate change. However, it would be an important part of actions 3 and 8 - to monitor the health of Sea Country, conserve cultural sites and conduct rehabilitation works.

#### 2.6.2 MEC Analysis

Only a small number of people made comments about this action and it may not be wholly reflective of the view of Aboriginal people on this issue. MEC notes that during the consultation on the TARA, some communities did express concern about the impacts of climate change on cultural sites. We also heard in this engagement that in general people are very concerned about protecting cultural sites, so this is an important message to uphold.

However, climate change is seen as one of many factors which are contributing to a loss of cultural sites and potentially one of the most difficult to control. MEMA, together with Aboriginal people, may like to weigh up the cost/benefit of protecting these sites at risk from sea level rise for example, versus those under threat from development or overuse.

#### 2.6.3 Record of discussion comments

##### 2.6.3.1 Acceptance of climate change

- Aboriginal people move to change with nature and the seasons. We don't ask nature to change for us so this is a bit strange for us.
- We can't control the climate, the climate controls us. We can't argue with mother nature.
- It's a waste of time, you can't control the weather/storms, all these phenomena. It's out of our hands.
- Things change, nature forces that, it's part of creating.
- It already happens, we don't own the earth, we can't stop the tide.

- Midden sites will always be there, they'll just be under water. We don't own things, we don't own the midden, we don't try and control it. We can remember where the best midden sites are 10,000 years later. Stories continue, it doesn't matter if water is over it.

### **2.6.3.2 Focus efforts on charging Aboriginal people with Sea Country monitoring and rehabilitation works**

- The land and sea owns us, not the other way around. The seasons produce what they produce. We need to look after our area to ensure they produce. Reading the land and climate – keeping things natural – that's what we do.
- Let's maintain what we can.
- It's better to invest more in the other actions especially works on country and monitoring activities.
- We monitor changes to climate through flora and fauna – we know about erosion. We can play a role of the reporting of the effects of rising sea levels.
- **Bring in a ranger program – let us be the monitors and testers.** Give us the jobs to make sure everything is good. We know the banks of the river are falling away. We want to fix that by planting traditional grasses that make it stronger. We can test the water.

*All the industrial activity upstream is affecting the river and the sea. Fish stocks are low in the river. The old women used to go down the rocks and sit there and catch enough for the Mob. My sister is the proper woman, she can catch enough to feed that mission and our big family. We know the seasons are changing, we see it everywhere on our land in the river and sea. No mussels, bimbilas. We can't get prawns where we used to. This is our traditional food supply and it is going. Middens are being exposed to the rising sea levels. The colour of the water in the lake changes.*

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## 2.7 Specific feedback on Action 5 of initiative four

### Participate in marine wildlife events

*Establish a process for Aboriginal knowledge holders to participate in marine wildlife events with culturally significant species.*

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#### 2.7.1 Key messages from participants

Involve Aboriginal people directly (through employment) in the management of Sea Country and marine wildlife events will be a natural part of this.

When Aboriginal people have Native Title, they are then able to participate in marine wildlife events. Where they don't have it, they are often impeded from participating – so it is in these parts of the coast that this action is most important/appropriate.

Build a local knowledge bank to know which marine wildlife events are significant in different areas.

#### 2.7.2 MEC analysis

The people consulted did support any positive change in enabling Aboriginal people to participate in marine wildlife events, however MEC had the impression that from the viewpoint of Aboriginal people, this should be a redundant question. Native Title should be recognised and then after that Aboriginal people will have access to their country and the marine wildlife by right and not by special permission from government!

Participants did appreciate the opportunity to be notified of and consulted on events such as a deceased whale, however many spoke of the expedience needed in such circumstances, while at the same time there is a need for the whole community to be consulted on what to do. These competing two factors may make it difficult for OEH and Aboriginal people to collaborate well on these events.

#### 2.7.3 Record of discussion comments

##### 2.7.3.1 General

- Since Native Title we've got our rights back to participate in marine wild life events (before that we were impeded).
- This action is not really relevant if Native Title is in place but might be very relevant where it isn't to ensure people can do seasonal cultural fishing.
- We would really, really love to be involved particularly with our young ones with us. All they (the government) have got to do is call or make contact and we will be there. They should

make a commitment to send information to us about these events, we definitely want to definitely be involved.

- Engagement and dialogue doesn't exist now – go and ask people “what are your totems here?”
- Use our coastal cultural calendar, it exists for purposes like this. The sea and land are connected - when a specific flower blooms, the whales are coming or that's when you take lobster.
- In the Northern Territory each year they do turtle camps with school kids to educate and inform about breeding seasons.

