

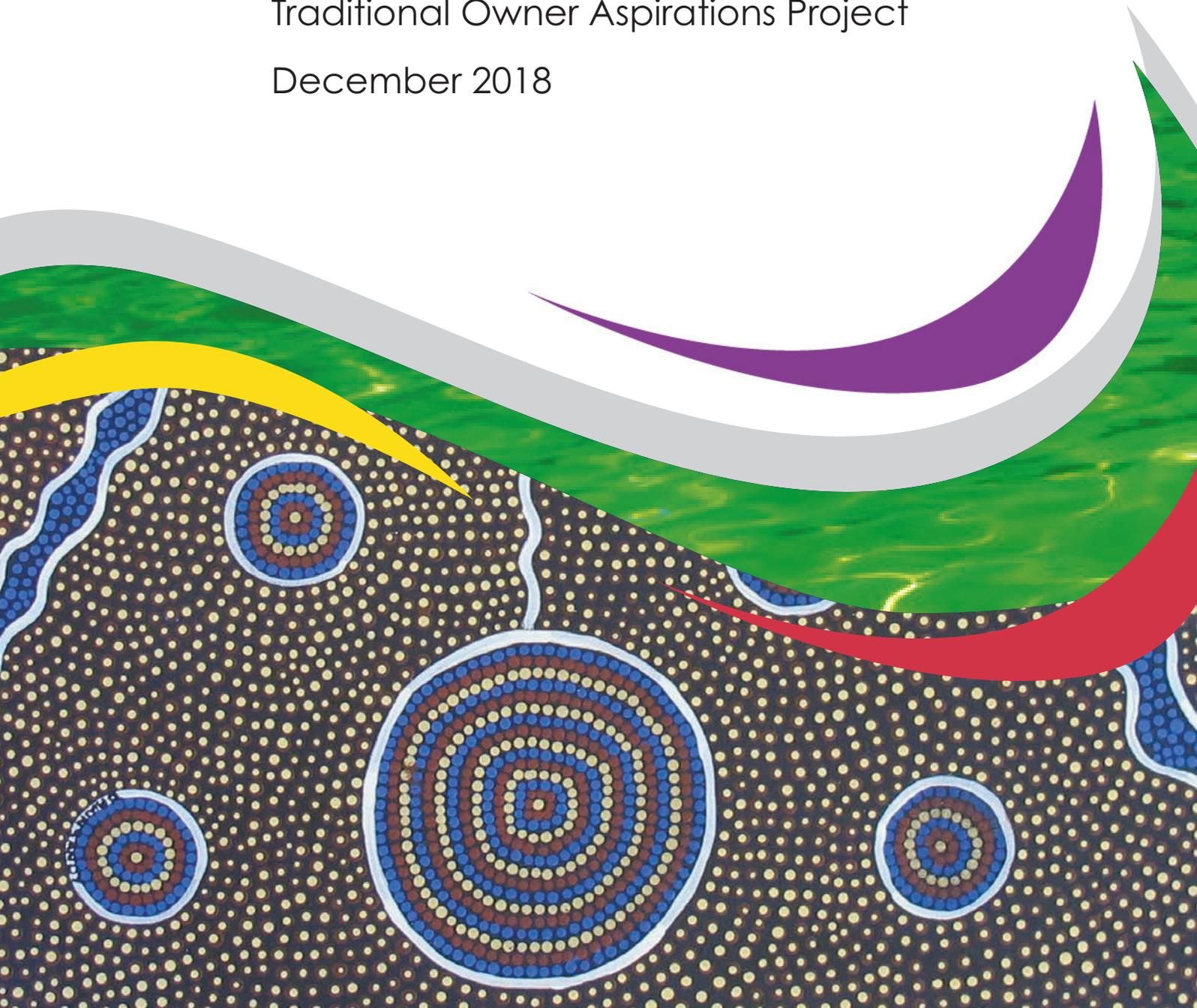


Australian Government

# Traditional Owners of the Great Barrier Reef: The Next Generation of Reef 2050 Actions

Final Report From The Reef 2050  
Traditional Owner Aspirations Project

December 2018





# **Traditional Owners of the Great Barrier Reef:**

## **The Next Generation of Reef 2050 Actions**

Allan Dale<sup>1</sup>, Liz Wren<sup>2</sup>, Duane Fraser<sup>2</sup>, Leah Talbot<sup>3</sup>, Rosemary Hill<sup>3</sup>, Libby Evans-Illidge<sup>4</sup>, Traceylee Forester<sup>4</sup>, Michael Winer<sup>5</sup>, Melissa George<sup>6</sup>, Margaret Gooch<sup>1</sup>, Larissa Hale<sup>7</sup>, Sheriden Morris<sup>2</sup> and Julie Carmody<sup>2</sup>

<sup>1</sup> The Cairns Institute, James Cook University

<sup>2</sup> Reef and Rainforest Research Centre Ltd

<sup>3</sup> CSIRO

<sup>4</sup> Australian Institute of Marine Science

<sup>5</sup> Cape York Institute

<sup>6</sup> North Australian Indigenous Land and Sea Management Alliance

<sup>7</sup> Yuku Baja Muliku Landowner and Reserves Ltd

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## ACRONYMS

|                 |   |
|-----------------|---|
| <b>AIATSIS</b>  | Australian Institute of Aboriginal and Torres Strait Islander Studies |
| <b>AIMS</b>     | Australian Institute of Marine Science                                |
| <b>ALA</b>      | <i>Aboriginal Land Act 1991</i>                                       |
| <b>ANT</b>      | Aboriginal Negotiating Team   |
| <b>ARC</b>      | Aboriginal Rainforest Council   |
| <b>CBD</b>      | Convention on Biological Diversity                                    |
| <b>COTS</b>     | Crown-of-Thorns Starfish  |
| <b>CSIRO</b>    | Commonwealth Scientific and Industrial Research Organisation          |
| <b>CYI</b>      | Cape York Institute   |
| <b>CYP</b>      | Cape York Peninsula   |
| <b>CYPAL</b>    | Cape York Peninsula Aboriginal Land                                   |
| <b>CYDTSC</b>   | Cape York Turtle and Dugong Taskforce Steering Committee              |
| <b>DES</b>      | Department of Environment and Science                                 |
| <b>DoEE</b>     | Department of Environment and Energy                                  |
| <b>DOGIT</b>    | Deeds of Grant in Trust   |
| <b>EPBC</b>     | Environment Protection Biodiversity Conservation                      |
| <b>FPIC</b>     | Free, Prior and Informed Consent                                      |
| <b>GBR</b>      | Great Barrier Reef  |
| <b>GBRF</b>     | Great Barrier Reef Foundation   |
| <b>GBRMP</b>    | Great Barrier Reef Marine Park  |
| <b>GBRMPA</b>   | Great Barrier Reef Marine Park Authority                              |
| <b>GERAIS</b>   | Guidelines for Ethical Research in Indigenous Studies                 |
| <b>IAC</b>      | Indigenous Advisory Council   |
| <b>ICOMOS</b>   | International Council on Monuments and Sites                          |
| <b>IEP</b>      | Independent Expert Panel  |
| <b>IEPS</b>     | Indigenous Engagement and Participation Strategy                      |
| <b>IHEG</b>     | Indigenous Heritage Expert Group                                      |
| <b>ILUA</b>     | Indigenous Land Use Agreement   |
| <b>IMA</b>      | Indigenous Management Agreement                                       |
| <b>IPA</b>      | Indigenous Protected Area   |
| <b>IRAC</b>     | Indigenous Reef Advisory Committee                                    |
| <b>ISCPG</b>    | Indigenous Sea Country Policy Group                                   |
| <b>IUCN</b>     | International Union for Conservation of Nature                        |
| <b>JCU</b>      | James Cook University   |
| <b>LMAC</b>     | Local Marine Advisory Committee                                       |
| <b>MEB</b>      | Multiple Evidence Base  |
| <b>NAILSMA</b>  | Northern Australian Indigenous Land and Sea Management Alliance       |
| <b>NCA</b>      | <i>Nature Conservation Act 1992</i>                                   |
| <b>NESP</b>     | National Environmental Science Program                                |
| <b>NGO</b>      | Non-Governmental Organisation   |
| <b>NRM</b>      | National Resource Management  |
| <b>OUV</b>      | Outstanding Universal Value   |
| <b>PBC</b>      | Prescribed Bodies Corporate   |
| <b>PES</b>      | Payment of Ecosystem Services   |
| <b>PM&amp;C</b> | Department of Prime Minister and Cabinet                              |

|               |       |  |
|---------------|-------|--|
| <b>QDEHP</b>  | ..... | Queensland Department of Environment and Heritage Protection     |
| <b>QDES</b>   | ..... | Queensland Department of Environment and Science                 |
| <b>RAC</b>    | ..... | Reef Advisory Committee  |
| <b>RACC</b>   | ..... | Rainforest Aboriginal Consultative Committee                     |
| <b>RAP</b>    | ..... | Representative Areas Program                                     |
| <b>RIMReP</b> | ..... | Reef Integrated Monitoring and Reporting Program                 |
| <b>RNTBC</b>  | ..... | Registered Native Title Bodies Corporate                         |
| <b>RRRC</b>   | ..... | Reef and Rainforest Research Centre Limited                      |
| <b>TEK</b>    | ..... | Traditional Ecological Knowledge                                 |
| <b>TO</b>     | ..... | Traditional Owner  |
| <b>TORG</b>   | ..... | Traditional Owner Reference Group                                |
| <b>TRAC</b>   | ..... | Tourism Reef Advisory Committee                                  |
| <b>TSRA</b>   | ..... | Torres Strait Regional Authority                                 |
| <b>TWQ</b>    | ..... | Tropical Water Quality   |
| <b>TUMRA</b>  | ..... | Traditional Use of Marine Resources Agreement                    |
| <b>UN</b>     | ..... | United Nations   |
| <b>UNESCO</b> | ..... | United Nations Educational, Scientific and Cultural Organization |
| <b>UNDRIP</b> | ..... | United Nations Declaration on the Rights of Indigenous Peoples   |
| <b>WAMSI</b>  | ..... | Western Australian Marine Science Institution                    |
| <b>WHC</b>    | ..... | World Heritage Committee   |
| <b>WTMA</b>   | ..... | Wet Tropics Management Authority                                 |
| <b>WTWHA</b>  | ..... | Wet Tropics World Heritage Area                                  |

## GLOSSARY

|                                 |  |
|---------------------------------|--|
| Agreement                       | Agreement here refers to a negotiated and typically legally binding arrangement between parties as to a course of action.  |
| Co-governance                   | To share governance – jointly deciding what the objectives are, sharing power, authority and responsibility, and being jointly held accountable for outcomes.  |
| Co-management                   | To share the responsibility for management – jointly undertaking the actions to a achieve given objectives.  |
| Free Prior and Informed Consent | <p><b>Free</b> implies that there is no coercion, intimidation or manipulation.</p> <p><b>Prior</b> implies that consent is to be sought sufficiently in advance of any authorisation or commencement of activities and respect is shown to time requirements of indigenous consultation/consensus processes.</p> <p><b>Informed</b> implies that information is provided that covers a range of aspects, including the nature, size, pace, reversibility and scope of any proposed project or activity; the purpose of the project as well as its duration; locality and areas affected; a preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks; personnel likely to be involved in the execution of the project; and procedures the project may entail. This process may include the option of withholding consent. Consultation and participation are crucial components of a consent process.</p> |
| Future Act                      | A future act is a proposal to deal with land in a way that affects native title rights and interests. A future act will be invalid to the extent it affects native title unless it complies with the procedures set out in the <i>Native Title Act 1993</i> (Cth). These procedures vary depending on the nature of the future act.  |
| Governance                      | Is about who decides what the objectives are, what to do to pursue them and with what means; how those decisions are taken; who holds power, authority and responsibility; and who is (or should be) held accountable (Borrini-Feyerabend and Hill 2015).  |
| Indigenous Land and Sea Rangers | Indigenous Land and Sea Rangers deliver negotiated work plans that reflect Traditional Owner, local community, and Queensland Government priorities. Activities include a wide range of environmental and cultural heritage conservation and community engagement activities. Community engagement activities can include Junior Ranger activities, support for disaster recovery and contributions to local community events. Indigenous Land and Sea Rangers are often Traditional Owners of the country on which they work and deliver conservation services that successfully combine  |

|   |  |
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|   | <p>methods drawn from both traditional knowledge and western science.</p>  |
| <p>Indigenous Land Use Agreement (ILUA)</p> | <p>An ILUA is a voluntary agreement between a native title group and others about the use of land and waters. These agreements allow people to negotiate flexible, pragmatic agreements to suit their particular circumstances.</p> <p>An ILUA can be:</p> <ul style="list-style-type: none"> <li>• over areas where native title has, or has not yet, been determined</li> <li>• entered into regardless of whether there is a native title claim over the area or not</li> <li>• part of a native title determination or settled separately from a native title claim.</li> </ul> <p>ILUAs can cover topics such as:</p> <ul style="list-style-type: none"> <li>• native title holders agreeing to a future development</li> <li>• how native title rights coexist with the rights of other people</li> <li>• access to an area</li> <li>• extinguishment of native title</li> <li>• compensation</li> <li>• employment and economic opportunities for native title groups</li> <li>• cultural heritage</li> <li>• mining.</li> </ul> <p>When registered, ILUAs bind all parties and all native title holders to the terms of the agreement.</p> |
| <p>Indigenous Protected Area (IPA)</p>      | <p>Indigenous Protected Areas are areas of land and sea country owned or managed by Indigenous groups, which are voluntarily managed as a protected area for biodiversity conservation through an agreement with the Australian Government. IPAs are an essential component of Australia's National Reserve System, the network of formally recognised parks, reserves and protected areas across Australia. As well as protecting biodiversity, IPAs deliver cost-effective environmental, cultural, social, health and wellbeing and economic benefits to Indigenous communities. IPAs protect cultural heritage into the future, and provide employment, education and training opportunities for Indigenous people in remote areas.</p>  |
| <p>Management</p>                           | <p>Is about what is done in pursuit of given objectives; the means and actions to achieve such objectives (Borrini-Feyerabend and Hill 2015).</p>  |
| <p>Program Logic</p>                        | <p>Program logic is a thinking, planning and implementation tool that describes and diagrammatically represents how a project, programme or strategy intends to impact social, economic and political development in a given country, region or context. Program</p>   |

|  |  |
|--|--|
|  | <p>logic describes the stepping stones between an activity and a desired change. It helps us to be clear about where we want to get to, set out how we think we will get there and actively manage for that along the way. Later it helps in monitoring, evaluating and reporting on progress.</p>   |
| <p>Traditional Use of Marine Resources Agreement (TUMRA)</p> | <p>Traditional Use of Marine Resources Agreements describe how Great Barrier Reef Traditional Owner groups work in partnership with the Australian and Queensland governments to manage traditional use activities on their sea country. These formal agreements are developed by Traditional Owner groups and accredited by the Great Barrier Reef Marine Park Authority and the Department of National Parks, Recreation, Sport and Racing. Each agreement operates for a set time after which it is renegotiated. An agreement may describe how Traditional Owner groups wish to manage their take of natural resources (including protected species), their role in compliance, their role in monitoring the condition of plants and animals, and human activities in the Great Barrier Reef Marine Park.</p> <p>The TUMRA implementation plan may describe ways to educate the public about traditional connections to sea country areas, and ways to educate other members of a Traditional Owner group about the conditions of the agreement.</p> |

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The Department of the Environment and Energy has contracted a consortium, led by RRRC, to provide advice informed by effective and broad engagement to support the delivery of Traditional Owner aspirations and commitments in the Reef 2050 Plan. Members of this consortium, through Project Leader Liz Wren, firstly wish to acknowledge Aboriginal and Torres Strait Islander Traditional Owners' continuing Sea Country management and custodianship of the Great Barrier Reef. This includes their rich cultures, heritage values, enduring connections and shared efforts to care for their Sea Country for future generations. We would also like to acknowledge co-investment and support from our collaborative partners, including the Northern Australia Land and Sea Management Alliance (NAILSMA), the Cape York Institute (CYI), CSIRO, James Cook University (The Cairns Institute) and the Australian Institute of Marine Sciences (AIMS). Collectively as authors of this report, we would like to acknowledge/thank the members of the Indigenous Reef Advisory Committee (IRAC) of the Great Barrier Reef Marine Park Authority (GBRMPA); members of the Reef 2050 Advisory Committee (RAC) and the Independent Expert Panel (IEP). Most importantly, we would like to thank those participating Traditional Owner leaders and groups and stakeholder partners from across the Great Barrier Reef. We also thank all of our partners for useful comments on an earlier draft of this report. Comments were also gratefully received from Josh Gibson and from our independent peer-reviewer Ellie Bock.

