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Review of the Flora and Fauna Guarantee Act 1988
Regulatory Strategy and Design
Department of Environment, Land, Water and Planning
ffg-act.review@delwp.vic.gov.au

**SUBMISSION TO REVIEW OF THE FLORA AND FAUNA GUARANTEE ACT 1988
CONSULTATION PAPER**

The Victorian Aboriginal Heritage Council (**Council**) welcomes the opportunity to comment on the *Flora and Fauna Guarantee Act 1988 (FFGA)* Consultation Paper (**Paper**). The Council has various functions under the *Aboriginal Heritage Act 2006 (AHA)* with regard to the protection and management of Aboriginal cultural heritage in Victoria.

One of Council's functions is to provide advice regarding Aboriginal cultural heritage. To this end, the Council makes the following submission to the Paper.

Many Traditional Owners today continue to have strong associations and responsibilities to their traditional lands and waters and are committed to the use and sustainable management of resources over time.

The Creation Ancestors gave us a kinship system linking people to all things and the cultural responsibility to look after them all. We have always understood the biodiversity of Country and our traditional ancestral knowledge is a vital part of managing this rich environment', Gunditjmara Elders¹.

Traditional Owners' associations and responsibilities are recognised by international, federal and state laws, such as the United Nations Declaration on the Right of Indigenous Peoples and the *Charter of Human Rights and Responsibilities Act 2006*. Accordingly, the Council expects that all Victorian legislation meet, as a minimum, international standards and best practice with respect to Traditional Owners' cultural rights and obligations.

Council welcomes various statements and proposals outlined in the Paper, including:

- Acknowledging Traditional Owners' connection to Country and unique role in, and knowledge of, biodiversity conservation as a principal objective of the FFGA
- The recognition that Traditional Owners attach great social, economic and spiritual value to plants and animals that feature in their creation stories and have supported their economies for thousands of years
- The adoption of landscape or area-based approaches rather than site or species specific approaches in conservation efforts
- The recognition that an approach to protect critical habitats that is respectful of Traditional Owners' aspirations for their Country is critical

- That any state-wide committees established under the FFGA require Traditional Owner members. Council suggests that a minimum of two Traditional Owners sit on such advisory committees
- That Traditional Owners must be involved from the start in the development and implementation of planning and action statements, and be resourced to do so
- A focus on increasing regulation and incentives for compliance, particularly around the clearing of native vegetation, and including private landowners
- Efforts to ensure the Flora and Fauna Guarantee Strategy and biodiversity objectives are being met
- A single, comprehensive listing of threatened species, communities and threatening process
- Efforts to effectively deter the illegal removal of native vegetation
- Broadening the definition of native vegetation to include those living in rocky, marine and freshwater habitats, to better support their protection

Council would also like to make the following recommendations:

- Page five of the Paper acknowledges Aboriginal peoples as Australia's first people and as the Traditional Owners and custodians of the land and water on which we rely. Given that Torres Strait Islander Peoples are also a first people of Australia and that the Act is Victorian, it is suggested that Aboriginal peoples be recognised as Victoria's first peoples. It might also be useful to distinguish the inherent rights and responsibilities of Traditional Owners to care for their Countries.
- While voluntary management agreements and agreements with Traditional Owner Group Entities under the *Traditional Owner Settlement Act 2010* are mentioned, Council would also like to see the recognition and promotion of other arrangements that recognise the inherent rights and responsibilities of Traditional Owners in supporting biodiversity conservation efforts:
 - formal agreements between public authorities and Registered Aboriginal Parties, organisations that hold decision-making responsibilities under the AHA for protecting Aboriginal cultural heritage in a specified geographical area.
 - the work of Traditional Owner Land Management Boards.

Council would appreciate receiving updates on the progress of this review, as appropriate. If you have any queries about this letter, please do not hesitate to contact me through the

[REDACTED]

Yours sincerely

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Chair
Victorian Aboriginal Heritage Council

Council acknowledges the traditional Aboriginal owners of country throughout Victoria and pays our respects to them, their culture and their Elders past, present and future.

ⁱ (Parks Victoria Budj Bim - Mt Eccles National Park fact sheet)