

SUBMISSION TO THE INQUIRY INTO THE 2019-2020 VICTORIAN BUSH FIRE SEASON

EXECUTIVE SUMMARY

The primary aim of this submission is to demonstrate the need to invest in Indigenous land management, caring for Country and cultural burning practices. Governments across Australia must work in partnership with Indigenous communities and Indigenous knowledge holders to care for Country, in order to build Australia's resilience to natural disasters, including bushfires. We argue that the most effective way of achieving this is to resource and implement the Victorian Traditional Owner Cultural Fire Strategy.

This submission primarily addresses one matter for consideration by the inquiry— **a review of all opportunities and approaches to bushfire preparedness including Aboriginal land management and fire approaches to protect life, Country and cultural values**. In doing so, the submission also addresses a number of other matters of consideration including the challenges of bushfire preparedness arising from changing climate conditions.

RECOMMENDATIONS

We recommend the Victorian government:

1. **resource and implement the Victorian Traditional Owner Cultural Fire Strategy.**
2. fund Traditional Owner groups to develop and apply locally appropriate approaches to land and fire management and to enable reacquisition of cultural knowledge;
3. fund research that will advance the application of Indigenous land practices for reducing risk of catastrophic fires to people and the environment;
4. assess and review legal and administrative barriers restricting access to land and implementation of cultural fire and land management practices;
5. support a long-term public education campaign to change the narrative and understandings of fire, including through schools;
6. coordinate public investment in land management programs and facilitate private sector investment, for example through 'resilience bonds'.

WHAT IS CULTURAL BURNING

Cultural Burning is a part of a broad array of Indigenous Land Management approaches. It is a method of managing Country using fire which has been employed for millennia in Australia. Whilst the Aboriginal nations in Australia are incredibly diverse, cultural management practices are always place-specific and holistic, ensuring the proliferation and protection of all living things on Country. These holistic systems therefore do not allow applications which take them out of their holistic context which is embedded in cultural practice and custom and cannot be separated from its place- and culture-specific foundation. It is for this reason that management practices such as cultural burning must be managed and led by Aboriginal groups whose vast Country-specific knowledges and laws of custodianship ensure the efficacy of these modes of management. It is a method of fire use that varies according to **local Indigenous custom and biophysical context**. Broadly, Cultural Burning is a holistic approach at landscape management with fire throughout the annual cycle that is based on an intimate understanding of local place and custom, and which is attuned to changes local environmental conditions and cues.

CULTURAL BURNING AND BUSHFIRE MITIGATION

Improving Australia's resilience to bushfires requires effective management across the entire landscape. High fuel loads and high connectivity between ground fuels and canopy fuels (the shrub layer), allows fires – which usually start on the ground – to enter forest canopies, resulting in catastrophic and fast spreading bushfires. Cultural Burning has a key role to play in suppressing this shrub layer, thus disconnecting the ground and the canopy fuel loads, providing a significant buffer that improves the resilience of Australia's flammable forest ecosystems to catastrophic climate-driven bushfire disasters.

A by-product of the application of local-scale Cultural Burning is a landscape-scale reduction in fuel loads that aids in the mitigation of catastrophic bushfire. The power of Cultural Burning for reducing the incidence and frequency of catastrophic bushfire is demonstrated most clearly in the results of the West Arnhem Land Fire Abatement program, in which Indigenous owned and led Ranger programs worked with government agencies and scientists to develop a highly sophisticated and effective reintroduction of Cultural Burning to a large part of Arnhem Land, subsequently reducing the frequency and magnitude of large bushfires when fuel was a limiting factor.

OUR PROPOSAL: RESOURCE AND IMPLEMENT THE VICTORIAN TRADITIONAL OWNER CULTURAL FIRE STRATEGY

Recommendation 1: Resource and implement the Victorian Traditional Owner cultural fire strategy.

The *Victorian Traditional Owner Cultural Fire Strategy* was funded by the Department of Environment, Land, Water and Planning (DELWP) and developed by the Victorian Traditional Owner Cultural Fire Knowledge Group along with support from the Federation of Victorian Traditional Owner Corporations.¹ The strategy sets out core principles around cultural fire, and a plan to strengthen cultural burning in Victoria. Central to this strategy is the necessity of Traditional Owners leading the process, and undertaking a holistic approach to care for Country, manage land and undertake cultural burning to

¹<https://static1.squarespace.com/static/5b337bd52714e5a3a3f671e2/t/5cd515529140b725068ef00b/1557468509932/Fire+strategy+final.pdf>

improve resilience to severe bush fires and improve the health of Country. DELWP should resource the actions and next steps proposed in the strategy, including the Strategy Implementation Plan.