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**Use of Existing Research Publications Related to the Reef 2050 Plan:** Because this work brings together some 20 years of Traditional Owner led discussion and reporting as a basis for proposing a stronger pathway towards review and refinement of the Reef 2050 Plan, this report does draw heavily upon some key past works with the support and consent of the relevant authors and publishers. As Traditional Owners are seeking to communicate with a largely new generation of agency staff with respect to Reef 2050 issues and concerns, this report particularly recasts some of the historical context previously covered more extensively by Dale, George, Hill and Fraser (2016) and other key historical reports.

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## FOREWARD

The Great Barrier Reef, its islands and adjacent land, holds within it our cultural identity. We are its First Nations Peoples and as the Traditional Owners we continue to maintain our Lores and customs through custodial responsibilities and obligations. Over 70 Traditional Owner groups span the length of the Great Barrier Reef, Queensland from the Torres Strait Islands in the north to Bundaberg in the South.

Our ongoing connection and relationships to and with the Great Barrier Reef is the cornerstone of our beliefs, knowledges, Lores, languages and ways of living – all of which arise from our deep connectedness and spirituality to our cultural lands and seascapes. As Custodians of the Great Barrier Reef we are geographically and culturally diverse; we are innovators, managers, artists, musicians, educators, fishermen and women, scientists, sea-faring navigators, and leaders. We are dedicated to linking traditional values into modern decision making; and are committed to protecting our cultural rights, customs and practices as part of the Great Barrier Reef.

Strategic leadership for this Indigenous-led project Consortium, was underpinned by us, the Traditional Owners of the Great Barrier Reef who have been involved in the development of the Reef 2050 Traditional Owner Aspirations Project Final Report. This report is the work of a dedicated Project Consortium involving the North Australian Indigenous Land and Sea Management Alliance (NAILSMA), Yuku Baja Muliku (YBM), Cape York Partnerships (CYP), The Australian Institute of Marine Science (AIMS), James Cook University (JCU), Commonwealth Scientific and Industrial Research Organisation (CSIRO) and coordinated by the Reef and Rainforest Research Centre (RRRC). The report reconfirms our strategic direction and provides us with a much stronger foundation from which to plan and implement the actions, activities, programs and policies under the Reef 2050 Plan.

This report identifies the imperatives required by the Traditional Owners of the Great Barrier Reef and brings to light the volume and range of work that Traditional Owners have undertaken throughout the past few decades. It honours our aspirations through presentation of a consolidated strategic blueprint that aims to articulate our vision for a Healthy Reef and Healthy People. To achieve this, we want our partners to listen and understand what is being presented and most importantly act on the recommendations in this report to empower the Traditional Owners of the Reef in the management of their cultural lands and seascapes. Our customary lore and practice – underpins our caring for the Reef for thousands of years and in maintaining its health as a component of a fully functioning biocultural ecosystem. Now as we share the Reef with others, we can see that what was once healthy and thriving is now under real threat – creating serious impact on our lives and our livelihoods. At no time did we cede our Sovereign rights. We maintain and continue to assert our birth rights and cultural obligations. To ensure this, we must be more involved in understanding what is happening to our Sea Country and be involved in finding solutions to make it healthier.

We are actively managing our Sea Country currently and continue to conduct activities on ground and in water that pursue our cultural, conservation, protection, use, management and economic goals. In many places we have formal Indigenous Land Use Agreements,

Traditional Use of Marine Resources Agreements, Indigenous Protected Areas, Working on Country Rangers, Land and Sea Rangers and corresponding land and sea programs that are implemented in partnership with the Australian and Queensland State Governments. We have also been working hard under the Reef 2050 Reef Integrated Monitoring and Reporting Program (RIMReP) to develop our own reef wide monitoring program Strong Peoples – Strong Country Framework.

Through the work of a future GBR Traditional Owner Sea Country Alliance, we will continue to progress land and sea aspirations, management and use of our traditional estate. Establishing our GBR Traditional Owner Sea Country Alliance will further identify, understand and coordinate the unique needs of Traditional Owners throughout the Reef. Investing in this Alliance – is investing in the future empowerment of our People and the future of the Reef. As partners on the Reef, we want to see a strong and relevant research and science agenda that reflects and includes our interests and priorities. We want to grow our emerging and innovative leaders through capability pathways that future-proof our workforce. As a World Heritage Area, the Great Barrier Reef is a multiple use marine park that generates a thriving economy. We understand that a vibrant economy is fundamental to the sustainability of any community. It is also well recorded that the Great Barrier Reef - our cultural homeland estate – has an economic, social and icon asset value of \$56 billion. As Custodians of the Reef we need to be central to the benefits and decision-making regarding the Reef through a fair and equitable sharing of benefits derived from the Reef. We need others to work with us, to strengthen and build our capabilities, so we can grow and benefit from the full array of innovative enterprises and opportunities for our People and communities.

As Traditional Owners, it is critical that we coordinate a strategy of genuine partner relationships with management agencies that enables us to successfully build on our strong operational platforms. By establishing our own GBR Traditional Owner Sea Country Alliance, it will strengthen our ability to engage effectively and strategically with all partners and stakeholders on Reef wide matters.

Involvement in decision-making processes will ensure Traditional Owners have a lasting impact on the future of the Great Barrier Reef's precious ecosystems. To achieve this, we as Traditional Owners, believe this relationship can be re-set through an Intergovernmental Agreement between us – as Traditional Owners; and the Australian and State Governments. We thank our Reef 2050 Partners – the Department of the Environment and Energy; the Great Barrier Reef Marine Park Authority and the Office of the Great Barrier Reef for their direct support and investment in this work and we look forward to its implementation. We want to ensure that our ten key recommendations outlined in this report are implemented so that the Traditional Owners of the Great Barrier Reef, together with all stakeholders and end users, enjoy the benefits for generations to come.

Melissa George, Wulgurakaba & Leah Talbot, Eastern Kuku Yalanji



## EXECUTIVE SUMMARY

There are at least 70 Traditional Owner groups with rights, interests and aspirations in Sea Country across the length of the Great Barrier Reef (GBR), stretching from the Burnett Mary region into the Torres Strait and spanning family, clan and tribal groupings. For over 25 years, Traditional Owners from across the GBR have been coming together to explore and call for a collective approach to achieving their **rights and aspirations for ownership, access to, and involvement in the governance and management of sea country**. Under their own law/Lore, Indigenous people have been working hard to secure and deliver on their rights and responsibilities in relation to Sea Country, and they seek to have these rights and responsibilities recognised by our broader society and governments.

Over the last decade in particular, there has been much progress in Traditional Owners securing formal recognition of their rights by governments *and* developing local capacities to govern and manage their Sea Country. Land and sea rights have been secured or are being determined across much of the GBR (catchment and marine); management agreements have been reached; and new land and sea country institutions<sup>1</sup> have been established. Today, over half of the GBR catchment and 15.6% of the marine World Heritage Area is subject to formal Indigenous ownership, interests or co-management arrangements. Native title rights over Sea Country have been recognised in the Torres Strait, and are set to be progressed across much of the remaining GBR in the decade to come. At the same time, universities and other research organisations have also started to improve the way they follow protocols and consult with Traditional Owners about research in Sea Country.

Despite this progress and the emergence of some outstanding examples of Traditional Owners, government agencies and researchers working together in productive partnerships, there has been no lasting, continuously improving GBR-wide approach to empowering Traditional Owners in the governance of the GBR. With the future health of the GBR under serious threat from climate change and other stresses, it is now critical to harness the capacity of Traditional Owners and their Sea Country institutions for a new generation of reef protection and management into the future. The Commonwealth and State governments' *Reef 2050 Long Term Sustainability Plan (Reef 2050 Plan)* has taken preliminary steps towards empowering Traditional Owners within the wider system of GBR governance. This Plan acknowledges the significance of Traditional Owner rights, interests and their capacity for management of GBR Sea Country, with (originally) 27 significant Traditional Owner implementation actions. These Traditional Owner actions are embedded throughout the *Reef 2050 Plan*, and collectively, they have represented an unprecedented opportunity to establish a central role for the GBR's Traditional Owners. However, there are many challenges ahead for realising this opportunity and delivering on the highest priority aspirations of Traditional Owners. The overwhelming feedback we have received from Traditional Owners is that, while these actions reflect a level of recognition of Sea Country management activity in the GBR, they do not represent a genuine level of agreement making and authoritative implementation between Traditional Owners and the State and Commonwealth Governments. There is a need for a cohesive and coordinated approach to implementing the *Reef 2050 Plan* which embraces and engages Traditional

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<sup>1</sup> Institutions here are considered as the formal and informal rules and norms by which societies make decisions (rather than just formal organisations).

Owners as real partners in the long-term governance and management<sup>2</sup> of GBR Sea Country, consistent with the rights-based concept of Free, Prior and Informed Consent (FPIC).

**In short, this Report:**

Confirms that there are two options for progressing the integration of Traditional Owner interests in the *Reef 2050 Plan*.

**Option 1 (Business As Usual)** represents a continuation of the current approach of Government-based review and refinement of the (now 23) Traditional Owner actions in the *Reef 2050 Plan*.

**Option 2 (Towards Genuine Co-governance)** represents Government taking a far more negotiated approach at the GBR-wide level (and subsequently down to local scales) that applies the principles of Free Prior and Informed Consent.

Based on extensive engagement concerning the aspirations of Traditional Owners and their support organisations across the GBR, the overwhelming stated desire and demand is for genuine partnership in the overarching governance of the Reef and far deeper ownership of, and participation in, its active day to day management (**Option 2**).

There is an unambiguous view that the foundations set in the *Reef 2050 Plan* (**Option 1**), while a step in the right direction, simply reflect Traditional Owner aspirations in someone else's planning. Meanwhile, a consistent message from Traditional Owners, fuelled by their existing and emerging rights in sea country, is that this more passive form of involvement cannot continue into the future; that a genuine form of agreement making and active implementation (from GBR to local scales) must emerge.

Consequently, this report is intended to support Traditional Owners to celebrate and document their achievements in securing a more "joined-up" approach to governance and management across the GBR. Based on the extensive engagement undertaken, it seeks to distil their core aspirations and plans regarding the governance and management of Sea Country. It then explores what the *Reef 2050 Plan* committed to, reviews its implementation to date, and documents Traditional Owners' discussions and statements about the best way forward.

**Section 1** of this report sets the context for this Reef Traditional Owner Project and introduces the Consortium and its methods and approach. It particularly outlines why Traditional Owners, while appreciative of recognition within the original *Reef 2050 Plan*, are looking to a more negotiated, substantive and implementable relationship with both Federal and State governments (and other stakeholders) in governance of the Reef. **Section 2** explores who Traditional Owners of the GBR are, their relationship to the use of GBR resources and to the way others use those resources. This leads to the identification of the driving aspirations of Traditional Owners, stressing that these aspirations are most acutely prosecuted at the local level (tribal, clan and family) scales. The characteristics of customary and organisational governance of Traditional Owners is explored, noting that the complexity of governance arrangements requires a serious and new approach for the design of cohesive mechanisms

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<sup>2</sup> Governance is about who makes decisions and how; management is about (a subset of governance) is done in pursuit of certain agreed objectives (Borrin-Feyerabend and Hill 2015). Traditional Owners are seeking real partnerships leading to both co-governance and co-management of the GBR.

for engagement. **Section 3** then explores the processes leading to the development of the original Traditional Owner Actions in the *Reef 2050 Plan*, past processes of review and mid-term refinements established via earlier steps in this consortium-led project. Despite these *Reef 2050* developments, however, increasing recognition of Traditional Owner rights over land and sea country across the GBR requires much stronger negotiated approaches to future *Reef 2050* planning; a more co-governed approach. Consequently, in this section, advice from Traditional Owners across the GBR is presented that argues for a more over-arching program logic (based on Free Prior and Informed Consent) to be developed to account for their Traditional Owners' aspirations in the development of the 2020 Review of the *Plan*.

**Section 4** details the significant developments since the *Reef 2050 Plan* that are increasingly requiring an improved program logic and a more negotiated approach to Commonwealth and State governments co-managing the GBR with Traditional Owners, and securing agreement with them on substantive changes to the *Plan*. It explores and represents potential **engagement models** that might enable such a negotiated approach to work effectively. In the context of the need for a stronger co-governance approach between Traditional Owners and Commonwealth and State governments, **Section 5** outlines the key strategic policy themes that Traditional Owners would like to see negotiated and resolved at a whole of Reef scale. These include lifting the foundational governance capacity of self-defined Indigenous land and sea institutions and creating the foundations for engagement and agreement making at various scales. At the whole of GBR level, this perhaps even includes the potential progression of a GBR-wide Tripartite Agreement with Traditional Owners, and ensuring core investments in supporting ongoing and adaptive country-based planning, workforce and business development, infrastructure and co-generated science that empowers Traditional Owners.

Based on the above strategic policy themes and revised engagement approaches, the research and engagement undertaken by the consortium, and building on the previous work of Traditional Owners from across the GBR, **Section 6** outlines emerging and necessary big steps forward while providing targeted recommendations. Finally, having established broader and more expansive directions for achieving the aspirations of the Traditional Owners in the GBR, the final **Section 7** sets the basis for **adaptive management** by drawing upon exciting new developments emerging from RIMReP (the *Strong Peoples – Strong Country* Framework) that could be directly used as a foundation to help to **monitor and evaluate** progress towards and arising from a more co-managed approach to governing the GBR.

Based on the above and as a consequence of deep discussions across the GBR and synthesis of the literature and global experiences, in order of priority (and timing), we explore key emerging **recommendations and initiatives that reflect the stated aspirations of Traditional Owners** regarding the **specific and detailed changes (or pathways to progress)** needed if review of *Reef 2050 Plan* is to genuinely meet these aspirations:

### **Statement/Recommendation 1:**

**Resolve Sea Country Claims:** *Those responsible for the management of the Reef ensure, through collaboration between relevant Federal and State agencies, that adequate resources are available to support the longer term, fair and efficient resolution of Sea Country native title claims across the GBR estate over the coming decade.*

## **Statement/Recommendation 2:**

**Get the Foundations Right:** Formalising and supporting the foundational rights and responsibilities of Traditional Owners in Sea Country by enhancing the governance capacities of families, clans, tribes, sub-regions and regions.

## **Statement/Recommendation 3:**

**Normalise Rights-Based Agreement Making:** Embed policy, procedures and ongoing participation and support to mobilise long term approaches for co-governance and co-management through agreement making, implementation and monitoring across the GBR at regional, sub-regional, and local scales.

## **Statement/Recommendation 4:**

**Establish a GBR Traditional Owner Sea Country Alliance:** Resource and support Traditional Owners to establish a GBR-wide Sea Country Alliance and engagement framework as a basis for negotiating and implementing a Tripartite Agreement.

## **Statement/Recommendation 5:**

**Negotiate a GBR-Wide Tripartite Agreement:** Australian and Queensland Governments (through Intergovernmental Agreement) to meet obligations for Free, Prior and Informed Consent (in accordance with UNDRIP) through the negotiation of a whole of GBR Tripartite Agreement with Traditional Owners.

## **Statement/Recommendation 6:**

**Establish a GBR Traditional Owner's Funding Facility:** To underpin long term and sustainable support for achieving Traditional Owner aspirations (from local to regional scales), establish a GBR funding facility and support partnership arrangements to enable program delivery and investment leverage.

## **Statement/Recommendation 7:**

**Immediate Traditional Owner Co-design in Programs and Procurement:** Urgent interim action is required to ensure equitable and effective Traditional Owner involvement and influence in the co-design, procurement and delivery of all current programs and tenders of relevance to their Reef-related aspirations (e.g. Great Barrier Reef Foundation (GBRF), Indigenous Advancement Strategy, Closing the Gap, etc.).

## **Statement/Recommendation 8:**

**Ensure Fit-For-Purpose Delivery Programs:** Through leveraging the Traditional Owner Funding Facility, establish stable delivery programs that particularly support social, cultural, environmental and economic aspirations (e.g. country-based planning, meaningful jobs, infrastructure, and business development).