### **2.7.3.2 Link it to the other actions**

- If we're given opportunities through employment to report back changes on the death of species etc then we can play a role in it. We could be employed to monitor changes in flora and fauna as an impact of urban expansion, development, climate and other factors.
- Have this lead to employment – use monitoring data to protect marine wildlife.

### **2.7.3.3 Deceased whales**

- It's good that we've got the opportunity to have a say but it's not up to one person to make a decision – it's community based. We have to go to the community to make a decision. Contact the LALC to advise them of the situation and let the community make a decision on a case by case basis.
- We'd like to be part of it but don't want to pay for the removal of the whale. If we get involved will we be expected to foot the bill? Currently if something arrives on our property we have to deal with it.
- What authority will we have on guarding it and protecting the deceased animal? Before you look at disposing of it you need to look at the culturally appropriate practices for that area.
- Whales should be taken out to sea to let other animals feed off it – don't stop nature's process.
- Get the local knowledge holders to come and advise you when it happens.
- LALC should be the point of contact and they should refer to the traditional owners (registered and recognised traditional owners) but sometimes it doesn't happen. LALC's must contact the Traditional owners. It must be an immediate action. Whales require immediate action.
- Don't just restrict it to the LALC because NTSCorp have a register of traditional owners.
- Let the community make the decision.

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## 2.8 Specific feedback on Action 6 of initiative four Economic development in the NSW Marine estate

*Explore and implement opportunities for economic development in the NSW Marine Estate and improved representation of Aboriginal cultural values in NSW marine parks.*

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### 2.8.1 Key messages from participants

Aboriginal people are doing these things already and are enthusiastic about these kinds of enterprises. Aboriginal people need more help to develop their ideas, especially with access to local, community-based business advisors/mentors and links to investors.

Cultural fishing reduces the economic pressure on families because people can feed themselves, so resolving issues around cultural fishing rights will help Aboriginal communities economically.

Aboriginal organisations would like to work in partnership with government on compliance activities in the marine estate and derive revenue from this to fund economic development.

### 2.8.2 MEC Analysis

Discussion on this action during the consultation centred mainly on tourism and recreation activities – because of how this action was represented in the Strategy material. However, MEC would like to suggest that economic development activities may be generated by many of the other actions (e.g. 2,3 and 8) if government procurement enables Aboriginal organisations to do a lot of the work.

For the development of tourism and recreation businesses it will be important for government to play an assistance role in finding potential investors in order to help businesses become established and link new businesses with experienced local advisors who can provide ongoing mentoring for successful operations.

### 2.8.3 Record of discussion comments

#### 2.8.3.1 General

- We broadly support this.
- Some of the stuff that's in here (the Strategy document) we've already got going.
- Young people are losing access to Country and getting into trouble, they need things to do.

- We would like to start up cultural tours so that our young ones can learn and look after their Country.
- We can enhance and attract tourism in regions through cultural tourism offerings

### **2.8.3.2 Local support, advice and access to funding is needed**

- There should be Aboriginal people in economic enterprise/development officer roles helping people to create businesses and with the know-how of where to apply with funding resources. It has to be someone community based, based in that community.
- We want to be part of the economic development – to make it happen. We have ideas.
- We would like someone to sit with us and work out what we're looking for and work out how we'll get there. We'd like to share our ambitions and request the roles we want people to help us with.
- We need links to investors and/or funding sources, e.g.:
  - 'Fishing tours is another one we keep trying to get up, but we just can't seem to get funding.'
  - I need help to set up offices and depots – a trawler with 12 canoes in it.
  - I need help in creating spaces for buses and a place to put them.
  - We want to have cultural tours. The problem is that we can't get the funding because the State tell us to go the Federal and then the Feds tell us they are funding others because they are in their area (and we aren't).
  - I need to own property to grow Aboriginal plants and animals to be able to demonstrate culture and plant medicine.
- Help our local community to set up our own business plan and create jobs such as determining the spawning time of species to determine when harvesting will occur. Look at community employment and capacity building.