In our submission to the *Royal Commission into National Natural Disaster Arrangements*² we also recommended the Commonwealth government work with States and Territories to expand the Federally funded Working for Country program to support an increase in the number of Indigenous-led Ranger Programs across all State and territory governments to conduct Cultural Burning. Effective implementation of Indigenous land management to improve Australian preparedness and resilience to natural disasters requires a coordinated national framework that provides accountability through common national standards. Working in partnership with Indigenous communities and Indigenous knowledge holders to care for Country, including through Cultural Burning and other land management practices, will build Australia's resilience to natural disasters. The Victorian government has a critical role to play in advocating for expansion of the Working for Country program to enable Indigenous land management and Cultural Burning in the state.

WHAT ARE THE BARRIERS TO THE IMPLEMENTATION OF CULTURAL BURNING?

Lack of funding for Traditional Owners to exercise knowledge

Recommendation 2: fund Traditional Owner groups to develop and apply locally appropriate approaches to land and fire management and enable reacquisition of cultural knowledge
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Successful implementation of Cultural Burning programs requires funding to enable Traditional Owners to undertake traditional land management practices, but also retain and restore cultural knowledge and transfer this knowledge to future generations.

In Victoria, the Traditional Owner Cultural Fire Strategy and new partnerships between Traditional Owners and land management authorities are helping reintroduce cultural fire and support land management aspirations of Traditional Owners. Increased cooperation between forest and fire managers and local Aboriginal groups can ensure cultural values are identified and protected. Knowledge of cultural values can be documented and controlled by Indigenous groups and intellectual property rights recognised and secured.

New knowledge forums are developing and should be fostered and strengthened. For example, the south-eastern Australia Aboriginal Fire Forum held in Canberra in May 2018 brought together local and interstate Aboriginal people and non-Indigenous fire managers to share their knowledge and experiences of cultural burning (Smith et al. 2018a). Aboriginal fire and land management will require land management agencies to generate new forms of understanding and adopt new modes of interaction with Indigenous communities to create enduring personal and professional relationships based on trust and shared understanding (Morgan et al. 2020).

² <https://naturaldisaster.royalcommission.gov.au/>

Lack of research or scientific evidence to support Indigenous land practices

Recommendation 3: fund research which will provide evidence of the impact of Indigenous land practices on reducing risk of natural disaster

Previous enquiries have noted the lack of peer-reviewed research regarding contemporary Aboriginal peoples' engagement in bushfire management in southeast Australia, including Cultural Burning (Stanley et al. 2016). In practice, this lack of regionally specific research is an obstacle to practice, as agencies look to peer-reviewed research for both guidance and justification in activities. The Victorian government must fund research activities, including long-term studies, to understand the impact and effectiveness of Indigenous land and fire management. It must support the implementation of the Traditional Owner Cultural Fire Strategy through funding for monitoring and evaluation of activities.

Legal and regulatory impediments

Recommendation 4: assess and review legal and administrative barriers restricting access to land and implementation of cultural fire and land management practices

Aboriginal peoples seeking to apply Cultural Burning face many environmental, regulatory and cultural obstacles. Land management agencies also face these barriers in applying fuel reduction burning to public and private lands (Morgan et al. 2020). There are good reasons for oversight and regulation of landscape burning (e.g. risks to public safety, environmental values, critical infrastructure). However, current bushfire management laws and regulations are a significant impediment to the practice of Cultural Burning, which is a typically milder and lower intensity form of landscape burning than fuel reduction burning, in large part because they have not been designed in consultation with Traditional Owners and Aboriginal community representatives and do not have provisions specifically relating to Aboriginal peoples' rights, interests and culture.³ Current bushfire codes of practice, for example, require an inappropriately high level of bushfire management training and qualification to simply attend a cultural burn, forming a major barrier to the participation of individuals (e.g. elders and children) unable to complete this training. This is one amongst many regulatory obstacles faced by those seeking to practice cultural burning.