**Statement/Recommendation 9:**

***Towards Research Partnerships:** The GBR's leading research institutions jointly collaborate with Traditional Owners to plan and negotiate a long term strategy for supporting their knowledge and research needs (e.g. data sharing agreements, etc.).*

**Statement/Recommendation 10:**

***Traditional Owners Embedded in GBR Monitoring:** Embed Traditional Owners and cultural heritage in all aspects (e.g. turtle and dugong) and scales (from GBR-wide to local) of GBR monitoring and evaluation, using culturally appropriate approaches (e.g. Strong Country – Strong People Framework).*

## CONTRACT CHECKLIST

The report meets specific and key contractual obligations as it is underpinned by effective and broad Traditional Owner consultation as follows:

| Contract Requirement   | Section  | Recommendations  | Supersedes Current Reef 2050 Traditional Owner Actions   |   |
|--|--|--|--|---|
| (i) Includes an executive summary, consultation methodology, a list of people consulted, their Traditional Owner group/s and or affiliation (e.g. institution, agency, organisation).                      | Executive summary included and <b>Section 1</b> outlines consultation methods.   | Not requiring recommendations.   | NA.  |   |
| (ii) An assessment of Traditional Owners' current engagement and capacity with respect to implementing the Reef 2050 Plan, key issues, opportunities, impediments, lessons learnt and recommendations;     | Feedback on original Reef 2050 Plan Traditional Owner Targets <b>reported previously</b> .   | Confirms that two options for progressing the integration of Traditional Owner interests in the <i>Reef 2050 Plan</i> . <b>Option 1 (Business As Usual)</b> and <b>Option 2 (Towards Genuine Co-governance)</b> .  | <ul style="list-style-type: none"> <li>• CBA1</li> <li>• GA2</li> <li>• GA10</li> </ul>  |   |
| (iii) A strategy for refinement and delivery of Reef 2050 Plan commitments, monitoring, reporting and adaptive management and the ongoing involvement of Traditional Owners across the Great Barrier Reef; | <b>Section 4</b> details and assesses new model options for future engagement based on Traditional Owner capacities and aspirations. | Rec 1: Getting the Foundations Right.<br>Rec 2: Resolve Sea Country Claims.<br>Rec 3: Normalise Rights Based Agreement Making.<br>Rec 4: Negotiate GBR Wide Intergovernmental Agreement.<br>Rec 5: Establish a GBR Traditional Owner Sea Country Alliance. | <ul style="list-style-type: none"> <li>• BA 1</li> <li>• HA1</li> <li>• WQA24</li> <li>• CBA1</li> <li>• EBA1</li> <li>• EHA2</li> <li>• BA2</li> <li>• HA2</li> <li>• CBA2</li> <li>• EBA2</li> </ul> | <ul style="list-style-type: none"> <li>• GA7</li> <li>• EHA3</li> <li>• BA3</li> <li>• HA3</li> <li>• CBA3</li> <li>• GA10</li> <li>• EHA4</li> <li>• BA4</li> <li>• HA4</li> <li>• GA11</li> </ul> |
| (iv) Advice to better equip the members of the Joint 2050 Team, the Department of the Environment and Energy, Great Barrier Reef Marine Park Authority and the Office of the Great Barrier Reef,           | Feedback on original Reef 2050 Plan Traditional Owner Targets <b>reported previously</b> .   | Rec 6: Establish a Traditional Owner Funding Facility.<br>Rec 7: Immediate Traditional Owner Co-design in Programs/Procurement.  | <ul style="list-style-type: none"> <li>• BA 1</li> <li>• HA1</li> <li>• WQA24</li> <li>• CBA1</li> <li>• EBA1</li> </ul>   | <ul style="list-style-type: none"> <li>• GA7</li> <li>• EHA3</li> <li>• BA3</li> <li>• HA3</li> <li>• CBA3</li> </ul>   |

| Contract Requirement  | Section   | Recommendations   | Supersedes Current Reef 2050 Traditional Owner Actions   |   |
|---|---|---|--|---|
| Queensland Department of the Environment and Heritage Protection to improve their capacity to engage Traditional Owners in meaningful partnerships in implementing the Reef 2050 Plan and supporting Traditional Owners' aspirations;   | <b>Section 4</b> explains significant context changes since Reef 2050 Plan established. <b>Section 5</b> outlines emerging strategic themes. <b>Section 6</b> outlines and recommends how these can be addressed.                       | Rec 8: Ensure Fit For Purpose Delivery Programs.  | <ul style="list-style-type: none"> <li>• EHA2</li> <li>• BA2</li> <li>• HA2</li> <li>• CBA2</li> <li>• EBA2</li> </ul>   | <ul style="list-style-type: none"> <li>• GA10</li> <li>• EHA4</li> <li>• BA4</li> <li>• HA4</li> <li>• GA11</li> </ul>  |
| (v) Establish a long term basis for ongoing structured engagement with Traditional Owners of the GBR, a broad set of policy issues for resolution, a more cohesive program of works associated with implementation of the Reef 2050 Plan, and the design of the most effective governance arrangements; | <b>Section 6</b> details the most effective coordination and delivery arrangements.   | Rec 5: Establish a GBR Traditional Owner Sea Country Alliance.<br>Rec 6: Establish a Traditional Owner Funding Facility.<br>Rec 7: Immediate Traditional Owner Co-design in Programs/Procurement.<br>Rec 8: Ensure Fit For Purpose Delivery Programs. | <ul style="list-style-type: none"> <li>• BA 1</li> <li>• HA1</li> <li>• WQA24</li> <li>• CBA1</li> <li>• EBA1</li> <li>• EHA2</li> <li>• BA2</li> <li>• HA2</li> <li>• CBA2</li> <li>• EBA2</li> </ul> | <ul style="list-style-type: none"> <li>• GA7</li> <li>• EHA3</li> <li>• BA3</li> <li>• HA3</li> <li>• CBA3</li> <li>• GA10</li> <li>• EHA4</li> <li>• BA4</li> <li>• HA4</li> <li>• GA11</li> </ul> |
| (vi) Incorporate, or give due consideration to, comments from the Joint Reef 2050 Team on the Draft Phase 1 Project Report and will be independently peer reviewed;   | Together, <b>Section 4</b> and <b>Section 6</b> establishes a long term basis for ongoing structured engagement. The Final Report was independently peer-reviewed by Ellie Bock, Regional Advisory & Innovation Network (RAIN) Pty Ltd. | Rec 1: Getting the Foundations Right.<br>Rec 3: Normalise Rights Based Agreement Making.<br>Rec 4: Negotiate GBR Wide Intergovernmental Agreement.<br>Rec 5: Establish a GBR Traditional Owner Sea Country Alliance.                                  | <ul style="list-style-type: none"> <li>• BA 1</li> <li>• HA1</li> <li>• WQA24</li> <li>• CBA1</li> <li>• EBA1</li> <li>• EHA2</li> <li>• BA2</li> <li>• HA2</li> <li>• CBA2</li> <li>• EBA2</li> </ul> | <ul style="list-style-type: none"> <li>• GA7</li> <li>• EHA3</li> <li>• BA3</li> <li>• HA3</li> <li>• CBA3</li> <li>• GA10</li> <li>• EHA4</li> <li>• BA4</li> <li>• HA4</li> <li>• GA11</li> </ul> |
| (vii) Be underpinned by effective and broad Traditional Owner consultation.   | See <b>Section 5</b> to explore the larger policy issues and <b>Section 6</b> outlines  | Rec 1: Getting the Foundations Right.<br>Rec 2: Resolve Sea Country Claims.   | <ul style="list-style-type: none"> <li>• BA 1</li> <li>• HA1</li> </ul>  | <ul style="list-style-type: none"> <li>• GA7</li> <li>• EHA3</li> </ul>   |

| Contract Requirement | Section  | Recommendations   | Supersedes Current Reef 2050 Traditional Owner Actions   |  |
|----------------------|--|---|--|--|
|                      | consequent recommendations.<br>See <b>Section 7.</b> | Rec 3: Normalise Rights Based Agreement Making.<br>Rec 4: Negotiate GBR Wide Intergovernmental Agreement.<br>Rec 5: Establish a GBR Traditional Owner Sea Country Alliance.<br>Rec 6: Establish a Traditional Owner Funding Facility.<br>Rec 7: Immediate Traditional Owner Co-design in Programs/Procurement.<br>Rec 8: Ensure Fit For Purpose Delivery Programs.<br>Rec 9: Towards Research Partnerships.<br>Rec 10: Traditional Owners Embedded in GBR monitoring. | <ul style="list-style-type: none"> <li>• WQA24</li> <li>• CBA1</li> <li>• EBA1</li> <li>• EHA2</li> <li>• BA2</li> <li>• HA2</li> <li>• CBA2</li> <li>• EBA2</li> <li>• EHA5</li> <li>• HA5</li> <li>• GA12</li> <li>• EHA27</li> <li>•</li> </ul> | <ul style="list-style-type: none"> <li>• BA3</li> <li>• HA3</li> <li>• CBA3</li> <li>• GA10</li> <li>• EHA4</li> <li>• BA4</li> <li>• HA4</li> <li>• GA11</li> <li>• HA6</li> <li>• HA7</li> <li>• HA11</li> </ul> |

## 1.0 INTRODUCTION AND CONTEXT

**In short, this Section:**

Sets the context for this Reef Traditional Owner Project and introduces the consortium and its methods and approach. It particularly outlines why Traditional Owners, while appreciative of recognition of their roles within the original *Reef 2050 Plan*, are looking to a more negotiated, substantive and implementable relationship with both Commonwealth and State governments (and other stakeholders) in governance of the Reef.

**Contractually, this Section:**

Includes a consultation methodology, reference to a list of people consulted, their Traditional Owner group/s and or affiliation (e.g. institution, agency, organisation).

### 1.1 An Overview of Traditional Owner Sea Country Governance in the GBR

In 2011, the World Heritage Committee (WHC) examined the state of conservation of the Great Barrier Reef (GBR) and expressed extreme concern about the decline of its condition. Recognition of these concerns led to joint development by the Queensland and the Australian Government of the “*Reef 2050 Long Term Sustainability Plan*” - a shared strategy to secure the World Heritage values of the Reef (*Reef 2050*). While the Committee consequently decided against declaring the GBR as being “in danger” in mid-2015, it required reports on the implementation of the *Reef 2050* and the effectiveness of management in reducing threats. Since that time, there have been significant and emerging changes in recognition of Traditional Owner rights and access to GBR Sea Country and new international requirements supporting Free, Prior and Informed Consent (FPIC) for planning and management decisions, particularly in world heritage sites. Equally Traditional Owners from the Torres Strait to the southern end of the GBR have become increasingly concerned about the effectiveness of governance and management of the GBR. These and other factors have meant that ongoing implementation, review and further development of the *Reef 2050 Plan* require more focussed consideration of the aspirations and needs of the Traditional Owners of the GBR.

While critically important, the *Reef 2050* planning process exposes two long-standing concerns held by Traditional Owners about the governance and management of the GBR. Traditional Owners’ interests in both governance and management reflect international recognition of the difference between these two vital roles (Table 1). The first, requiring a role in governance, is that the rights and responsibilities of Traditional Owners for Sea Country estate and coastal catchments need to be understood, and continue to be recognised (to greater or lesser degrees) through native title, cultural heritage and other arrangements. Traditional Owners consider that such recognition should underpin a new and improved relationship between them and governments (Commonwealth and State) as equitable and foundational partners in any decision-making focused on setting vision, goals and objectives for GBR protection and management. The second, requiring a management role, is the need for durable GBR management partnerships and agreements to provide for Traditional Owners to have greater ownership and to share actions based on the policy and management problems facing the GBR, and for them to be empowered to deliver solutions, drawing on their own deep cultural

knowledge and their land and sea institutions and organisations. While the *Reef 2050 Plan* prominently recognises that “Aboriginal and Torres Strait Islander peoples are the GBR’s Traditional Owners and have a continuing connection to their land and sea country” (Department of the Environment, 2015), in the view of Traditional Owners from across the GBR, the strategies remain some way from turning this recognition into meaningful participation in governance roles and management actions (Dale et al. 2016).

**Table 1: The difference between management and governance (Source: Borrini-Feyerabend and Hill 2015).**

|                   |              |  |
|-------------------|--------------|--|
| <b>Management</b> | is about ... | What is done in pursuit of given objectives<br>The means and actions to achieve such objectives  |
| <b>Governance</b> | is about ... | Who decides what the objectives are, what to do to pursue them and with what means<br>How those decisions are taken<br>Who holds power, authority and responsibility<br>Who is (or should be) held accountable |

Over the last 25 years many Traditional Owner groups across the GBR have been consolidating their local rights and building the governance and management of their land and sea estates through institutions and formal organisations (see Figure 1). However, there remains no broad agreement between them and the Commonwealth and State governments about GBR-wide governance and management. Within the context of review of the *Reef 2050 Plan*, this report details the potential for a coordinated Indigenous negotiation framework and shows how Indigenous participation in Sea Country activities can be increased to address these gaps at various scales. This project has deeply engaged with Traditional Owners and their key partners to analyse and further develop key Indigenous aspirations with respect to the *Reef 2050 Plan* and the emerging roll-out of associated policies, programs and projects.

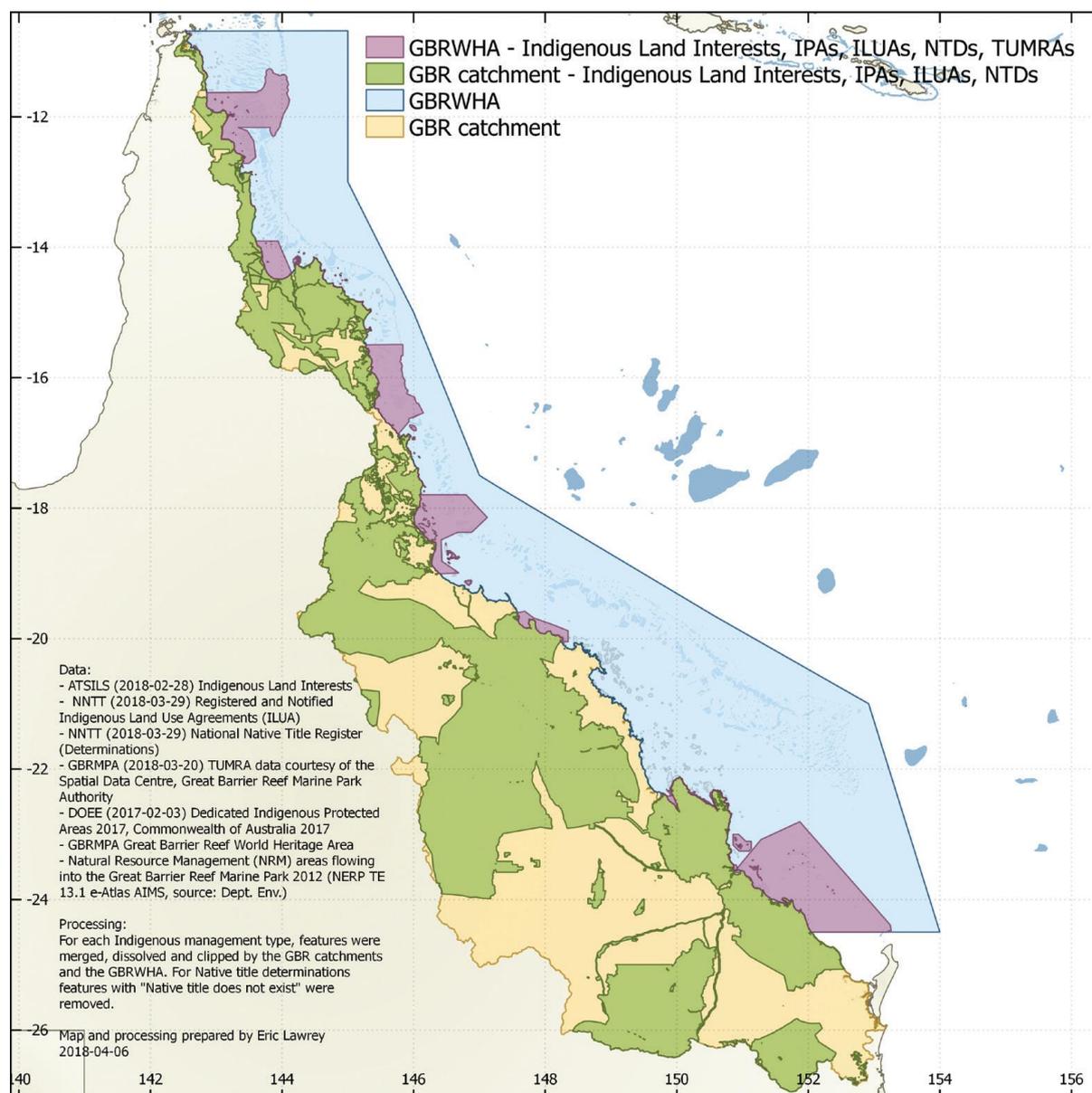


Figure 1: Traditional Owner land and sea interests in the GBR and catchments.

## 1.2 The Struggle of Traditional Owners in Securing Sea Country Interests in the GBR

Traditional Owner groups across the GBR have been working hard (and across several scales) towards increasing government recognition of their ownership of, and access to both land and sea country since the original formation of the Marine Park in 1975 (Dale et al. 2016). Indeed, since the mid-1990s, they have been coming together in attempts to reach agreement about broad governance frameworks with the Australian and Queensland Governments in an effort to attain genuine partnership in managing GBR catchments and Sea Country. Securing real Commonwealth and State commitment to such an approach, however, has been difficult to achieve at all levels (from GBR to regional, tribal and clan levels).

