



**Federation of
Victorian Traditional
Owner Corporations**

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Agricultural Competitiveness Taskforce
Department of Prime Minister and Cabinet
PO Box 6500
Canberra ACT 2600

Via website: www.agriculturalcompetitiveness.dpmc.gov.au

Dear Review Team

Agricultural Competitiveness Green Paper

The Federation of Victorian Traditional Owner Corporations (the Federation) commends the government for taking a broad approach to achieving agricultural competitiveness and welcomes the opportunity to contribute specific policy ideas to this review.

The Federation's growing membership consists of Traditional Owner Corporations that have legal recognition, rights and interests over 50% of the State of Victoria. All of our members have a strong commitment to environmental stewardship and to working in partnership with government and the agricultural sector to strengthen our regional communities.

We would be pleased to discuss further any of the issues raised in this submission.

Our Secretariat can be contacted on (03) 9321 5388.

Yours sincerely

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Summary of Recommendations

- Work with the National Native Title Council to improve the efficiency of the native title system and enhance commercial certainty on access and use of land through the improved use of Indigenous Land Use Agreements
- Develop closer relationships between agricultural science and Traditional Ecological Knowledge to complement modern farming knowledge and provide economic and social outcomes
- Empower Traditional Owners as legitimate stakeholders in water management to improve the sustainable management of our water resources

Specific Policy Ideas

Work with the National Native Title Council to improve the efficiency of the native title system and enhance commercial certainty on access and use of land through the improved use of Indigenous Land Use Agreements

Policy Idea 4 : State government deregulation - improving the efficiency of the native title system

The Federation supports more efficient processes of negotiation and agreement making to assist in the speedy resolution of native title. This not only provides certainty to all stakeholders but also contributes to Aboriginal cultural and economic wellbeing. Our members understand the importance of agriculture to the Australian economy and the obvious importance of access to and use of land around Australia.

The Federation recommends that State and Federal Ministers work with the National Native Title Council (NNTC) on this matter given the NNTC is peak body for Native Title Representative Bodies and Native Title Service Providers nationally.

Additionally the Federal Government should support and invest in State governments to resolve native title via comprehensive negotiations (as opposed to litigation) in order to accelerate the pace of native title resolution. For example Victoria's alternative native title resolution framework – the *Traditional Owner Settlement Act 2010* (Vic), has significantly reduced the cost and time for achieving settlements.¹ The certainty and

¹ The *Traditional Owner Settlement Act* (Vic) 2010 provides a process for negotiating an out of court settlement of native title for a Traditional Owner group without the need for the lengthy and costly processes that are usually required under the *Native Title Act 1993* (Cth). It has sped up the resolution of

reconciliation of this Act has brought long term benefits for Australians and already has leading academics urging the government to pay attention to Victoria being “streets ahead of the rest of the nation”.²

Secondly, the Federation points out that the *Native Title Act 1993* (Cth) provides for the use of Indigenous Land Use Agreements. This is the key mechanism to promote development, including enabling access to land, within the native title system.

Indigenous Land Use Agreements are able to enhance commercial certainty and improve the negotiation processes for access to land. However, in considering the options to gain access to land, it should be recognised that the incentives and opportunities for economic and cultural growth and recognition need to be fair and appropriate. Not only will the options need to be capable of recognising the importance of land stewardship, particularly in light of the growing pressure from developing scale and ‘corporate farming’ structures, but also recognise the importance of sustainable practices and economic participation opportunities for Traditional Owners.

Develop closer relationships between agricultural science and Traditional Ecological Knowledge to complement modern farming knowledge and provide economic and social outcomes

Policy Idea 4: Removing excessive native vegetation laws

Policy Idea 19: Environmental protection and biodiversity conservation

Policy Idea 20: Updating the research development and extension priorities to better align with community needs to improve understanding of pest and disease pathways and to manage soil health

A key factor in Australia’s agricultural competitiveness into the future will be its strong capacity in research, science and technology. Natural resource scientists and managers as well as governments are increasingly recognising the value of complementing contemporary natural resource management with Traditional Ecological Knowledge (TEK)³. Like agriculturalists, we consider ourselves environmental stewards of the land with deep understanding of the local ecosystems and adaptive practices.

The Federation proposes opportunities for a closer relationship between the agricultural science sector and Traditional Owners be explored. Enhancing modern agricultural and land management practices through TEK that can reduce the costs of protecting Country (and managing economic externalities to agriculture) and can improve farm profitability and contribute to broader public outcomes.

native title in Victoria, which is now set to move to a post-settlement environment by the end of 2017. The average length of a claim is just two and a half years and it enables Traditional Owners to enter into agreements with the State Government to achieve comprehensive settlement of claims with real and lasting benefits such as the grant of freehold land, joint management of public lands and the foundation for sustainable economic development.