In southeast Australia, in particular, Aboriginal peoples have limited access to land on which they can practice their fire knowledge. Even on lands where governments recognise their native title interests or rights to exercise traditional rights and customs, whether through native title or other legislative instruments, Aboriginal peoples do not have free access to land or the permission to care for it with fire as they see fit. Where cultural burning initiatives are occurring in southeast Australia, for example, these tend to rely on access to private conservation lands provided at the discretion of the private landholder. Where Aboriginal peoples have been able to treat public lands with Cultural Burning in recent years, in these contexts, it has typically been where there are native title settlements (or similar) and robust relationships between Aboriginal land trustees and government (Smith et al. 2018b; Neale et al. 2019).

Therefore, we need to facilitate access by Indigenous groups to country by simplifying planning and regulatory requirements for cultural burning based on trust in local knowledge of vegetation community

³ Most bushfire management laws (e.g. *Rural Fires Act 1997* (NSW)) and codes of practice (e.g. 10/50 Vegetation Clearing Code of Practice (NSW), Code of Practice for Bushfire Management on Public Land (Vic), and Code of Practice for Fire Management on Public Land in South Australia (SA)) do not refer to Traditional Owners, native title or other related terms. Where Aboriginal peoples are included they are presented in the past tense (i.e. as landscape managers prior to colonisation) or in relation to cultural heritage protections.

requirements and of fire behaviour. New forms of regulation can be developed by forming genuine partnerships with local land management agencies and developing community-based approaches to fire management that include all members of local communities. For example, Alexandra and Bowman (2020) suggested developing Indigenous-led local community fire management groups similar to local Landcare groups⁴.

Lack of understanding or education about Indigenous Land Management and fire

Recommendation 5: undertake a national education campaign to change the public narrative and understandings of fire and Indigenous Land Management, including through schools via the School Curricula Project

Education is critical for effective structural and societal change. One of the barriers to the implementation of Indigenous Land Management is the deep cultural schism between the Indigenous world view and the settler world view. Fire emblemises this schism, with Indigenous culture and language revealing a deeply embedded, complex and multi-faceted relationship between people and fire across all indigenous peoples. In contrast, the settler experience with fire is rooted in a combative mindset that employs paramilitary concepts and structures to guide its relationship with fire. A change in epistemology of mainstream Australia is needed if we are to truly engage with our landscape, one of the most flammable on Earth, and if we are to trust Indigenous people with custodianship of our land management.

This epistemological change requires a national curriculum aimed at all levels of education that deals with Indigenous world views, beliefs, customs and land management practices. Thus, future generations of Australians will have a greater appreciation of the efficacy and place of Indigenous Land Management in the Australian landscape.

We propose a model, such as championed by the University of Melbourne's Aboriginal and Torres Strait Islander Curricula Project.⁵ This initiative, funded by the Commonwealth government, aims to empower teachers across Australia to integrate Aboriginal and Torres Strait Islander histories and cultures in their teaching through curriculum resources that incorporate Indigenous knowledge. When developing the Aboriginal and Torres Strait Islander Curricula Project, fire was considered an integral component towards curriculum development, as it plays a central role in Aboriginal and Torres Strait Islander culture. Fire is used by Aboriginal and Torres Strait Islander people to manage the landscape, promote biodiversity maintain healthy Country. As fires become more unpredictable and prevalent across the nation, it is important we encourage teachings that centre Indigenous knowledges of fire from an historical and contemporary standpoint. The Victorian government should support the roll out of this curriculum throughout Victorian state schools, including through resourcing to verify an approach to teaching the curriculum through research with a selection of schools and teachers. The resources which make up the school curriculum could also serve as a starting point for a public education campaign to change narratives and understandings about fire across the broader Victorian community.

⁴ Alexandra and Bowman 2020. <https://theconversation.com/theres-no-evidence-greenies-block-bushfire-hazard-reduction-but-heres-a-controlled-burn-idea-worth-trying-129350>