Traditional Owner organisations generally have had very meagre resources to sustain the approaches necessary for negotiating genuine co-governance and co-management at the

whole of GBR level and at other scales. Many groups have needed to focus local efforts on securing their rights and interests in the GBR. The recognition of native title in the Torres Strait in particular signals the need for reconsideration of the broad approach Australia has taken to Indigenous marine governance (Butterly, 2015). Overall, while the status of sea country claims across the balance of the GBR remains embryonic, there will be major future growth in the testing/expansion of Indigenous Sea Country rights over the coming decade. These developments all suggest that, for the future, all major policy and delivery agenda in catchments and Sea Country must embrace Traditional Owners as rights-holders, requiring action between the nation-state and first-nations to be framed on a negotiated basis.

Dale et al. (2016) deeply outline the long struggle of Traditional Owners to secure better recognition of their rights and responsibilities in the management of Sea Country (see Figure 2 for additional detail). While we seek not to re-detail this struggle here, there are key parts of the story that are important to re-cast to establish the context being progressed in this policy report. Aboriginal and Torres Strait Islander communities in the GBR initiated refreshed sea-management activities as soon as some rights were recognised, albeit to a limited extent, under the Queensland *Community Services Aborigines Act (1984)*. The Palm Island community, for example established the first Community Sea Rangers group in 1983, equipped with a boat to conduct patrols. Kowanyama hosted the Northern Fisheries Conference in 1989, including attendees from the Great Barrier Reef Marine Park Authority (GBRMPA). Some 20 years ago, conflict over dugong management sparked further action from the region's Indigenous communities. As a result, Traditional Owners of the southern GBR and relevant Native Title representative bodies met on Magnetic Island on the 9<sup>th</sup> and 10<sup>th</sup> December 1997. This meeting became the first Sea Forum (Sea Forum I).

Sea Forum I was convened to enable Traditional Owners in the southern GBR to consider and to discuss the implications of the Queensland Department of Environment's Draft Dugong Conservation Plan (released in November 1997). Discussion at Sea Forum I focused on the Plan's perceived shortcomings, particularly the inadequate involvement of Traditional Owners and their organisations in its development. While the Plan's intention to arrest the decline of dugongs was welcomed, its failure to recognise Indigenous rights and responsibilities for the use and management of dugongs was a particular concern. A subsequent delegation from the Sea Forum met with key agencies in February 1998 to discuss this and the broader issue of Sea Country co-management (Sea Forum Working Group, 1999). The outcomes were:

- Agencies acknowledged that recognition of Indigenous rights and interests in dugong management was part of the broader issue of Indigenous involvement in management of Queensland's marine environment; and
- A cross-agency commitment to participate in further Sea Forums to consider the possibility, and a preferred process, for developing a framework agreement recognising Aboriginal rights and responsibilities in management (Sea Forum Working Group, 1999).

As a result of these important decisions, a second Sea Forum was held in Cairns in June 1998. Sea Forum II focused its attention on the merits of starting broader negotiations that might lead to a framework agreement on Aboriginal involvement in marine management in the southern GBR. It was considered that such an agreement would avoid the problems with the Draft Dugong Conservation Plan's development, local level planning activities, and other environment and resource management policies which failed to recognise Aboriginal rights

and interests. Through Sea Forum II, Traditional Owners from across the southern GBR coast prepared a Discussion Paper seeking to develop region-wide frameworks that would incorporate Traditional Owner governance rights and responsibilities into the planning and management of the GBR (Sea Forum Working Group 1999; See Box 1).

The Sea Forum agenda marked the start of a long and difficult process for Traditional Owners seeking genuine involvement in governance and management of the GBR from the family, clan or tribal levels to the sub-regional, regional or even whole of GBR level. At the time, a structured approach to negotiations was not supported by governments. Consequently, since the late 1990s, Traditional Owners have had to make much more fragmented progress through various stop-and-start opportunities provided by diverse programs and policies. Picking up on the Sea Forum intent, and on the back of politics about turtle and dugong management, for example, the Northern Australia Indigenous Land and Sea Management Alliance (NAILSMA) developed a cross-northern Australian approach to progressing regionalised management effort, particularly in the Northern Territory, the Gulf of Carpentaria, Torres Strait, and Cape York Peninsula (DEH, 2005). Emerging from the NAILSMA projects, momentum was sustained through the “Managing Sea Country Together” Project (via a partnership with the then Reef CRC, the Southern GBR Sea Forum Working Group and Balkanu Cape York Development Agency). This project provided a policy focus and progressed ideas for achieving GBR Sea Country co-management (George, Innes & Ross, 2004).

These particular works emphasized the need for the GBRMPA to provide relevant information to Traditional Owners and to support mutual learning with management agencies and people working together towards the best possible design and implementation of future co-management arrangements. Traditional Owners involved themselves extensively in GBRMPA's engagement on the Marine Parks Representative Areas Program (RAP). As a result of these Traditional Owner initiatives, GBRMPA invested increased resources in the coordination of Indigenous engagement and focused on the development of Traditional Use of Marine Resource Agreements (TUMRAs), providing new outcomes for Indigenous communities. At the same time, significant progress was occurring in Traditional Owner native title rights determinations. Further pressure for change was triggered when the High Court delivered an unanimously upheld native title rights to commercial fishing in the Torres Strait through appeal. Together with developments in Blue Mud Bay in the Northern Territory, these decisions essentially opened up a more national conversation on Indigenous communities being more involved in sea country governance (Butterly, 2013).

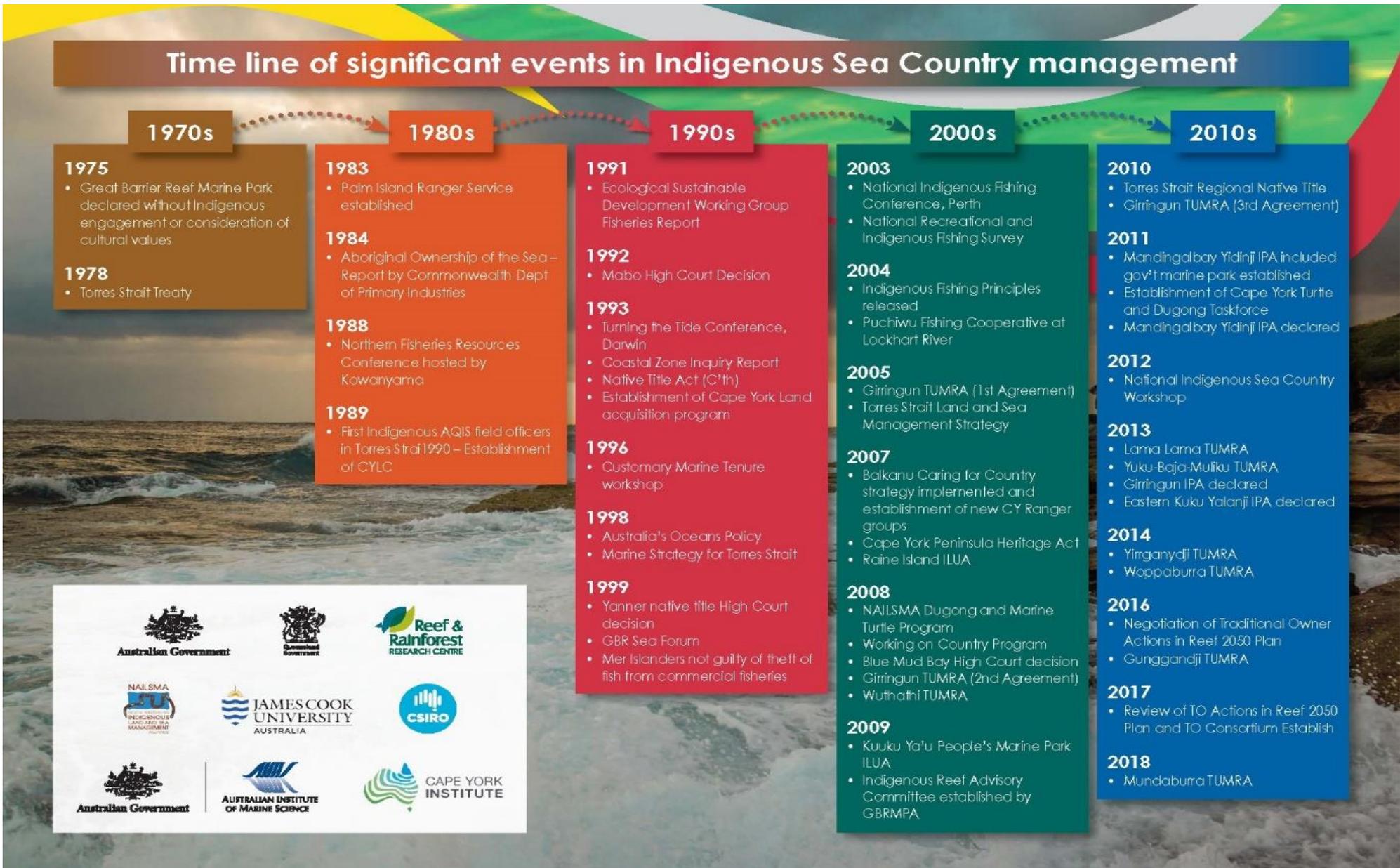


Figure 2: A timeline of Traditional Owner events towards increased involvement in governance and management of the GBR.

As outlined in Dale et al. (2016), further key initiatives in this history have included: (i) the 2004 Taskforce on Marine Turtle and Dugong populations (Department of the Environment and Heritage, 2005); (ii) the formation of the Indigenous Advisory Committee (IAC) required under the *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)*; (iii) and Commonwealth commitment of some \$5 million to targeted turtle and dugong management in Cape York (managed by Balkanu) and the southern GBR (managed by the Queensland Government); (iv) the National Indigenous Land and Sea Country workshops in 2005, 2007 and 2010; (v) the Queensland Traditional Owner Sea Country Turtle and Dugong Workshop in Cairns in 2011 (Markwell 2011); (vi) the formation and forward agenda for the new Indigenous Sea Country Strategic Policy Group; (vii) the consequent Queensland Indigenous Sea Country Management Forum in 2013 (Indigenous Sea Country Strategic Policy Group, 2014); and (viii) the declaration of Indigenous Protected Areas in Sea Country. From the 2013 Forum, finalisation of a Sea Country Management Policy Framework proposed the development and implementation of an overarching strategy for Sea Country management across Queensland. Dale et al. (2016) also outline the important role of Torres Strait communities and institutions, and the GBRMPA itself, in these developments.

An important summary point emerging from this history is that support for a cohesive framework for Sea Country management has been based on a high level of collective agreement and active networking across GBR Traditional Owner groups. The language around these issues has also tended to shift from the focus on joint or co-management of protected areas, towards recognizing the additional need for shared or co-governance of wider Traditional Owners estates with Commonwealth and State governments. Many of the key mechanisms for implementing co-governance approaches are also increasingly in place through stronger Indigenous institutions and co-management frameworks such as TUMRAs. What remains missing, however, is a stronger GBR-wide legal foundation and higher-level co-governance agreement with both governments about a regular framework for supporting and resourcing implementation, review and continuous improvement. Hence, the current new focus on progressing implementation of the *Reef 2050 Plan* presents an opportunity for review.

**Box 1: Extract From the Sea Country Working Group Statement**

Indigenous peoples are the custodians of this country (the Southern GBR). Whether we like it or not, we are responsible for not only our own but for all people, and if we are to have a healthy (sea) country we will all have to work together. This Discussion Paper and (the Sea Forum) process belong to the Indigenous peoples who make up the Southern Great Barrier Reef Sea Forum. The process ... (seeks to move) ... towards a regional framework agreement (about the management of the reef and with the State and Commonwealth Governments): a process that the Aboriginal peoples involved in this project are proud of. Indigenous Peoples are also secure in the knowledge that they still have the customary rights and are responsible for management of their own country.

(Sea Forum Working Group, 1999, p. 3).

### 1.3 The Reef Consortium Supporting GBR Traditional Owners

This project has been managed through a consortium of organisations and individuals involved in supporting the longer term interests of Traditional Owners in Sea Country governance and management in the GBR. The Reef and Rainforest Research Centre (RRRC) has been the head organisation with responsibility as lead on the proposal development and contract agreement with the Department of Environment and Energy. Key responsibility areas for the delivery of the project have required combinations of different skills and experiences. While the consortium consists of a number of organisations, the project has been Traditional Owner-led and driven. Ms Melissa George, a Wulgurukaba Traditional Owner from Magnetic Island and greater Townsville region in North Queensland leads the consortium with project and strategic leadership driven by Liz Wren, who has extensive experience in establishing national Indigenous policy and programs, including in the GBR. A number of Traditional Owner organisations are also resourced to support and provide leadership in this project. They include the Northern Australian Indigenous Land and Sea Management Alliance (NAILSMA) that supported Melissa George and the Cape York Institute that has supported the involvement of Fiona Jose and Mike Winer. The consortium has also had Traditional Owner leads driving and delivering on the project, including Duane Fraser (Wulgurukaba), Larissa Hale (Yuku Baja Muliku Landowner & Reserves Ltd), Leah Talbot (Eastern Kuku Yalanji; CSIRO) and Traceylee Forester (Lama Lama; AIMS). The project was strongly committed to supporting Traditional Owner leadership at all levels. Support and assistance in the science and policy domain has also come from non-Indigenous organisations and individuals who have long worked with GBR Traditional Owners *and* are part of the consortium. They have included Sheriden Morris and Julie Carmody from the Reef and Rainforest Research Centre (RRRC); Ro Hill, Cath Moran and Rachel Buissereth from CSIRO; Allan Dale and Margaret Gooch from James Cook University (JCU); and Libby Evans-Illidge from the Australian Institute of Marine Science (AIMS).

As per the contract Services Agreement, the project has had a number of milestone outputs as key deliverables. This Final Phase 1 Project Report fulfils Milestone 5 that includes:

- (i) An executive summary, consultation methodology, a list of people consulted, their Traditional Owner groups and/or affiliation (e.g. institution, agency, organisation);
- (ii) An assessment of Traditional Owners' current engagement and capacity with respect to implementing the Reef 2050 Plan, key issues, opportunities, impediments, lessons learnt and recommendations;
- (iii) A strategy for refinement and delivery of Reef 2050 Plan commitments, monitoring, reporting and adaptive management and the ongoing involvement of Traditional Owners across the Great Barrier Reef;
- (iv) Advice to better equip the members of the Joint 2050 Team, the Department of the Environment and Energy, Great Barrier Reef Marine Park Authority and the Office of the Great Barrier Reef, Queensland Department of the Environment and Heritage Protection to improve their capacity to engage Traditional Owners in meaningful partnerships in implementing the Reef 2050 Plan and supporting Traditional Owners aspirations;
- (v) Establish a long term basis for ongoing structured engagement with Traditional Owners of the GBR, a broad set of policy issues for resolution, a more cohesive program of works associated with implementation of the Reef 2050 Plan, and the design of the most effective governance arrangements;

- (vi) Incorporate, or give due consideration to, comments from the Joint Reef 2050 Team on the Draft Phase 1 Project Report and will be independently peer reviewed; and
- (vii) Be underpinned by effective and broad Traditional Owner consultation.

## 1.4 Consortium Method and Approach

In developing this Final Project Report, the RRRC Consortium enabled deep engagement of, and collaboration with, Traditional Owners from across the GBR by initially conducting a Reef-wide Traditional Owner Forum in May 2018 (previously reported) and then by undertaking both group and one-on-one engagement with groups throughout the life of the project. This work is fully reported in detail by Gooch et al. (2018). The analysis of engagement is focused on considering and reporting Traditional Owner aspirations and commitments under the *Reef 2050 Plan*, and auditing Traditional Owner group activities and capacities is relative to the current *Reef 2050 Plan* actions, supporting our investigation of the most effective delivery of the *Plan*.

To specifically provide feedback on the original *Reef 2050* Traditional Owner actions, the RRRC Consortium first tested each action under the seven themes at the Reef-wide Traditional Owner Forum (May 2018):

- *Biodiversity*: 4 Traditional Owner actions;
- *Ecosystem Health*: 6 Traditional Owner actions;
- *Economic Benefit*: 2 Traditional Owner actions;
- *Heritage*: 8 Traditional Owner actions;
- *Water Quality*: 1 Traditional Owner action;
- *Community Benefits*: 3 Traditional Owner actions; and
- *Governance*: 2 Traditional Owner actions.