² Dodson, M. (2013) *Victoria’s Giant Leap in Reconciliation*, The Age

³ Prober, S., O’Connor, M., Walsh, F. (2011) *Australian Aboriginal Peoples’ Seasonal Knowledge: a Potential Basis for Shared Understanding in Environmental Management*, Ecology and Society 16 (2): 12

The frequent and successful application of TEK to fire management is illustrated by the award-winning *Ecofire Project*, which has successfully addressed the problem of extensive wildfire in the Kimberley by blending the knowledge of pastoralists and Indigenous People and co-ordinating efforts with government.⁴

This approach to innovation could build the productive capacity of both agriculturalists and Traditional Owners across a range of issues such as native vegetation, weed and pest management and biodiversity. Building on an effective regulatory system may provide more effective approaches to managing natural resources. Additionally, the ability to be involved in the planning and management of these areas is an effective way to reduce red tape and overcome many of the misperceptions of where 'hold-ups' occur.

Enhancing participation is also a way to contribute positively towards overcoming indigenous disadvantage⁵ and to acknowledge the importance of the vast areas of 'Indigenous land' (in different tenures) to agriculture and the economy more broadly.

Importantly, weed, pest and native vegetation management presents a broader opportunity for Traditional Owners to participate in the economic landscape, given the number of Traditional Owner Corporations that have, or are developing, NRM contracting teams. We would welcome the opportunity to provide these services to government and private land managers and note the government's commitment to work with employers to provide sustainable employment opportunities for Indigenous Australians (p61 of the Green Paper). We strongly recommend the government consider preferential procurement measures that favour Traditional Owners to achieve this goal.⁶

Empower Traditional Owners as legitimate stakeholders in water management to improve the sustainable management of our water resources

Policy idea 18 – Improving water infrastructure and markets

The Federation's members understand and acknowledge the importance of water to the economic, social, cultural and environmental wellbeing of Australia and note the commitment to identifying priorities for investment in infrastructure to meet the water supply needs of the future.

The Federation submits that the allocation and management of water needs a principled approach that drives sustainable management for the future of agricultural competitiveness and the broader commercial and community interests. This is of national importance, and requires not only market signals but an open approach to investment, control and management where there are legitimate interests in the community regarding the supply, use and quality of water.

⁴ Legge, S. Murphy, S., Kingswood, R., Maher, B., Swan, D. (2011), *EcoFire: Restoring the Biodiversity values of the Kimberley Region by Managing Fire*, Ecological Management and Restoration, Vol 12, No 2

⁵ Productivity Commission *Overcoming Indigenous Disadvantage 2014*, Chapter 5.

⁶ In this regard we note the recommendations on procurement in the *Jobs and Training Review - Creating Parity* by Andrew Forrest.

The Federation considers that Traditional Owners have a role in this regard, to both accelerate and enable greater economic benefit, and to contribute to the protection and management of landscape and cultural heritage to deliver broader public benefits.

While our members desire an equitable stake in the water market, we are also prepared to work collaboratively with other entitlement holders and water managers to optimise the use of all allocations, particularly opportunities that might arise from the recent change of The Basin Plan water trading rules that make it easier for water market participants to trade. Particularly where 'new water' allocations are created, there needs to be an equitable sharing of the resources.

The Green Paper highlights the National Water Initiative's principles and work, both to investment and to the governance and management of water resources. The Federation supports the approach, and in particular endorses the requirement that water entitlement and planning frameworks recognise Indigenous needs in relation to both access to, and management of, water and the need for Indigenous people to be recognized as 'legitimate stakeholders' in water governance, to both improve the welfare of Indigenous communities, but also in the broader public interest.

A significant amount of work has been undertaken in this regard over the last several years, including through The National Cultural Flows Research Project, and the Federation's Water Policy Framework. The Federation recommends that national-level leadership to support regulatory reform at National, State and local level is important and that it must give due focus to stakeholders with a long term interest in the land and its resources.^{7, 8, 9}

7 "Indigenous Australians have managed their lands and waters sustainably for thousands of generations. They have acquired a deep knowledge and understanding of Australia's water systems. Incorporating this knowledge into Australia's water management approaches represents an opportunity for all governments to recognise Indigenous water issues and improve the sustainable management of our water systems". (National Water Commission: 2012).

8 <http://culturalflows.com.au/>

9 <http://fvto.com.au/our-work/>