### **2.8.3.3 Tourism and recreation ideas of participants**

- We have the opportunity to connect marine estate tourism up with other cultural tourism.
- We'd like to create tourism opportunities to take people out and introduce them to our culture. With:
  - A nice place for viewing art collections.
  - Ceramics and jewellery making from bulbs on trees that grow wild from the bush.
  - Bikes, canoes and walking tracks.
  - Demonstrate culture and plant medicine through Aboriginal plants and animals.
  - Didgeridoo making, finger painting, dot painting.
  - Things both men and women can do.
  - Dreamtime stories – damper and dreamtime stories straight afterwards. Stories for children and adults.
  - Damper night and film nights
  - Take people camping

- Re-launching soon in the Clarence Valley is the Aboriginal Tourist Drives which are based on 13 stories of the Elders on the most important landmarks. The stories were recorded and written on signs placed outdoors that got destroyed or vandalised. Council and national parks have re-established the story boards to promote tourism.
- There is a lot of economic development happening at La Perouse e.g. Cultural fishing tours, paddle boarding and kayaking. People in La Perouse invited government to come and talk to them to get things started. It could be good to Invite communities from up and down the coast to come down to La Perouse and do a tour to see what is possible.
- We can create Cultural Tours and elevate cultural awareness through the dual naming of sites. Sites should be named after people like Arrawarra and other Elders, or our totems.

#### **2.8.3.4 Fishing and economics**

- We would like to see a community cooperative around fisheries.
- Cultural fishing, including Aboriginal commercial fishing, is already a big employer in the marine estate, but license and access issues are still not resolved – this threatens the current economic opportunity.
- This action should be about more than just tourism. It should be about fishing too. We're interested in tourism, but fishing is very important.
- Cultural fishing reduces our economic pressure – we can feed ourselves.

#### **2.8.3.5 Aboriginal organisations working in partnership with government**

- We need more say over where moorings are established and to get some benefit from it. Local government takes fees from moorings and they are in our cultural places.
- We need to play a role in MEMA to be part of making decisions about what development to allow to happen inside marine reserves, come to a shared knowledge about how we fish culturally in marine parks, and to take a role in issuing fines to other fishers that are not fishing sustainably.
- LALCs can play a role in employment, fishing, licenses and issuing fines. We can work in partnership with local government and take a percentage of fines, then put the money into Aboriginal programs through local government revenues. We can look at economics a number of ways.



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## 2.9 Specific feedback on Action 7 or initiative four Spatial Management

*Investigate opportunities to address threats to cultural benefits through spatial management.*

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### 2.9.1 Key message from participants

Spatial management is broadly supported as long as decisions are made in consultation with Traditional Owners and/or the ACH Authority, and takes into consideration cultural mapping and the impacts of various activities on environmental sustainability as a whole.

### 2.9.2 MEC Analysis

This action was not explored in detail during the consultation due to time constraints, thus there is limited material to analyse.

MEC believes that spatial management could play an important role in helping to protect Aboriginal cultural heritage on the marine estate if spatial management decisions are made in close collaboration with Aboriginal people, and especially Native Title holders.

### 2.9.3 Record of discussion comments

- We support this insofar as it protects Aboriginal cultural sites.
- This is generally, a good thing.
- Yes, but we need a mechanism to provide advice to the local authority about this. Aboriginal people have a unique perspective on the whole ecology. Scientists don't see that.
- As part of this there should be mapping our cultural values and putting these into plans so they can see the cultural values in a bigger picture and get a true idea of how big our country and sea are. Therefore, spatial management should be closely linked to the ACH Authority and mapping activities to be undertaken as part of the ACH reforms
- We should provide opportunities for Aboriginal people to manage cultural sites.
- We do not support the creation of protected areas that 'lock Aboriginal people out. The need for conservation areas is understood, but access for Aboriginal people should continue under some form of agreement.
- We want areas left to our future generation, so Marine Parks people should make us feel part of things, not put us last on the agenda. We've got the dreaming story of the reef within the

Marine Park area and we'd like to keep that knowledge handed down.

- Spatial management is very important to make things more sustainable – we are sustainable fishers, we need others to also find that balance.
- We've never had a say before (receiving the Native Title determination) and now we've got a say no one has come near us! It's now a situation where 'you're on our land with these beaches and your 4wd licenses'.

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## 2.10 Specific feedback on Action 8 of initiative four Monitoring Program

*Integrate research and monitoring into the Monitoring Program to address key knowledge gaps and assess management effectiveness.*

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### 2.10.1 Key message from participants

Aboriginal people wish to use their knowledge and take responsibility for managing monitoring activities, with funding assistance from Government.

### 2.10.2 MEC Analysis

This action is strongly linked to action 3; works in Sea Country. Throughout discussions participants drew many links between monitoring activities and conducting rehabilitation works. MEMA may like to consider joining these two actions together as one holistic program of activities.