These actions were presented to the forum participants in plenary, and then the actions within each theme were considered in detail in break-out groups. Participants were invited to consider whether each action was important to Traditional Owners, whether the scope and intent was sufficient (with an invitation to propose amendments as appropriate); and if there were any gaps, problems or worries about the actions (with an invitation to propose additional wording considered more appropriate). The advice received from these breakout groups was presented to the Reef 2050 Joint Team in June 2018 through submission of a forum summary report (<https://rrrc.org.au/wp-content/uploads/2018/10/Reef-Forum-Final-Report-Final-101018.pdf>).

In a more detailed engagement associated with Traditional Owner and Traditional Owner Partners across the GBR, an engagement consent form (Appendix 1) and a broad engagement template was then established to guide discussions (Appendix 2). At the end of the engagement process, a detailed content analysis of the engagement transcripts and submissions was undertaken and is presented in a supplementary report by Gooch et al. (2018) in Appendix 4. Additional detailed research work has complemented the engagement process through a wide ranging literature-based research undertaken by consortium team members (particularly AIMS, JCU, CSIRO, CYI and RRRC). Outcomes from both these activities have informed three detailed team-based workshops aimed at developing the key options and statements (recommendations and implementation steps) that would need to be

integrated into the 2020 review of the *Reef 2050 Plan* (Appendix 3). Following this approach, a wider but very preliminary program logic was also developed and tested during November 2018 (see Section 3.4).

## 2.0 TRADITIONAL OWNER GOVERNANCE IN THE GBR

### **In short, this Section:**

Explores who Traditional Owners of the GBR are, their relationship to the use of GBR resources and to the way others use those resources. This leads to the identification of the driving aspirations of Traditional Owners, stressing that these aspirations are most acutely prosecuted at the local (tribal, clan and family scales) level. The nature of customary and organisational governance by Traditional Owners is explored, noting the implications of the complexity of governance arrangements across the GBR.

### **Contractually, this Section:**

Includes advice to better equip the members of the Joint Reef 2050 Team, the Department of the Environment and Energy, GBRMPA and the Office of the GBR, Queensland Department of the Environment and Science to improve their capacity to engage Traditional Owners in meaningful partnership in implementing the *Reef 2050 Plan* and supporting Traditional Owners aspirations.

## 2.1 Traditional Owners, Resources and Other Users in the GBR

The GBR is the largest coral reef on the planet, stretching 2,300 km and covering 344,400 square kilometres; roughly the size of 70 million football fields. Most of the GBR was inscribed as World Heritage in 1981 based on the natural heritage criterion (United Nations Educational, Scientific and Cultural Organization (UNESCO), 2018). Despite its name, coral reefs actually only make up 7% of the total world heritage area, with the remainder made up of the many interconnected non-reef habitats upon which the reef depends (Great Barrier Reef Foundation, 2018). The Great Barrier Reef (GBR), located off the coast of Queensland, Australia, is a UNESCO World Heritage site, one of the seven natural wonders of the world and the world's largest living structure. Spanning 2,300 km, it is home to 600 types of soft and hard corals, 200 birds, more than 100 species of jellyfish, 3,000 varieties of molluscs, 2,500 sponges, 500 species of worms, 1,625 types of fish, 133 varieties of sharks and rays, 6 of the 7 global species of sea turtle and more than 30 species of whales and dolphins many of which are endemic to the area (GBRMPA, 2018; Richards & Day, 2018). Physical diversity is also enormous, including some 3000 coral reefs, 600 continental islands, 300 coral cays and about 150 inshore mangrove islands, and complex bathymetry from the shallows to over 2000 m depth (GBRMPA 2018).

Ecologically and despite the northern jurisdictional boundary of the GBR World Heritage Area (GBRWHA) being a line drawn due east from Cape York Peninsula, GBR ecosystems extend northwards into the Torres Strait and east into the Coral Sea. Reefs and other habitats within the entire region are primarily connected due to ocean currents which facilitate larval dispersal and migratory pathways (Johnson *et al.* 2018). These same currents can also restrict gene flow between local populations of species, although not consistently due to ocean circulation variability. For example, while a genetic study of the ubiquitous reef building coral *Acropora millepora* concluded that reefs around the Keppel Islands in the south were relatively genetically isolated from reefs in the central and northern GBR, it also showed some shared genotypes indicating occasional connectivity (Van Oppen *et al.* 2015).

Traditional Owner interests span the entire GBR. There are at least 70 Traditional Owner groups with rights and interests in Sea Country across the GBR, including, but not limited to: Erubam, Ugarem and Meriam Le; Kaurareg; Gudang; Yadhagana; Wuthathi; Kuuku Ya'u; Kanthanumpun; Uutaalgnunu (Night Island); Umpila; Angkum; Lama Lama; Paal Paal; Guugu Yimithirr Warra; Ngulan; Yuku Baja Muliku; Eastern Kuku Yalanji; Wanyurr Majay; Yirrganydji; Gimuy Yidinji; Gurabana Gunggandji; Guru Gulu Gunggandji; Mandingabay Yidinji; Lower Coastal Yidinji; Mamu; Djiru; Gulnay; Girramay; Bandjin; Warrgamay; Nywaigi; Manbarra; Wulgurukaba; Bindal; Juru; Gia; Ngaro; Yuibera; Dharumbal; Woppaburra; Taribelang Bunda; Bailai; Gooreng; and Gurang (GBRMPA, undated).

The ocean currents that variously connected and separated the GBR's marine biodiversity did the same to social connections amongst Traditional Owners, who originally relied on traditional non-motorised vessels such as canoes and swim logs for marine transport (Johnson, et al 2018; also see Box 2). For example, the Erubam, Ugarem and Meriam Le people of eastern Torres Strait traditionally sailed large dugout canoes to Raine Island and used the islands, reefs and waters of the northern outer barrier reefs, and in doing so, maintained cultural and social contact with the Wuthathi people of Cape York. All four groups are recognised as the Traditional Owners of the region which is now the subject of an Indigenous Land Use Agreement (ILUA) between these groups and the Queensland government (Department of National Parks, Sport and Racing, 2013). Their cultural connectedness is reflected in traditional songlines and stories.

**Box 2: Traditional Owner Connections Across the GBR**

*From here (FNQ) we can talk to the family right down there....to Bundaberg and we have songs about the Reef. When we go there and see their culture and tradition, dance, fire, fishing - they got the green turtle - there is a connection.*

(Traditional Owner, 2018).

Despite such fundamental economic and cultural linkages, Traditional Owners were not consulted in the establishment of World Heritage inscription (which at the time did not address cultural criterion for World Heritage), nor the creation of the marine park. Consequently, and beyond Traditional Owner use of the GBR, non-Indigenous use dominates human activities within the area, and these are predominantly governed through the statutory and regulatory frameworks established to manage the GBR Marine Park and the GBR World Heritage Area (GBRWHA). Most of the GBRWHA occurs within the GBR Marine Park which was established in 1974 and is managed by GBRMPA for multiple uses including commercial and recreational uses. For the purposes of establishing zoning plans with adequate representative protection of GBR biodiversity, the Reef was split into 70 different reef and non-reef bioregions (Figure 3; GBRMPA, 2001). Activities within the different zones of the marine park are regulated by GBRMPA via a permission-based system that includes an application assessment process and the granting of permits (GBRMPA, 2018).

# Bioregions of the Great Barrier Reef World Heritage Area

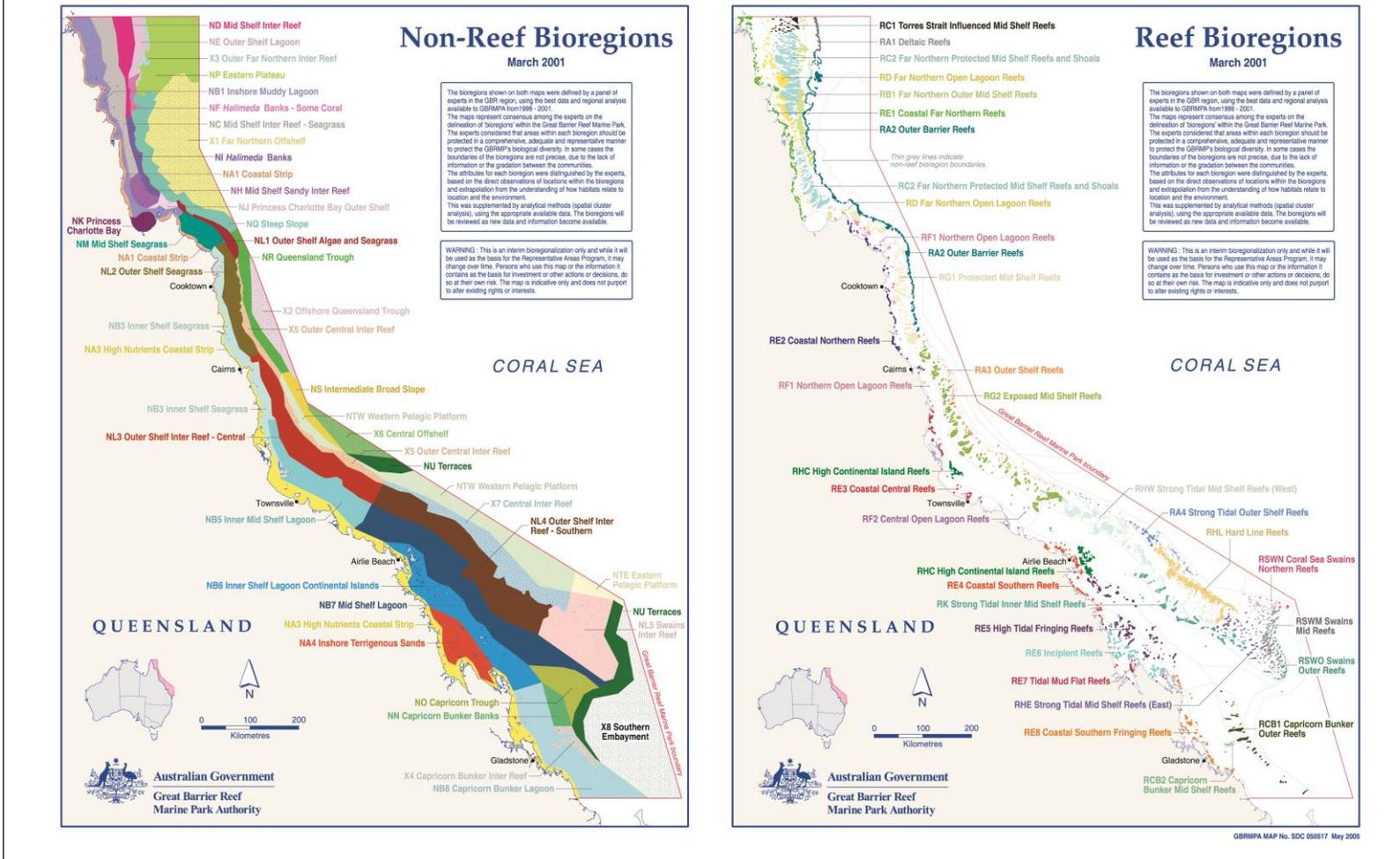


Figure 3: Reef and non-reef bioregions of the GBR Marine Park. Map courtesy of the Spatial Data Centre, Great Barrier Reef Marine Park Authority © Commonwealth of Australia (GBRMPA) 2018

Under current management arrangements, the granting of a GBRMPA resource use permit is a future act under the *Native Title Act 1993* (GBRMPA, 2017). Through emerging recognition, in 2005, GBRMPA established a program to resource and facilitate the development of co-management of resources with GBR Traditional Owners, and since then nine TUMRAs covering approximately 12.9% of the marine park have been implemented (GBRMPA, 2018). To date, however, the Woppaburra TUMRA is the only one requiring permit applicants to undertake direct and specific consultation with Traditional Owners (through the TUMRA steering committee). Assessment of permit applications for activities in the remainder of the marine park includes a native title notification process, where relevant native title bodies are notified of the proposed activity and invited to comment on the possible grant of the permission. According to its permit assessment and decision guidelines, GBRMPA must take regard of any comments made by the Native Title body, but is not obliged to include them in the decision process nor to provide any response to comments received (GBRMPA, 2017). Non-responses are often not followed up, which limits any input from Traditional Owner groups that do not yet have the capacity to undertake such business.

Consequently, Traditional Owners consider that most decisions about non-Indigenous use of GBR resources in their Sea Country are made without their substantive involvement. In theory however, the decision-making context has been improving. In 2017, GBRMPA introduced additional guidelines for permit application assessments to consider impacts on Traditional Owner heritage values, including those entwined with land and sea management and the need to consider the regulation of resource use based on cultural practices. This is supported by a number of policy documents including a Heritage Strategy developed in 2005 (now superseded), a position statement on Indigenous participation in tourism and its management, and a soon to be finalised Aboriginal and Torres Strait Islander Heritage Strategy. However, whether or not Traditional Owner consultation and involvement in decision making is required, decisions are made by a GBRMPA permit assessment officer (on the basis of potential impacts on heritage values) and not necessarily by Traditional Owners themselves (GBRMPA, 2017).

Despite these limitations, consideration and formal recognition of Traditional Owners' views and values in mainstream reef management has come a long way in over four decades since the GBRMP was established. Positive examples include the fact that a key reef research agency, AIMS, has implemented a new policy for staff to consult with Traditional Owners about proposed research projects, despite this not being a requirement of current permits. Real and substantive involvement, however, remains the exception, with very few statutory arrangements for mandatory and meaningful engagement with Traditional Owners in decision making for reef research and management.

## **2.2 The Economic Status of Traditional Owners in GBR Sea Country**

This general lack of real engagement in decision making about resource use in the GBR is made more problematic by the actual economic marginalisation of Indigenous groups in Australian society. Globally, Indigenous people are amongst the most socio-economically disadvantaged and vulnerable segments of society (Hunter, 1999; Leigh & Gong, 2008; Peredo, Anderson, Galbraith, Honig & Dana, 2004), and the story is no different for Traditional Owners in the GBR. Hall and Patrinos (2005) note that "being Indigenous significantly increases one's chance of being poor", and in Australia, Hunter (1999) has observed that there are three 'Nations': the rich, the poor and the Indigenous. In the GBR region for example,

residents of Mabuiag and St Pauls (Indigenous communities in Torres Strait at the far northern end of the GBR) “earn about 50% of what their Australian counterparts earn; each community has only one general store at which to purchase food, and the mean price of commodities is 53% higher than on the mainland. Community residents thus face the double burden of low income and high prices, with real incomes substantially below those of their non-Indigenous and/or mainland counterparts” (Delisle et al, 2018:4).

Rural/remote-area disadvantage in particular is frequently observed, and often attributed to what is sometimes termed the *Core-Periphery* problem (Carson, 2009; Horsley, 2013). In this context, Indigenous disadvantage is exacerbated by the fact that: (i) Indigenous economies are not simply smaller versions of (traditional) Western economies (Altman, 2001); and (ii) there is a disjunct between Indigenous and non-Indigenous economies (Stoeckl, Esparon, Farr, Delisle & Stanley, 2014). When money is ‘injected’ into the mainstream economy (as when, for example, the agricultural, mining or tourism sectors are stimulated), very little ever trickles down into the ‘Indigenous economy’. Conversely, when money is ‘injected’ into the Indigenous economy, a large proportion of that money flows, almost instantaneously, to non-Indigenous people as when, for example, Indigenous people pay their rent or buy their food from corporations which are, for the most part, owned by non-Indigenous people (Stoeckl 2010). Policies designed to promote economic growth using methods designed for western, urban economies thus invariably generate larger financial gains for non-Indigenous than Indigenous people, reinforcing and even exacerbating existing disadvantages.

If the goal of improvements in GBR governance is to promote development in Indigenous communities, then policies need to find ways to increase the demand for goods and services that are (a) produced by Indigenous people, and (b) generate benefits that align with the goals and aspirations of Indigenous people (Jarvis et al., 2018). Crucially, true economic development requires open acknowledgement of the fact that the ‘benefits’ of development are much more than just mere dollars and that ‘goods and services’ include much more than physical ‘things’ (such as i-phones and cars). Policies that focus on developing social welfare / wellbeing (not just growing GDP or protecting natural assets) and that ensure that portfolios of goods and services targeted for promotion include socio-cultural, environmental and other goods and services are known to make a positive contribution to Indigenous wellbeing. Policies that do more than just create a one-off stimulus (which disappears as soon as funds run out) foster conditions open to Indigenous creativity and innovation; conditions capable of kick-starting a self-sustaining cycle of reinforced growth that can leverage initial opportunities, to sustain longer term Indigenous-led development (Florida, 2014). Improving (Indigenous) agency is key, effectively reconceptualising development and environmental management as ‘freedom’ (Sen, 2001). Considering policy in this way creates the conditions that will lead to a fundamental alteration of existing economic structures. Current structures focus almost exclusively on the wrong things (e.g. one-off stimuli) while excluding Indigenous people and their aspirations and enterprises. More inclusive policies that focus on creating the conditions for creativity and innovation can help ensure that further development and new approaches to environmental protection and restoration (irrespective of whether it is Indigenous or non-Indigenous led) will be for the benefit of the wellbeing of all in the true economic sense.

