



Review of the *Wildlife Act 1975*
Djaara Submission
July 2021



Introduction

DJAARA¹ would like to begin by acknowledging Djaara² ancestors, Elders, djandak (Country) and murrups (spirits). DJAARA pays respect to ancestors and Elders whose voices and connection to Country are elevated in this submission. DJAARA acknowledges the spirits across Country's cultural landscapes with whom Djaara hold intimate relationships. Djaara's relationships and obligations with spirits on Country, governed by Lore, have protected those spirits, and enhanced the diversity of life connected to Djaara ancestors. The submission below seeks to ensure Djaara's contemporary rights and interests, the ancestors voices and the fellow Country spirits are protected and enshrined in future legislation regarding the animals of djandak ("wildlife") to which we hold obligation.

DJAARA commends the State of Victoria in reviewing the *Wildlife Act 1975* (the Act). This submission seeks to provide responses to the independent panel reviewing the Act to recognise and enable Djaara interests, rights and responsibilities as agreed by the State in our Recognition and Settlement Agreement (RSA). The State's "issues paper" acknowledges, "the Act doesn't appear to appropriately recognize the rights and interests of Traditional Owners and Aboriginal Victorians." The paper then asks, "is the Act a barrier to self-determination for Traditional Owners and Aboriginal Victorians?" The simple answer is, "yes," and the following points respond to this question and are affirmed through Djaara lived experience and understanding.

Our submission will firstly highlight the Western cultural bias of the Act. This bias is the initial prohibitor to self-determination and can be bridged by recognising culturally significant species. Then, it discusses the need to recognize Djaara's collective rights and improve individual Traditional Owner rights within the Act including recognition of commercial harvesting. Following, species reintroduction and classification is discussed before the submission concludes by outlining the Act's requirement to enable Traditional Owner management and decision-making regarding wildlife.

Key points to enable Djaara self-determination

1. Recognise Traditional Owner Knowledge and Culturally Significant Species

"Wildlife," "species," "taxon" and similar terms reflect Western culture. These terms signify an assumed hierarchy, separation and disconnection between humans and non-humans in Western culture. It is often assumed cultural terms such as "wildlife" are universal and other knowledges are, therefore, devalued and disregarded. Djaara and Indigenous ways of knowing

¹ "DJAARA" refers to the organization, Dja Dja Wurrung Clans Aboriginal Corporation, trading as DJAARA.

² "Djaara" refers to Dja Dja Wurrung People, who are represented by the organization, DJAARA.



the world do not align with these terms. Rather, Djaara traditional knowledge and science know Country is a multi-dimensional living entity consisting of people, animals, plants, Dreamings, underground Earth, soils, minerals, water and air. Bunjil's (wedgetail eagle – Djaara's Creator Being) creations, or Country's dimensions, are interrelated at personal and social scales. They are murrups (spirits) and Djaara's kin. Treating spirits as separate and "wild" disconnects them from their place. The Act currently governs and limits interactions between the murrups of djandak. Therefore, it specifically establishes barriers to the practice of Djaara culture on djandak.

We note this cultural difference in this submission as it is disempowering for Traditional Owners to engage in discussions where our knowledge is de-valued. We also note this difference to raise a point that we will compromise to use Western language throughout this submission such as "wildlife" and "species" to communicate our position, although these terms continue to dispossess us of our knowledge and disconnect Djaara's murrups from djandak.

The recognition of culturally significant species in the Act can begin to bridge the cultural difference discussed above. Bunjil's creations, totems, totemic species and fellow Country spirits are governed by Djaara Lore and it is Djaara's obligation to respect and engage with kin. Those species such as the dingo (Gal Gal) – the apex predator, emu (Barramul) – the seed disperser and quoll (Yung) – the meso predator are, therefore, culturally significant and are just a few species that require recognition in the Act. The details of enabling this recognition can be discussed further with the Panel and Government. The recognition of culturally significant species aligns with the remaining points we will make below. Particularly, enabling cultural land management activities within sole and joint management arrangements will require recognition of culturally significant species.

2. Recognise Traditional Owner Collective Rights and Improve Individual Rights

Traditional Owners should not be required to have a permit to hold, take or trade wildlife, particularly culturally significant species. Accordingly, Traditional Owner representative bodies and Traditional Owner businesses should also not be required to apply for a permit to hold, take or trade wildlife. More specifically, the collective rights of Djaara are represented by Dja Dja Wurrung Enterprises and DJAARA. Recognising the collective rights of Djaara through those representative bodies will enable handling of wildlife as cultural land management activities. Djaara's collective rights should reflect individuals' rights under Schedule 17 (Natural Resources Access and Use Provisions) of the Recognition and Settlement Agreement (RSA).