³ <https://indigenouknowledge.research.unimelb.edu.au>

⁵ <https://indigenouknowledge.research.unimelb.edu.au>

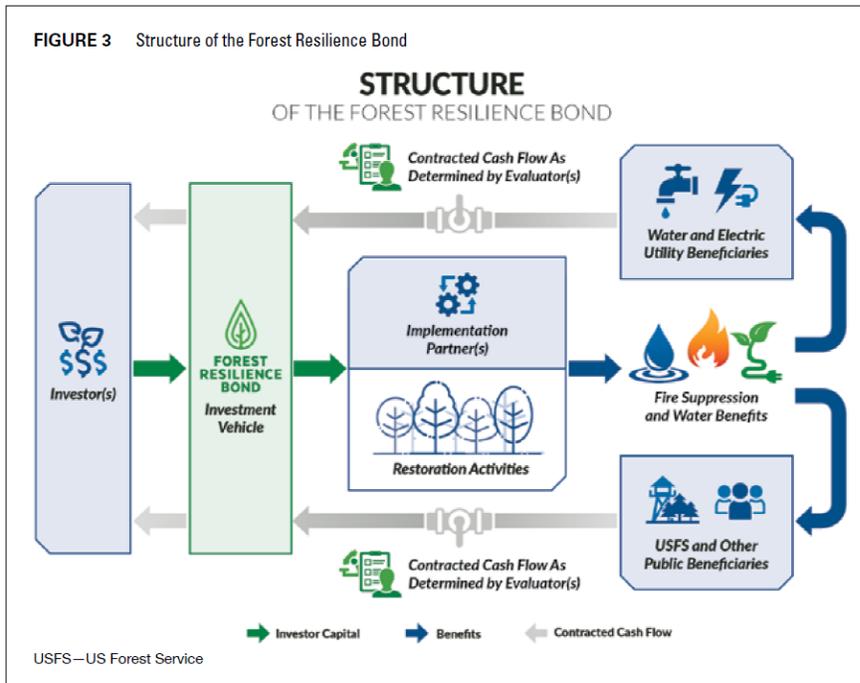
Inadequate funding models to support Indigenous land management

Recommendation 6: coordinate public investment in land management programs and facilitate private sector investment, for example through 'resilience bonds'

New types of funding, such as carbon payments, are providing income and social and cultural benefits for Indigenous people in northern Australia. A Forest Resilience Bond might provide a mechanism for public and private sector investment in Indigenous Land Management to reduce fire impacts, improve environmental and conservation and provide similar social and cultural benefits in southern Australia.

Funding and income to support ILM can come from a range of sources: government programs, commercial investment, Indigenous tourism, fishing, or other commercial enterprises, and Indigenous participation in product supply chains for natural products such as timber (Feary et al. 2010) or non-timber forest products such as bush foods (Woodward et al. 2019). One major source of income for Indigenous communities in northern Australia that has emerged in recent years is savannah burning (Russell-Smith et al. 2017). This approach has melded modern science and traditional practice to make a measurable and significant contribution to global emissions reductions and other global sustainability goals, while contributing to stronger, more sustainable livelihoods. Realizing these benefits required investments in tools and methodologies to support the engagement of communities in carbon markets, and investment by government and the private sector in emissions reduction.

A potential mechanism to fund ILM in southern Australia is a Forest Resilience Bond (Madeira & Gartner 2018). Developed by Blue Forest Conservation in collaboration with the World Resources Institute, Encourage Capital, and the American Forest Foundation, the FRB is a public– private partnership that provides a vehicle to link public finance and private capital to finance forest restoration and reduce fire risks. Beneficiaries of the restoration activities, such as the USFS, water and electric utilities, and state governments, make payments over time (up to 10 years) to provide investors competitive returns based on achieving successful outcomes in forests. The Bond can scale forest restoration by harnessing private capital to complement existing funding and facilitate investment in the management of public and private lands (Figure 3). This type of mechanism could support ILM in key areas in southern Australia to reduce fire impacts and achieve water quality, conservation and social goals such as employment.



CONCLUSION

We welcome the inquiry into the 2019-2020 Victorian bush fire season, and recognise this as an important opportunity for Victoria to bolster its existing efforts to work with Victorian Traditional Owners to rollout Indigenous land management and cultural burning practices across the state. A significant investment is needed to support implementation of the *Victorian Traditional Owner Cultural Fire Strategy* to help improve Victoria’s preparedness for bush fires in the future. This is a long term and holistic strategy that seeks to heal Country for environmental and cultural sustainability. The benefits of Cultural Burning are multi-faceted and extend beyond the potentially significant impact on Australia’s bush fire preparedness and mitigation. Other benefits include sustained biodiversity through variation in fire regimes tailored to suit the needs of particular ecosystems, reconnection to Country for Indigenous people who have historically been forcibly divorced from their Country (their “Mother”) for generations, cultural empowerment and recognition of Indigenous people being valued and respected for their knowledge, revitalisation of culture and language, and the economic empowerment of Indigenous communities via a ranger program the provides employment. These rich and diverse benefits demonstrate the imperative to invest in Traditional Owner led approaches to land and fire management across the region.

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