## **2.3 Traditional Owner Aspirations for Land-Sea Country in the GBR**

With these economic considerations in mind, more understanding of Traditional Owner rights and aspirations is required by governments and other GBR stakeholders. Traditional Owner rights and interests arise from their customary law/Lore and governance, developed by their societies through their occupation of traditional estates over millennia. The more specific aspirations of Traditional Owners in Sea Country are expressed most clearly at this local estate (family, clan or tribal) level. These aspirations have been articulated through the original work of the Southern GBR Sea Forum Working Group (1999), the Cape York Turtle and Dugong Taskforce (2011), other cross-GBR processes and now finally, this wide consortium engagement effort (i.e. informed by Gooch et al. 2018; Appendix 4). Through these processes, Traditional Owners have broadly, consistently and collectively said these aspirations include:

### *1. Recognition and respect for Indigenous aspirations in Sea Country management*

- Management agency recognition and accommodation of rights to co-governance of Sea Country (and catchment) resources at the estate level, as embodied by native title and other rights-related mechanisms;
- Communities developing and implementing their own plans/aspirations for Sea Country and catchments as a basis or framework for negotiation of management;
- Indigenous peoples and their interests providing the catalyst for legally sound, integrated and coordinated management between agencies; and
- A negotiated level of Indigenous control and influence over all levels of management decisions within the GBR.

### *2. Sustainable resource use management through cooperation*

- Sustainable natural resource management achieved by a link between Western and Indigenous knowledge and science and based on mutual respect and understanding;
- Acknowledgment and accreditation of Indigenous knowledge of natural resource use that can improve existing resource management methods;
- Sustainable resource use outcomes being facilitated by the use of best practices;
- Protection of Indigenous intellectual property used in resource co-management;
- Protocols established with other resource users for all dealings affecting sea country; and
- Full engagement of Traditional Owners in the restoration and protection of catchments and ensuring that what happens on land has minimal effect on sea country.

### *3. Education*

- Education of the wider community about culture and sustainable resource management (e.g., through tourism – see Box 3);
- Education at a planning and policy level about Indigenous culture and associated management goals through Indigenous involvement in decision-making and management;
- Education for Indigenous peoples (young and old) about current resource management methods, applications, and planning policy structures; and

- The use of wider education resources as a means for promoting recognition of rights.

**Box 3: Traditional Owner Desires For Education Thru Tourism**

*We need to get involved in the tourism industry – there's white fellas (tourism operators) out there talking about our people.*

(Traditional Owner, 2018).

*4. Cultural practice and regeneration*

- The use of land and sea country as a medium for resolving historic conflict;
- The use of marine resources for cultural maintenance and restoration;
- The recording, protection and management of places of cultural significance;
- Indigenous control and management of cultural property and heritage;
- Resource management/ownership continuing as a basis for customary law/Lore; and
- The supported development of Indigenous knowledge systems under Indigenous control.

*5. The generation of sustained business opportunities and socio-economic benefits*

- Securing, enhancing and exercising (legal) economic rights;
- Structuring sustainable economic benefits to address socio-economic disadvantage of Indigenous peoples (e.g., health/living standards, economic dependence, etc.);
- Recognition and enhancement of Indigenous subsistence economies;
- The use/management of resources as a basis for employment and training;
- Traditional Owners see themselves as the major contributors to delivery of environmental services on the Reef, and aspire to increasingly provide these; and
- Establishing Indigenous businesses to promote education and economic development.

While there are many common aspirations, all Traditional Owner groups across the GBR continue to stress that it is up to individual groups to determine and to promote their own aspirations at the sea **country-based scale, self-defined locally at either the family, clan or tribal scales**. These local aspirations form the basis for all local scale co-governance within principles/guidelines that can also be negotiated upwards through more aggregated subregional, regional or whole-of-GBR levels.

While there is some recognition of the long term and driving focus of these aspirations, our engagement would suggest that Traditional Owners view the *Reef 2050 Plan* as a “holding pattern” approach on minor level commitments to supporting their aspirations. They are unable to see a strong, cohesive and lasting approach to GBR co-governance. Consequently, Traditional Owners are looking for a new direction as genuine partners in the relationship between themselves, governments and key stakeholders/partners in GBR governance.

## **2.4 Traditional Owner Governance Arrangements for the GBR**

Grass-roots level Indigenous or Traditional Owner governance in the GBR is linked to cultural traditions and is highly diverse amongst groups, with connections to unique languages, cultures, environments, and practices (including songs, stories and dance) (Talbot 2017). Cultural (or customary) governance is represented by systems and methods that determine contemporary decision-making approaches. These approaches to decision making at the more local scales can vary between Traditional Owner groups throughout the GBR. For many GBR Traditional Owner groups, contemporary governance systems are founded upon their laws, beliefs and customs developed over the millennia prior to colonisation, and handed down through generations (von der Porten & de Loë, 2014). Indeed, many of the approaches taken by Traditional Owners today stem from pre-colonial times but have continued to develop and adapt to current pressures and changes. Distinguishing characteristics of Indigenous customary governance include:

- Consensus building (rather than majority) decision-making;
- The inclusion of clear roles for elders and cultural leaders;
- Resource-sharing, with a focus on families, group property, and social prestige (in contrast to more individualistic approaches);
- The recognition of land (and sea) tenure based on cultural and traditional ties, usually a kind of collective, common property ownership, (rather than private property ownership) and including sacred areas; and
- a focus on community cohesion based on relationships, often on kinship levels, with complex social categories determining reciprocal responsibility (Fenelon & Hall, 2008).

History has had many impacts on cultural forms of governance in the GBR (see Box 4). In contemporary times, however, in addition to customary governance, Traditional Owners are involved in various ways in more formalised forms of corporate or organisational governance arrangements, providing the basis under Australian/Queensland legislative and policy arrangements for them to formally progress and deliver on their collective aspirations. These post-colonial decision-making systems or organisational governance arrangements include:

- Informal and formal corporate and organisational entities (e.g. Registered Native Title Bodies Corporate (RNTBCs), Prescribed Body Corporates (PBCs), Land Trusts, Companies, Indigenous corporations and associations, etc.). These organisations meet a range of legal and statutory roles and responsibilities, including administrative and corporate administration, employment and financing. Some are Indigenous organisations with mixtures of influence from cultural and nation-state governance arrangements which emerged in response to the requirement for Aboriginal and/or Torres Strait Islander people to 'hold' tenure rights and to administer their responsibilities to land where native title and other rights have been recognised (Hunt, 2008). A large number of such entities have been established throughout the GBR region and facilitate ongoing consultations and negotiation between local Traditional Owners and other stakeholders such as development companies, industry corporations and governments (Talbot 2017). These organisations do not receive ongoing taxpayer funding to carry out their statutory and other functions;
- To carry out more formalised business activities, many Traditional Owner groups have also established other native title-related organisations, including charitable trusts,

discretionary trusts, companies and associations under relevant state laws (Financial Services Council 2015). Some Traditional Owner groups, for example, have then been able to establish and operate Land and Sea Ranger Programs;

- Traditional Owners also engage through self-determined but aggregated organisational governance arrangements generally based on more geographically-defined (i.e. north, central and south) sections of the GBR region. For example, Girringun Aboriginal Corporation comprises an alliance of nine tribes and is based in Cardwell;
- Aboriginal and Torres Strait local governments administering Deeds of Grant in Trust (DOGIT) lands including on Cape York Peninsula (CYP). Aboriginal or Torres Strait Shire Councils within GBR catchments include Bamaga, Boigu, Cherbourg, Dauan, Erub, Eulo, Hammond Island, Hope Vale, Lama, Injinoo, Kubin, Lockhart River, Mabuiag, Masig, New Mapoon, Palm Island, Poruma, Saibai, Seisia, St Pauls, Ugar, Umagico, Warraber, Woorabinda, Wujal Wujal, and Yarrabah;
- Native Title Representative Bodies or NTRBs (Land Councils) are corporate entities established under specific legislation to consult with and represent Aboriginal and Torres Strait Islander peoples to regain rights to land and sea Country (by claim or purchase) and to achieve legal recognition of those rights in a Western legal system. There are four NTRBs (comprising 4 regions) working with Traditional Owners in the GBR: Cape York Land Council, North Queensland Land Council and Queensland South, while, in the Torres Strait region, the Torres Strait Regional Authority (TSRA) is the Native Title Representative Body;
- A variety of more informal committees, boards and taskforces also play a role in the organisational governance for Traditional Owners of the GBR. For example, the Cape York Turtle and Dugong Taskforce of Traditional Owners provided guidance on the implementation of the *Cape York Turtle and Dugong Strategy*, including the development of a united policy position on the culturally-appropriate management of hunting and other human activities. Also, in the past, Sea Country Forums were regular meetings for Sea Country Traditional Owners from the GBR to come together. A range of organisational governance structures also enable input from Traditional Owners from the Wet Tropics region (which falls within the GBR catchment) into decision-making related to the Wet Tropics World Heritage Area (WTWHA) (Cultural Values Project Steering Committee 2016);
- Traditional Owners across the GBR region also often participate in the delivery of the National Landcare Program projects through formalized involvement with regional National Resource Management (NRM) groups; and
- The Northern Australian Indigenous Land and Sea Management Alliance (NAILSMA) demonstrates an even wider a cross-national approach to supporting Traditional Owner land and sea management across northern Australia, particularly for the Northern Territory, Gulf of Carpentaria, Torres Strait, and Cape York Peninsula.

Formalised local agreements also represent a form of organisational governance in the GBR. TUMRAs, for example, are voluntary agreements developed by Traditional Owners and accredited by the GBRMPA and State Department of Environment and Science (DES). They set out details on management of sea country, including how groups aspire to manage natural resources (including protected species), defining roles in monitoring, and determining actions relating to communication and education. There are currently nine TUMRAs over the GBR (including with groups such as Girringun, Gunggandji, Lama Lama, Port Curtis Coral Coast, Woppaburra, Wuthathi, Yirrganydji, Mandubarra and Yuku Baja Muliku). The Kuuku Ya'u

Peoples Indigenous Land Use Agreement (ILUA) and the Raine Island National Park (Scientific) ILUA are voluntary agreements between native title groups and others, about native title matters, including the use of land and waters. When registered, ILUAs bind all parties holding native title in the agreement area to the terms of the agreement. Federally-declared Indigenous Protected Areas (IPAs) also represent an emerging new governance form.

From this, it can be seen that more corporate forms of governance promulgated by GBR Traditional Owners involves a range of organisations and structures involved in planning, management and decision-making business of the GBR catchments, coasts and reefs.

**Box 4: The importance of understanding historical impacts on Traditional Owner governance systems.**

Understanding the impacts of historical legacy issues, and how policies enacted in the early 19<sup>th</sup> century still affect Aboriginal people today is important when attempting to engage with Aboriginal peoples. The impacts on Aboriginal Peoples' governance systems, and on the associated transfer, use and application of knowledge for making decisions, continue into current times.

(Talbot, 2017).

***Non-Indigenous Governance of Traditional Owner Interests in the GBR***

Specific organisational governance arrangements created and developed by the GBRMPA include an Indigenous Reef Advisory Committee (IRAC) and a Tourism Reef Advisory Committee (TRAC). The IRAC consists mainly of Traditional Owners connected to the GBR directly involved in TUMRAs, or a similar program, as well as other persons with appropriate professional abilities. The TRAC consists of people with skills and experience in tourism in general and specifically within the GBR. The TRAC has one Indigenous member who identifies as a Reef Traditional Owner who has connections to the GBR. GBRMPA has also developed their capacity to partner with Traditional Owners since 2008 through the Land and Sea Country Indigenous Partnerships Program. There is also Traditional Owner membership on the GBRMPA Board (one member) and GBRMPA delivers science and management workshops for Traditional Owners, compliance training and monitoring for traditional knowledge. In addition to this, the *Reef 2050* Governance arrangements include various committees, some with Indigenous representation and involvement. There is Traditional Owner representation on the Reef 2050 Advisory Committee, the Independent Expert Panel and the Reef Integrated Monitoring and Reporting Program (RIMReP) Steering Committee.

***The Complexity of Traditional Owner Governance Arrangements***

As the preceding discussion demonstrates, current-day GBR Traditional Owner organisational governance and advisory arrangements are very complex and fragmented. This complexity of current governance arrangements and organisational structures can represent significant challenges for Traditional Owners. There is a definite need to support the development of stronger Traditional Owner governance arrangements that reflect and meet the needs of not only government, but also Traditional Owner customary and organisational responsibilities in decision-making at more local scales. The existing Torres Strait Regional Sea Claim and

current work to develop a Cape York one-claim approach to claims resolution reminds us of the importance of also responding to Traditional Owner requests for more regional engagement and involvement at that scale. Further, at the whole of Reef level, there is a clear need and desire to develop a regional Traditional Owner organisational governance structure that would simplify and unite Traditional Owner voices throughout the GBR region. There would need to be careful consideration of the governance arrangements needed to support such an approach and this should be explored with key Traditional Owners and other experts.

## **2.5 The Challenge for Agency Appointed Indigenous Representation**

Despite decades of reports, recommendations, changing governments and changing GBRMPA management, there is still minimal Indigenous representation or influence in structured Reef governance and management (see Table 2). Resourcing and empowerment of Indigenous people in sea management has been minimal. The *Reef 2050 Plan* needs a structural and strategic response to this challenge:

- Resources and funding for the GBR has had an historical focus on non-Indigenous action in the central and southern GBR and as little as 5% of GBR funding goes north of Cairns and only a small fraction of that is allocated to Indigenous initiatives;
- Centralised reef management has resulted in nothing being tailored to the unique needs and societal dynamics of different regional sections of the GBR;
- Indigenous people represent only 4% of the national population and struggle to be heard over the clamour of powerful interest groups such as science organisations, conservation groups, universities, tourism groups and the mining sector;
- Indigenous governance systems get little recognition and can be disempowered by formalised governmental processes, interest groups and non-governmental organisations (NGOs). Formal representation remains delegated to a limited number and often token steering and advisory groups;
- Capacity and capability within and amongst Land Trusts, PBCs and NTRBs is inconsistent, hindering approaches to the building of a consistent Indigenous voice across the GBR; and
- The Traditional Owner ownership of future and potential environmental services rights needs clarification as competition for private sector funds increases.

Consequently, across the entire GBR, it is critical that Traditional Owners are properly engaged as primary land owners; not just as stakeholders. Despite being the largest single land-owning group in the northern GBR catchment and having emerging Native Title rights that will impact across the whole Reef, Indigenous people clearly remain under-represented in decision-making bodies.

Table 2: Examples of Indigenous involvement in formal GBR governance structures.

| Key GBR Stakeholders & Governing Bodies                        | Non-Indig Members | Indigenous Members |
|--|-------------------|--------------------|
| <b>Great Barrier Reef Marine Park Authority – Board</b>        | 4                 | 1                  |
| <b>Australian Institute of Marine Science - Council</b>        | 7                 | 0                  |
| <b>Great Barrier Reef Foundation - Board</b>                   | 15                | 0                  |
| <b>Reef Trust</b>  |                   |                    |
| - Joint Steering Committee (government representatives)        | 3                 | 0                  |
| - Reef 2050 Advisory Committee (interest groups)               | 16                | 1                  |
| - Independent Expert Panel                                     | 14                | 1                  |
| <b>Australian Museum Foundation (Lizard Island) - Trustees</b> | 10                | 0                  |

Not only are Indigenous people rarely represented in formal decision making arrangements, they are mostly relegated to advisory positions devoid of reasonable power. Nor are they usually resourced to adequately report to or consult with their constituents. Indigenous people are also generally relegated to address an Indigenous issues box, despite having interests across all portfolios of Reef-relevant activity including tourism, mining, fishing, agriculture and land management. Current advisory systems and roles are insufficient. Key representation problems identified during our engagement with Traditional Owners have included:

- Management of different marine jurisdictions is done through different agencies which each seek Traditional Owner involvement, and this causes a duplication and dilution of Traditional Owner effort and resources;
- Traditional Owner representatives on Advisory Committees are often chosen by the agencies rather than being nominated via Indigenous governance structures. This means that Traditional Owner representatives may not have authority to speak on management issues, and may not have processes or resources for consulting with, taking advice from, and reporting back to other Traditional Owners;
- Traditional Owner participation is often limited to one or a few individuals who are considered by the agencies as a voice for Traditional Owners. Because of the size of the GBR, the diversity of Traditional Owner groups and the diversity of the marine and terrestrial environments, it is not possible for a few over-worked people to have capacity to speak authoritatively for the whole GBR region;
- Advisory roles and influence can often be dominated by a few privileged groups who have sufficient resources. Traditional Owners can speak for their own estate and a governance system or network, especially on issues of shared stock such as turtle and dugong, new regulatory legislation or actions and the fair distribution of government funding and resources;
- Traditional Owner legal rights and responsibilities emanate from native title and from being the holders of Aboriginal freehold tenure. Consequently, agencies should be making arrangements now to accommodate the growth of native title interests across the GBR; and

- There is also growing expectation from the international community and World Heritage bodies that the FPIC of Indigenous peoples is required in significant decision making, not only for new World Heritage listings but also for major management changes in established World Heritage Areas.