### 2.10.3 Record of discussion comments

- Allow Aboriginal people to have control and employ their own people to do monitoring activities.
- We need to pick our people to be guardians, to stay on the land and watch what is going on.
- We want to be the ones that do all the Monitoring. Give our young ones the chance to do this. We can test the water, fish, river - all our areas - and do the reports.
- The government needs to support Aboriginal people doing monitoring activities using our natural science, knowledge and cultural values.
- We want to be our own monitors but we need appropriate funding to do all these activities, we need the tools and equipment etc. For example, we'd like to monitor and report on:
  - The impact caused by commercial gathering
  - The abundance and health of Pipi's - a key cultural resource
  - The impact/rubbish coming on to the beach after king tides and storms
  - Erosions along foreshore to work out how we will rehabilitate and stabilise dunes. To date there is nothing there (on the dunes) that works.
- The Yaegl Native Title group requested that MEMA come back and actually work together with them on this.
- Other monitoring groups (such as dune care) have to follow Native Title process from now on.

## **SECTION THREE: Recommendations from MEC**

This section contains a summary of observations made by MEC about key themes given in the feedback by participants in this engagement and subsequent recommendations from MEC on how MEMA might improve the Strategy and future engagement activities with Aboriginal people.

### 3.1 MEC observations about key themes in the engagement feedback

In conversations about the Strategy in general and each of the actions in initiative four, there are some overarching repeating themes, i.e:

- Comments about the urgency and imperative of preserving cultural fishing practices and places, and a desire for Aboriginal people to be involved in enforcing fishing compliance on the marine estate generally.
- Support for, or the desire for the existence of Aboriginal Ranger programs and/or Aboriginal people managing and employing their own people to do works on Country including monitoring.
- Comments about the community getting exhausted and confused in responding to the range of government consultations being done and the seeming lack of integration between them.
- A call for the government to begin working authentically and collaboratively with Aboriginal people, in accordance with the likely prevalence of Native Title claims.

*MEC recommends that MEMA places a high level of attention towards working on these issues and ideas.*

### 3.2 MEC suggestions on the Strategy, based on the feedback

**MEC would like to make the following suggestions about the Strategy in relation to the involvement of Aboriginal people.**

- **Consider what can be done to draw stronger links between the Strategy and the way in which the government plans to, or is addressing cultural fishing issues.** The inclusion of this in the Strategy and associated implementation activities (rather than separating it out as an issue to be addressed independently) is likely to strengthen support for and interest in the Strategy by Aboriginal people. It will also be important for the cultural fishing department to work in close collaboration with MEMA.
- **After cultural fishing, of priority to the people we engaged was Action 1; involvement of Aboriginal people in Sea Country management and decision-making.** If MEMA gets Aboriginal participation in marine estate governance right, the other actions will follow, but without adequate and genuine participation in Governance, the other actions may not be sustainable.
- **Facilitating, funding and/or employing Aboriginal people to conduct works on Country (action 3) should be a priority and more than just a pilot program.** MEMA would be prudent to harness the positive energy and ideas around this action, extend plans for this action to a more comprehensive program of on Country works up and down the coast, and provide procurement opportunities to Aboriginal organisations to take responsibility for and do the work. Participants spoke of an aspiration to blend cultural knowledge with western science in conducting on ground works on the marine estate. They also spoke about their community's constant presence and location in coastal areas as being in an advantageous

position to perform works, monitor outcomes and monitor compliance etc.

- **It may be unnecessary to focus on the effects of climate change specifically (action 4).** If due focus is given to actions 1, 3 and 8, any care that needs to take place in response to climate change will naturally be picked up. However, it is noted that the comments on this action were from a small number of participants only, and may require further engagement to draw this conclusion.
- **Approach the implementation of the actions in such a way as to give Aboriginal people authority and autonomy over the delivery of them,** or through authentic collaboration (sharing of power and decision making) between Aboriginal organisations and government, as appropriate.
- **Continued top down control of the actions by government is likely to significantly reduce the effect of the actions in protecting the cultural values of the marine estate,** and perpetuate the issues experienced by Aboriginal people.
- For this power shift to occur **there needs to be a corresponding (or prior) shift in mindset in the MEMA agencies as to the involvement of Aboriginal people in decision making and management of the marine estate.** The likely future increase in Native Title determinations will necessitate this change and preparations and planning should allow for this change from now onwards.
- As one important step towards change in the power dynamic, **MEMA should take action to include Aboriginal representation in MEMA governance as soon as possible.**
- **The employment of a few Aboriginal people in government roles should not be considered effective or sufficient engagement of Aboriginal people.** Aboriginal people need, and strongly request to be involved in the governance of MEMA to be able to bring their knowledge of caring for the marine estate to useful purpose. They also wish to create or expand their own organisations to employ people directly to provide cultural protection and safety for Aboriginal people, that cannot be provided when they are placed in isolated roles government agencies or on committees.
- **Provide procurement opportunities for Aboriginal people as part of the Strategy implementation.** This could be an important element for MEMA to act upon as it is one way to demonstrate willingness to engage with and give responsibilities to Aboriginal people in managing the health of the marine estate.
- The economic development activities should not be viewed as only being generated by action 6, but may be generated by many of the other actions (e.g. 2,3 and 8) if government procurement enables Aboriginal organisations to do a lot of the work.
- MEC recommends that action 2; Sea Country mapping be done in close collaboration with the part of OEH responsible for rolling out the ACH reforms to ensure there is no duplication of effort or contribution to consultation fatigue.
- Consider joining actions 3; Sea Country works and 8; Monitoring activities, together as one holistic program of activities that recognises the strong links between these activities and combines the best of Aboriginal knowledge and western science.