Future joint and sole management decisions will be hindered without the recognition of Djaara collective rights. For instance, a permit is required to limit (cull) species such as the kangaroo in Kara Kara National Park (Aboriginal Title, jointly managed land). The culling or removal of wildlife for "pest management" is enabled but not as cultural land management activities.



Contrastingly, the Department of Environment, Land, Water and Planning do require permits for a range of “management” activities. Into the future, cultural land management practices and activities, including handling or managing wildlife, will be delivered by Traditional Owner representative bodies and Traditional Owner businesses. Therefore, collective rights must be recognised.

Traditional Owner individuals and collective representative bodies should not be required to apply for a permit to hold, raise and handle culturally significant species. Authorisation orders within our RSA enable us to hunt and gather and are consistent with the current Wildlife Act. However, keeping and raising culturally significant species should also be enshrined and recognised in both a renewed Wildlife Act and our Recognition and Settlement Agreement rights. Djaara’s cultural land management priorities including returning species to Country and raising and handling those species will be required.

3. Enable Commercial Harvest Rights

Traditional Owner commercial rights to harvest wildlife should be enabled in the Act. Commercial rights currently are not explicit in the RSA or the Act. The Act should enable Traditional Owners to engage in commercial harvesting operations if they decide. Djaara may not be currently interested to undertake commercial operations. However, the Act must not be a barrier for Djaara to decide to do this activity in the future. For instance, Djaara’s representative bodies should be enabled to commercially harvest and/or ceremonially trade wildlife with other Traditional Owner groups as has been practiced for millennia. In addition, Traditional Owner-owned businesses should be enabled to engage in commercial harvest if they choose.

4. Enable Species Reintroduction and Reclassification

Reintroducing species, particularly culturally significant species, should be enabled in the Act and be aligned with comments above regarding the recognition of collective rights to undertake the activities and not require permits.

References to Gal Gal, or the dingo, in legislation needs to be consistent. Facilitating the return of Gal Gal to Country will require consistency in references to the dingo and/or wild dogs. This will require Traditional Owners, the scientific community and Government to reach consensus on those references and terms. Those discussions should be an element of the review of the Act and Djaara would like to be involved.

Non-indigenous species should be referenced in other legislation. Currently, deer and other non-indigenous game species are considered “wildlife” and are protected under the Act. Traditional Owners should be exempt from legislation protecting non-indigenous species. For



example, in the context of Djaara joint-management and future sole management, performing cultural land management activities where the removal of those species is required presents a barrier.

5. Enable Traditional Owner Land Management and Decision-making

The Act should enable Traditional Owners to be the primary decision-makers regarding wildlife. Indeed, Djaara may not have capacity to be involved in every decision at a comprehensive level. However, the Act must enable Djaara to determine our level of involvement in any decisions. The principles of Free, Prior, and Informed Consent (FPIC), acknowledged in the State's issues paper, guide this point and must be reflected at the legislative level. FPIC principles outline that our involvement in decisions is defined on our terms – our level of involvement and how we will be involved. For instance, our involvement may range from being sole managers of Crown Land (State Wildlife Reserves or Nature Reserves) to being involved on steering committees and co-governance groups. The Act should also be consistent, in terms of enabling Traditional Owner land management, with the proposed Public Land Act currently being considered by the Victorian Government.

Finally, the Act must enable the implementation of the Victorian Traditional Owner Game Management Strategy (the Strategy). Numerous actions in the Strategy outline Traditional Owner collaborative management arrangements and Traditional Owner compliance officers in Game Reserves monitoring cultural heritage and hunting regulations. Other state-wide, regional and place-based co-governance groups are identified as implementation actions in the Strategy as well. These arrangements must be enabled by the Act. In addition, the Act should also enable the implementation of the forthcoming Victorian Traditional Owner Cultural Landscapes Strategy as well as recognition of Traditional Owners' Country Plans. These state-wide strategies provide the context for Djaara while our Country Plan provides the direction to implement our goals and priorities.

Conclusion

Our submission has outline key points for Djaara that enable our self-determination in relation to "wildlife." Rather than re-asserting the above points here, Djaara strongly encourage the Panel and the State to visit Djaara on County to directly experience these points and work together with Djaara to shape a better future for Djaara, all Victorians, Victorian wildlife and Bunjil's creations.