## 3.0 HOW TRADITIONAL OWNERS HAVE DRIVEN THE REEF 2050 PLAN AND WHAT HAS IT DELIVERED?

### **In short, this Section:**

Explores the processes leading to the development of the Traditional Owner Actions in the *Reef 2050 Plan*, past processes of review and mid-term refinements established via early aspects of this consortium-led project. It sets the context of increasing recognition of Traditional Owner rights over land and sea country requiring stronger negotiated approaches to future Reef planning. Advice from Traditional Owners across the GBR is presented that argues for a more over-arching negotiation process and program logic (based on Free Prior and Informed Consent) to be developed to account for their aspirations in the development of the 2020 Review of the *Plan*.

### **Contractually, this Section:**

Identifies gaps in the implementation of the *Reef 2050 Plan* and prepares for the development of recommendations on how, and by whom, these gaps can be addressed.

## 3.1 What the *Reef 2050 Plan* Said and How it Was Developed

The *Reef 2050 Plan* has provided opportunities for Traditional Owners across the seven theme areas of ecosystem health, biodiversity, heritage, water quality, community benefits, economic benefits and governance. The development of the original Reef 2050 Plan in 2014 was a collaborative process with a partnership group of key stakeholders, chaired by Ministers. Multiple workshops, with all partners and stakeholders coming together, were held to develop, discuss and review elements of the draft proposed Plan. Traditional Owner representatives were at the table with stakeholders, including farmers, fishers and ports, etc. In addition, the Australian Government provided specific resources through a contract with Traditional Owners to engage and consult with Traditional Owners about their preferences for actions and targets across the 7 themes of the proposed Plan. This resulted in the submission by the Indigenous Sea Country Strategic Policy Group. The proposed actions and targets of this report were inserted directly into the draft Reef 2050 Plan that went out for public comment in 2014.

The inclusion of Traditional Owner actions in the *Reef 2050 Plan* was a big step in the right direction by the Commonwealth and State governments towards a more engaged approach to managing the GBR in partnership with Traditional Owners. As a result of these processes, some 27 key (now 23) actions were established – examples include:

- Incorporate and prioritise Traditional Owner's planning into existing and future ecosystem policy and programs. [EHA2]
- Develop further agreements with Traditional Owners addressing management of ecosystems within their traditional estates [EHA4]
- Work with Traditional Owner groups to identify biocultural resources within their sea country and develop plans of management for conservation and use of those resources. [BA2]

- Improve Traditional Owner engagement to strengthen participation in decision making at all levels relating to the conservation and cultural use of biodiversity. [BA3]
- Work with and support Traditional Owners to collect, store and manage their own cultural heritage information. [HA2]
- Facilitate robust consideration of heritage values in planning processes, including development and associated activities. [HA6]
- Review current mechanisms and processes to improve benefits to Traditional Owners engaged in sea country management. [CBA1]
- Assist Traditional Owners to be business-ready and have improved capacity to generate economic benefits from use and management of their traditional estates. [EBA2]
- Improve Traditional Owner participation in governance arrangements for protection and management of the Reef. [GA11]

However, there were few cohesive and long-term resources allocated to implement these management actions. Further, the essential structured arrangements needed to enable equity and authority for Traditional Owners (while also ensuring there could be strong accountability, focus and feedback for implementation) is not yet in place. Finally, there remains a very significant imbalance between the broad level of investment in GBR protection *and* management and actions focused on meeting Traditional Owner aspirations. Greater and more effective ownership and involvement of Traditional Owners (or more involvement in GBR governance) across the actions and targets identified within the *Reef 2050 Plan* is required.

Through the *Reef 2050 Plan* review processes, an opportunity now exists for Traditional Owners across the GBR to progress GBR-wide agreement-making that supports the progression of these issues and others that Traditional Owners may identify as being critically important for their future involvement in the governance and management of sea country and the catchments flowing into the GBR. While mid-term review of the *Reef 2050 Plan* provided an opportunity to progress some key issues of importance, the 2020 review process can embrace the fact that co-governance approaches to GBR governance can provide an opportunity to reset the compass beyond *Reef 2050* (as discussed in Section 4 below).

## **3.2 Traditional Owner Input and Refinement of the Reef 2050 Plan: The Journey**

### ***Traditional Owner Led Framework 2010-14***

A significant key step in influencing the *Reef 2050 Plan* came through the previously mentioned Indigenous Sea Country Policy Group. In 2014 the Indigenous Sea Country Policy Group (a small strategy group) presented a Queensland Sea Country Management Policy Framework to the Australian Government's Department of the Environment. This work was informed by a series of Traditional Owner workshops held between 2010-2014. The product was established prior to the development of *Reef 2050* and represented an authentic Traditional Owner-driven process for operationalising Traditional Owners' critical thinking around the future of land and sea management in the GBR region and beyond (i.e. the Gulf of Carpentaria and South East Queensland). This Framework detailed a guiding set of Principles and established a series of strategies to operationalise six key result areas: 1) Leadership and Governance; 2) Planning; 3) Community Relationships and Engagement; 4) Management of High Conservation Areas;

5) Training; and 6) Monitoring and Research. This was important work from an historical viewpoint and eventually will need consolidation into the *Reef 2050 Plan* framework.

### ***The Onset of More Government Led Approaches***

In 2015, the Australian and Queensland governments released the *Reef 2050 Long-Term Sustainability Plan (Reef 2050 Plan)* as an overarching strategy for managing the GBR. The plan was seen as a world-first document to outline collective management measures over a 35-year period and included a set of actions, targets, objectives and outcomes to drive short and long-term management of the GBR. Underpinning the development of the *Reef 2050 Plan* was the Australian and Queensland governments' dual strategic assessment processes. Commencing in 2012 in response to the World Heritage Committee's request for Australia to undertake a comprehensive strategic assessment of the entire property, the *Reef 2050* planning process aimed to identify planned and potential future development that could impact on the GBR's Outstanding Universal Values (OUV) and worked to enable a long-term plan for sustainable development that would protect them (WHC Decision 35 COM 7B.10.2011).

Under the jurisdiction of a multiple use marine park, governments consulted with key users of the Reef to inform development of the *Reef 2050 Plan* but did not partner with Traditional Owners. Ultimately, the decisions about the overall strategic direction and goals of *Reef 2050* were made by governments alone, with Traditional Owners' roles delegated to developing more operational management objectives, targets and actions to implement the overall strategic direction. Engagement occurred against an established and more top down structure consisting of seven (largely biophysically-focussed) themes: ecosystem health; biodiversity; heritage; water quality; community benefits; economic benefits and governance. Stepping outside of the intense sole focus around the biophysical values of the Reef, the inclusion of the later three themes into the Plan was welcomed by Traditional Owners as a significant opportunity to participate in a more cohesive dialogue around land and sea management. This was felt at the time to be a more inclusive approach to the multiple aspirations and dimensions of Traditional Owner land and sea country management, and more in sync with their critical thinking around an holistic sea country management framework.

Key challenges were met in the development of the Traditional Owner actions and targets under *Reef 2050* established themes. Two key challenges faced at the time were that consultations were undertaken within a truncated engagement period; and the seven *Reef 2050* themes were already designed by government partners (prior to engagement with Traditional Owners). This was problematic because Traditional Owner determined actions were prescribed within a sea country management framework but then needed to be remodelled to fit into a new separate pre-designed and compartmentalised government strategic framework. This in fact, has resulted in deconstruction, splits and delays in operationalising Traditional Owner aspirations within the strategic directions set for reef management. The seven themes represented in *Reef 2050* (and broadly the bureaucratic language associated with the Plan) have not translated well to Traditional Owner understandings of their responsibility towards or management of their land and sea country; or within the context of decision-making processes that govern their cultural practices.

At the heart of this problem is the ongoing issue of Traditional Owners not being afforded appropriate opportunities to co-govern and thereby contribute to the design of major elements

of the Plan's architecture prior to deeper engagement around its content. As such, Traditional Owner led actions positioned across the seven themes have not been operationalised or implemented well since its inception in 2015, with Traditional Owners making no real connection, link or representation of their efforts in management and protection of their traditional land and seascapes back into the *Reef 2050* reporting cycle. Whilst government partners may be able to identify diverse and positive Traditional Owner efforts under the *Reef 2050 Plan*, there is a significant gap around appropriate structuring of what and how information should be sought from Traditional Owners, to confidently articulate their effort and to inform impact under the *Reef 2050 Plan*. A critical information management and flow gap persists three years after the *Reef 2050 Plan* has been implemented in that Traditional Owners themselves are still not positioned well to report on their actions directly under the *Reef 2050 Plan*.

### ***First Presentation of Traditional Owner Aspirations to the Reef 2050 Plan***

Notwithstanding the separateness represented in the established themes of *Reef 2050*, Traditional Owners participated in engagement processes as requested, and their efforts culminated in the production of a report to the Australian Government in 2014. The report titled *Reef 2050 Long Term Sustainability Plan Indigenous Targets* was submitted to the Commonwealth Department of Environment by the Indigenous Sea Country Policy Group and the Cape York Turtle and Dugong Taskforce Steering Committee (Indigenous Sea Country Strategic Policy Group, 2014). The report detailed Traditional Owner aspirations for ongoing management of the Reef in partnership with others, presenting key objectives, targets and actions under each of the *Reef 2050 Plan* seven themes. Importantly it also provided a contextualisation of, and linking to, the important work that Traditional Owners had done leading up to the *Reef 2050 Plan* to establish their future aspirations.

Advice to the *Reef 2050 Plan* process was consistent with long term debate and planning that had occurred to date by Traditional Owners around the management and protection of their sea country and included actions focused on supporting governance arrangements; community benefits and economic opportunities to strengthen the building blocks of community life. In addition, Traditional Owners once again sought that governments afford due consideration, respect and recognition to Indigenous peoples under the United Nations (UN) Convention on Biological Diversity (CBD) Articles 8(j) and 10(c) and the various CBD guidelines. A lack of active demonstration by government partners around integration, coordination and alignment of localised activity under this international framework largely continues as a missed opportunity for Australia in its world leadership of reef management.

Traditional Owner advice to government also importantly requested that partners give due respect and consideration for their previous strategic planning efforts, including the recommendation to implement the 2014 Queensland Sea Country Management Framework. This recommendation was not accepted as a part of the *Reef 2050 Plan*, creating a somewhat disparate environment within which the suite of actions now ultimately reside. That is, the *Reef 2050 Plan* does not strategically aggregate up to adequately explain the overarching Traditional Owner logic or narrative within the programmatic hierarchy of the *Reef 2050 Plan*. The uptake of the Traditional Owner actions, without a cohesive overarching framework, has left these actions to be dealt with as discrete and somewhat disconnected units, with a limited strategic framing. An additional challenge is that the actions detailed in the *Reef 2050 Plan* are

not consistently described (i.e. they are at different levels, with some at a project activity level, some foundational activities and some outcomes focused activities).

In 2016, the Australian Government's National Environmental Science Program (NESP) Tropical Water Quality (TWQ) Hub sought feedback on the implementation of the NESP TWQ Hub Indigenous Engagement and Participation Strategy (IEPS) through NESP TWQ Hub Project 3.9. This project also provided an analysis of Indigenous specific targets/actions identified within the Reef 2050 Plan to inform future TWQ Hub research priorities (the Research Plan): Indigenous Capacity Building and Increased Participation in Management of Queensland Sea Country. This work presented five key components: Recognition and Respect; Sustainable Resource Use and Cooperative Management; Education; Cultural Practice and Regeneration; and the Generation of Sustainable Socio-Economic Benefits.

### ***First Attempts at Implementation of Traditional Owner Aspirations Under Reef 2050 Plan***

The operating environment of the *Reef 2050 Plan* is complex. There are an increasing number of government and non-government organisations playing a role in the protection of the GBR. New cross jurisdictional governance and multi-stakeholder advisory committees emerged as new governance arrangements were established to implement the management of the *Reef 2050 Plan*. This included convening a multi-sectoral Reef Advisory Committee (RAC) to facilitate engagement with industry and the broader community regarding the implementation and review of the Plan. One male Traditional Owner representative sits on the RAC comprising a multi-disciplinary mix of over 20 people. One male Indigenous expert is also a member to the Independent Expert Panel (IEP).

The RAC oversaw an early directive under the *Reef 2050 Plan* to prioritise and develop sector specific implementation plans and reporting protocols addressing the targets and actions in consultation with the community (Governance Action 12). Actioning this commitment resulted in the commissioning of the *Reef 2050 Indigenous Implementation Plan* developed by the Gidarjil Aboriginal Corporation in 2016. This Plan was the first specific implementation plan developed. Whilst there was not a comprehensive mapping of how Traditional Owner actions might be implemented or prioritised within a logic that situates linkages and interdependencies (including cause and effect relationships between inputs, outputs and outcomes) this work focused once again on providing general findings for where Traditional Owners would like to see effort and resourcing placed. The report identified three key areas to focus on as priorities for implementation: (i) establish a Reef 2050 Indigenous Coordination Unit; (ii) cultural heritage; and (iii) business capacity.

### ***First Review of Traditional Owner Aspirations Under the Reef 2050 Plan***

In recognition of the changing environment, scale and ground-breaking nature of the *Reef 2050 Plan*, the Plan committed to a mid-term review as part of its adaptive management approach. As part of this project, an analysis around Traditional Owner actions was undertaken by the this RRRC Consortium in response to the mid-term review. A report ([https://rrrc.org.au/wp-content/uploads/2018/10/AA\\_Mid-term-Review-Report\\_RRRC-Revised-Final\\_101018a.pdf](https://rrrc.org.au/wp-content/uploads/2018/10/AA_Mid-term-Review-Report_RRRC-Revised-Final_101018a.pdf)), delivered via this consortium in March 2018 (approved June 2018), recognised a need for greater clarity in the linkages between the *Reef 2050 Plan*, an implementation approach, and the current actions and the foundational agenda of Traditional Owners and their partners.

Our analysis advised that no Traditional Owner driven actions were identified as able to be consolidated; easily simplified; or reworded at that time without broad scale consultation with GBR Traditional Owners. It was also recognised that the current actions, while not comprehensive or highly implementable, do target the key interests of Traditional Owners. In the majority of cases, ongoing work is still required to fulfil Traditional Owner goals in relation to these actions. The consortium's key recommendations to government at this time included a further testing and expansion of actions as part of RRRC's deeper engagement with Traditional Owners, including hosting a Reef-wide Traditional Owner Forum. It was also highlighted in this report to the mid-term review that a much stronger focus on setting up the longer-term co-governance arrangements associated with further planning and implementation of Traditional Owner need, continues to emerge as a high priority.

As a result of this feedback, the outcome of the mid-term review saw two Traditional Owner actions marked as completed by government partners, with a further two actions assigned as Principles, leaving 23 Traditional Owner actions remaining in the *Revised Reef 2050 Plan* (June 2018) (Available from [https://rrrc.org.au/wp-content/uploads/2018/10/Reef-2050-Traditional-Owner-driven-actions-MTR-treatments-FINAL\\_140618.pdf](https://rrrc.org.au/wp-content/uploads/2018/10/Reef-2050-Traditional-Owner-driven-actions-MTR-treatments-FINAL_140618.pdf)).

### ***Re-testing Reef 2050 Traditional Owner Aspirations with GBR Traditional Owners***

As a vehicle for taking a longer term view about the recasting of Traditional Owner aspirations and needs in the GBR, a Reef-wide Traditional Owner Forum was held at Palm Cove from 1<sup>st</sup> -3<sup>rd</sup> May 2018 to obtain input from GBR Traditional Owners to the *Reef 2050* Traditional Owner Aspirations project administered by RRRC. A total of 66 GBR Traditional Owners representing 35 Traditional Owner groups participated in the forum. Participants represented a broad geographic spread along the Reef, based on the nine geographic zones used in both projects, and there was also a good gender balance with 48% female representatives.

The major reef funding announcement (Great Barrier Reef Foundation: Reef Trust Partnership) made immediately before the Forum (on Sunday 29 April) also raised a number of additional unanticipated but immediate concerns and issues of importance to Traditional Owners. At the time, the Project team agreed to adapt the agenda to accommodate time to fully discuss and respond to these concerns as well as enter into deeper discussion around the *Reef 2050 Plan* actions.