### 3.3 MEC recommendations about the future engagement of Aboriginal people

The Aboriginal people in this consultation gave a good deal of feedback and many suggestions about how engagement by government of Aboriginal people can be improved (see pages 26-32). In addition to these suggestions MEC would like to make the following recommendations to MEMA on how to improve consultation activities in the future.

- 1. In this particular engagement, it may have been beneficial to discuss the findings of the TARA and the draft Strategy with representatives from DPI Cultural Fishing department in attendance.**

This would have demonstrated a commitment by government to listen and build or improve relationships with Aboriginal people. It may also have brought some new understanding of the issues and difficulties Aboriginal people face.

- 2. The short timeframes given for this consultation were detrimental to enabling wider participation.**

Many Aboriginal organisations and groups are managing issues and projects beyond the scope of their core business, placing constant demand on resources and communities. Local Aboriginal Land Councils are frequently managing social housing, land claims, legal issues, reporting requirements and community meetings on a daily basis with few staff.

Messaging and promotional information to these groups needs to be clear, consistent and repeated over a longer period of time to allow dissemination to individuals and relevant representatives. Sufficient time to secure direct conversations with all stakeholders (either face to face or by phone) is also required as it may take some days to initiate direct contact with the LALC.

Engagement activities should be preceded by adequate repeat messaging, with careful consideration to other Government and community events when scheduling engagement activities. Future project briefs could include a scoping phase to better tailor timing and style of engagement activity.

- 3. The consultation brief and timeframe was a limiting factor in the ability to design a more culturally appropriate engagement plan.**

The method of holding six workshops within a certain timeframe was decided upon by MEMA, prior to MEC being contracted to perform the engagement work.

MEC suggests it would be better to engage Aboriginal consultancies to determine the best engagement method and structure together with MEMA, after time to understand the engagement purpose, context and material more thoroughly and doing some initial stakeholder engagement to ask Aboriginal people how, when and where they would like to be engaged on the issue.

Ideally, the engagement method should be tailored to meet the requirements of participants and not the other way around. This will enable a more realistic and appropriate method to be planned and executed. (It also allows for investigating date clashes or finding out about existing gatherings of stakeholders and *going to the people where they are*, rather than *asking them to come to MEMA, when it suits MEMA.* )

**4. The amount of content to be conveyed to participants prior to them being able to give feedback is also an important consideration when designing an engagement.**

On this particular project, the breadth and depth of the Strategy was considerable, and most (if not all) participants were being introduced to the material for the first time.

The ideal way to determine how to engage people on the material is through testing the design with participants and making refinements. Time and budget should be allocated to this testing process, as it is invaluable. If timeframes are too tight, it's a huge constraint in doing things well. Government can't afford to 'do things badly' when engaging with Aboriginal people as there is already evidence of consultation fatigue and a lack of faith in the government to listen and deliver outcomes.

**5. It is possible to design the engagement activities to better acknowledge and respect the time asked of, and contributions given by, participants.**

For example, in engagement on a topic like this, that requires time to become familiar with and explore the various topics, appropriate stakeholders could be invited to be part of focus group style, small group meetings, to have in-depth conversations over a couple of days. Participants could be paid for their time have their costs covered. Key to such activities though, is that they need to be linked to a commitment from government that the engagement findings will influence decisions.

- **The implementation phase of the Strategy provides the opportunity and necessity to trial new ways of engaging with Aboriginal people, especially Traditional Owners and LALCs. For this phase MEC recommends MEMA move into a *collaborative* space rather than a *consultative* one.**

Collaboration involves commitment, the sharing of power and decision-making and co-design of the process of working together. With these foundations in place, collaborative groups can then work together to co-define problems and co-design solutions for the challenges of managing the marine estate. It takes time initially to build trust among collaborators, however it creates the potential for innovative solutions and ways of working to emerge, that are drawn from the unique combination of the skills and knowledge of Aboriginal people and MEMA.