At the forum, Traditional Owners continued to welcome the formal recognition within the *Reef 2050 Plan* that "Aboriginal and Torres Strait Islander peoples are the Traditional Owners of the GBR area and have a continuing connection to their land and sea Country" (Commonwealth of Australia 2015, ii). Furthermore, they embraced the Plan's explicit recognition of their cultural and economic aspirations as being inherent in the effective long-term management of the GBR; and that their cultural and ecological knowledge remains essential in delivering the Plan.

Traditional Owners also considered that there has been a constant challenge in that the actions detailed in the *Reef 2050 Plan* are not consistently described, being at different levels, with some at a project activity level, some foundational activities and some outcomes. Participant responses have encouraged the consortium team to consider that there needs to be more connective activity under the overarching framework and a clearer program logic.

In summarising the outputs associated with this workshop, the RRRC Consortium submitted a detailed report to the Australian Government Department of Environment and Energy's Reef Branch in June 2018. Participant feedback on the *Reef 2050* actions confirmed the intent of each action remains important, however in some instances, the scope was limited. There was a desire to see actions reworded from passive to active language (with some amendments proposed). Traditional Owners presented a continuance of 'active participation' as a critical measure for moving forward with partners, seeing 'exclusion' from local level activities and high-level policy development as a continuing concern and gap in implementation of the *Reef 2050 Plan*. Traditional Owners stated that where engagement is required, then strong returns (co-benefits) must be realised. Firm support for community and economic benefits, and investment in strengthening Traditional Owner governance arrangements emerged as key themes.

Traditional Owners reaffirmed their commitment to both drive their land and sea country governance and management agenda (and its associated work program) and to play a much more active role in (longer term) activities happening on country. Traditional Owners also reaffirmed their strong commitment to establish an independent representative structure and reliable associated support arrangements that could act as a central point for GBR Traditional Owners to engage with Commonwealth and State governments and GBR stakeholders and partners. This need was seen as one of the most critical and immediate priorities for operationalisation under the *Reef 2050 Plan*, establishing the basis for some form of whole of GBR negotiation and agreement making. This finding was also consistent with previous advice to governments and other partners. In addition, the theme of co-management and co-governance (versus consultation) remained strong over the duration of the workshop.

Models for Traditional Owner governance were presented to and workshopped by participants, which included details of governance structures for Traditional Owner engagement and input into *Reef 2050* implementation and decision making. Notably, all participants supported the development of a representative alliance of Reef Traditional Owners which would enhance and support existing cultural decision-making structures. There was consideration that this approach aligns to the long-term recommendation for a standalone entity that is independent from government and representative of Traditional Owners' strategic interests in GBR management. Importantly such a structure would not duplicate or assume localised, sub-regional or regional Traditional Owner responsibilities and obligations over native title rights and interests for each group, but would provide an enhanced ability to coordinate and effectively engage over strategic Reef-wide Traditional Owners interests. Traditional Owners advised the application of the following Principles:

- *Empowerment* - Enhance not replace fit-for-purpose Traditional Owner structures that support cultural authority, decision making and primacy (rights based);
- *Our way (Bama way)* - The negotiation of Traditional Owner aspirations in sea country;
- *Sharing communication and celebration* - Between and amongst Traditional Owners;
- *Mandate and advocacy* - Ensuring effective Indigenous advocacy;
- *Inscription not prescription* - Genuine co-governance at all scales;
- *Overarching and legitimised* - Learn and leverage from existing structures;

- *Equal voice* - Ensuring Traditional Owners have a voice from the self-defined scales that they consider to be important; and
- *Inherent versus permitted rights* - Traditional Owners are not stakeholders.

The forum stressed that over the last decade, Traditional Owners have been prosecuting their strategic directions for land and sea management with limited coordination and support. Numerous projects have visited and revisited high-level aspirations for sea country management. Consequently, one of the key challenges to date appears to be that results from these efforts remain unimplemented and disconnected. However, current monitoring approaches across the GBR are not adequate to detect these failures in implementation.

### 3.3 Where to With the Current Reef 2050 Plan Actions

The information in this section demonstrates a series of results derived from related but different Traditional Owner engagement processes applied to the GBR context over the last decade (see Table 3), including work informing and responding to the GBR Strategic Assessment (2014); Strategic Assessment Program Report (2014) and Long-Term Sustainability (*Reef 2050*) Plan (2015). The journey around development of *Reef 2050* Traditional Owner aspirations is well documented with the intent being further explained in detail in previous consortium reporting.

**Table 3: Key Traditional Owner themes influencing the Reef 2050 Plan**

| 2010- 2014  | 2015                  | 2016   | 2016   | 2018  |
|---|-----------------------|--|--|---|
| <b>Traditional Owner Land and Sea Country Framework</b> | <b>Reef 2050 Plan</b> | <b>NESP TWQ Hub Project 3.9</b>                      | <b>Indigenous Implementation Plan</b>  | <b>RIMREP Strong Peoples Strong Country Framework</b> |
| Leadership and Governance                               | Ecosystem Health      | Recognition and Respect                              | Indigenous Coordination Unit: (incl. support for Regional Governance Alliance/Network) | Country Health  |
| Planning  | Biodiversity          | Sustainable Resources Use and Cooperative Management | Cultural Heritage  | Peoples Health  |
| Community Relationships & Engagement                    | Heritage              | Education  | Business Capacity  | Heritage & Knowledge                                  |
| Management of High Conservation Areas                   | Water Quality         | Cultural Practice and Regeneration                   |  | Culture & Community                                   |
| Training  | Community Benefits    | Generation of Sustainable Socio-Economic Benefits    |  | Education   |
| Monitoring and Research                                 | Economic Benefits     |  |  | Empowerment & Economics                               |
|   | Governance            |  |  |   |

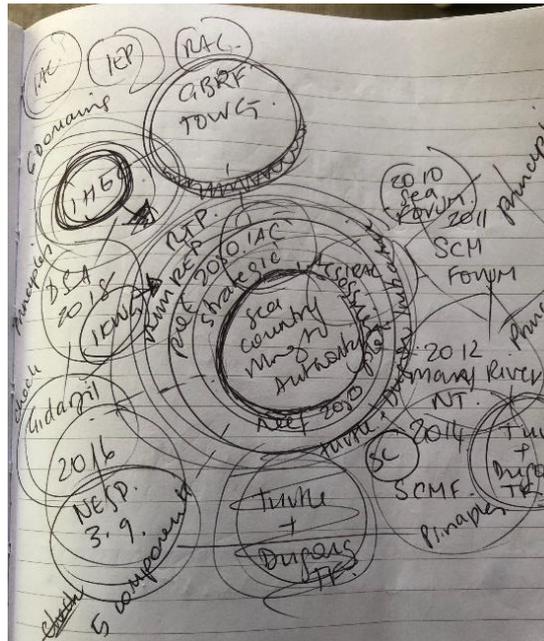
In presenting results of these multiple processes, it is clear that one of the key challenges faced by Traditional Owners in land and sea management is fully actioning strategic aspirations, in partnership with others, through dedicated processes of consolidated implementation before the next round of engagement occurs. This is most likely due to a series of key factors, but includes a dominant use of bureaucratic language (see Box 5) in planning processes led by partners; the speed at which planning is required and delivered; and the

truncated nature of processes for developing and actioning the *Reef 2050 Plan* (to date) without a strong overarching framework or logic in place (see Figure 4).

**Box 5: Lack of Traditional Owner Knowledge of Reef 2050 Plan**

*Local Traditional Owners don't know much about the Reef 2050 Plan because of its strange, unfamiliar language - they don't understand how what they do fits into the Reef 2050 Plan categories.*

(Traditional Owner, 2018).



**Figure 4: Forum discussion of the multiple parallel processes running, which generates a lot of information about Traditional Owner interests, but not a coordinated basis for negotiated agreement making and implementation.**

In meeting Milestone 2 of this contract, the Consortium has previously advised the specific policy and science inputs required to support treatment of each *Reef 2050* GBR Traditional Owner driven action as part of completing the *Reef 2050* mid-term review (refer MTR 2018 Report [https://rrrc.org.au/wp-content/uploads/2018/10/AA\\_Mid-term-Review-Report\\_RRRC-Revised-Final\\_101018a.pdf](https://rrrc.org.au/wp-content/uploads/2018/10/AA_Mid-term-Review-Report_RRRC-Revised-Final_101018a.pdf)). This advice includes recommendations for the treatment of the consolidated list of *Reef 2050 Plan* Traditional Owner actions and recommended retention of all 27 Traditional Owner actions. This was provided on the basis that insufficient time was afforded for appropriate engagement with Traditional Owners to inform specific and detailed treatment of their actions during this shorter term process (Feb-March 2018). Consequently, the RIRC Consortium recommended to await making any significant changes to Traditional Owner driven actions until the full 2020 review process. A need for greater clarity in understanding the linkages between the *Reef 2050 Plan*, its implementation approach, the current actions and the foundational agenda of Traditional Owners was also highlighted. Improving understanding of this, within the wider *Reef 2050* context, remains a key challenge.

There has been, however, a strong desire to start monitoring the health of Traditional Owner aspiration achievement in sea country. Hence, through our engagement, two projects funded

under the RIMReP, have been consistently recognised by Traditional Owners as being critical building blocks to the successful delivery of their actions under the *Reef 2050 Plan*. These are:

- *Strong Peoples – Strong Country*: Indigenous Heritage Indicators; and
- Cultural Protocol, Guidelines and Data Sharing Agreements.

### 3.4 An Overarching Program Logic for the 2020 Review

It is expected that those matters not accepted through the mid-term review (March 2018) and recommended by Traditional Owners through the Reef-wide Forum (May 2018) for further refinement would be included in the final report for input into the 2020 Review. It is however clear that a continuance of focusing on refinement of actions at an individual action level (under the existing Reef 2050 seven themes) is not the best way forward (at this point in time). The RRRC Consortium is currently collaborating with others as part of a small joint working group (including representatives from the RAC and IEP) to advise the Reef 2050 Joint Secretariat on the development of a wider and more effective program logic process for the 2020 Review. The role of the RRRC Consortium is to effectively reflect Traditional Owner views within that process, and relate the recommendations emerging from this report within the outcomes.

This program logic working group has agreed that the current *Reef 2050 Plan* has not been built upon a durable and long term structure that provides for line of sight between actions, targets, outcomes and objectives. To ensure deeper accountability and connectivity between actions delivered under the *Plan* and the desired outcomes for the Reef, the working group has recommended a complete review of the current structure, including themes, through development of a stronger and underpinning program logic. The purpose of 'program logic' was described at the 24 July 2018 RAC meeting as being about 'sense making' of how desired outcomes for the Reef relate to each other, and what actions need to be delivered to ensure achievement of desired outcomes.

The working group also acknowledged the challenges that apply to GBR Traditional Owners with communicating the *Reef 2050 Plan* also exist across a range of stakeholder groups. For example, it was noted the distinctions between actions under the ecosystem health and biodiversity themes are not always clear for most users under the *Reef 2050 Plan*. Further, the challenge faced by Traditional Owners to associate with and make clear distinctions between each of the *Reef 2050* themes is magnified given the fact the language surrounding Traditional Owner knowledge and information systems used to communicate sea country activities amongst and between each other is referenced by very localised context driven by country, culture and people; and associated lore responsibilities and obligations. This is clearly different to complex or more academic expressions of aspirations and actions such as biodiversity, heritage, ecosystem health, community benefits and so on.

The program logic working group has met four times (as at December 2018) and agreed with the proposed process to commence with the overarching logic to provide a high-level structure and then develop more detail on particular components. To establish the best approach for the 2020 Review, the Consortium are recommending that, in addition to responding to our recommendations, there is a need to (in the context of the wider 2020 Review undertake a specific Traditional Owner program logic exercise so that (collective) outputs can be appropriately mapped and aligned in the context of a next generation *Reef 2050* planning

framework. This would make sense of multiple sets of information currently in existence and appropriately assign a logical programmatic hierarchy, including mapping of interdependencies and providing a line of sight between actions, targets and outcomes. It will also enable a fit-for-purpose monitoring and evaluation program to be developed to support *Reef 2050* reporting functions.

This more overarching approach to development of a cohesive program logic for the *Reef 2050 Plan* is driven by the increasing need to move from a consultative approach to a more cohesive and genuine negotiation of co-management approaches in further development and implementation of the *Reef 2050 Plan*. Early considerations of the implications of this program logic, however, are already integrated into our recommendations in Section 6. In the longer term though, further development of an improved program logic in the 2020 Review will provide a mechanism by which to deliver an integrated roadmap for delivery of Traditional Owner *Reef 2050* Actions into the longer term. It will also continue to build a shared understanding of Traditional Owner rights, responsibilities and aspirations as being central to the revised Plan.

## 4.0 WHAT HAS CHANGED FOR TRADITIONAL OWNERS SINCE THE REEF 2050 PLAN?

### **In short, this Section:**

Explains the significant developments since the *Reef 2050 Plan* that are increasingly requiring a shift to co-governance and a more negotiated approach to Commonwealth and State governments working with Traditional Owners in the GBR, and securing inter-governmental agreement on substantive *Plan* changes. It explores and represents potential engagement models to enable such a negotiated approach to work effectively.

### **Contractually, this Section:**

Explores the larger policy issues concerning their future involvement in management of the GBR and determines key GBR wide policy and program funding/delivery.

Determines the most effective coordination and delivery arrangements for the *Reef 2050 Plan* with respect to Traditional Owners and most appropriate resourcing strategies.

### 4.1 Growing Recognition of Traditional Owners' Rights

Section 3.0 suggests that a new and more robust program logic is needed for the integration of Traditional Owner aspirations to ensure that effective co-management is established through *Reef 2050* reflecting Traditional Owner rights and interests in sea country. In this section, we focus on the changes to recognition of Traditional Owner rights that now requires them having a role in decision-making about the overall intent of the revised *Reef 2050 Plan* – a *co-governance role*. These changes in recognition of Traditional Owners at the least include:

- **International recognition of Indigenous knowledge and rights** - Globally, Indigenous peoples and local communities are now recognised as having responsibility for managing 12% of all land, including the majority of remaining high-biodiversity areas. Indigenous and local knowledge is also becoming central within global efforts to address climate change and biodiversity loss through international agreements and assessment processes;
- **Increasing Popular Recognition of Traditional Owner Interests** - In recent years, there has been growing popular support and sentiment for the recognition of Traditional Owner rights and the desire for the nation to reconcile and rebuild new relationships. These changes have included the Constitutional Recognition process, the extensive progression of reconciliation action processes and even the emerging discussion of potential treaties or agreements across certain geographic scales and policy issues. These processes and approaches are driving cultural change, with a greater incidence of researchers consulting with sea country Traditional Owners and the emergence of more co-managed resource use agreements;
- **Growing Indigenous Rights to Country** - There has now been some 20 years of the active progression of native title rights and interests following the determination of claims and the negotiation of ILUAs under the *Native Title Act 1993*, historic sea country determinations (e.g., Torres Strait and Blue Mud Bay) and other related land and sea rights related legislation, policies and programs. Table 4 shows that almost 60% of GBR catchments and more than 15.6% of GBR sea country have some form of

recognised Indigenous right and interest. In Cape York for example, Traditional Owners hold rights to some 95% of the GBR catchment area and are currently progressing significant sea country claims (see Figure 3). More than a million hectares of sea-country Indigenous Protected Areas (IPAs) have been declared in the et tropics coastal regions alone (see Figure 1). There have been significant developments in the negotiation of TUMRAs across many parts of the GBR, combining strengthening Traditional Owner governance, stronger compliance and partnerships with regulatory agencies. Finally, there has been an increasing call from Traditional Owners to be involved in all (tenure-blind) aspects of planning, development and conservation of their sea country estates; and

- Traditional Owners Drive and Grow the Business of Sea Country Management -**  
 As land and sea country rights continue to be settled and landmark ILUAs and TUMRAs settle into place, there has been an outstanding growth in the development of Traditional Owner-led land and sea institutions and organisations. Across the native title estate, the formation of various RNTBCs, Land Trusts or aligned/representative Traditional Owner-led land and sea organisations has occurred. These organisations are becoming more involved in every aspect of the governance, planning and management of the GBR catchments, coasts and reefs. They play a critical role in supporting Traditional Owners while Traditional Owner rights continue to increase in recognition through various legal processes. Collectively, these organisations also continue to support and promote the growth of Traditional Owner customary rights and governance systems through their involvement in sea country management and business.

Together, these developments suggest that future policy and delivery agendas in catchments and sea country business must more cohesively recognise the relationship with Traditional Owners as rights-holders, requiring action between the nation-state and first-nations to be framed on a government-to-government basis. This particularly includes the mid-term and 2020 review of the *Reef 2050 Plan*.

**Table 4: Traditional owner land and sea rights and interests in the GBRWHA and GBR catchments**

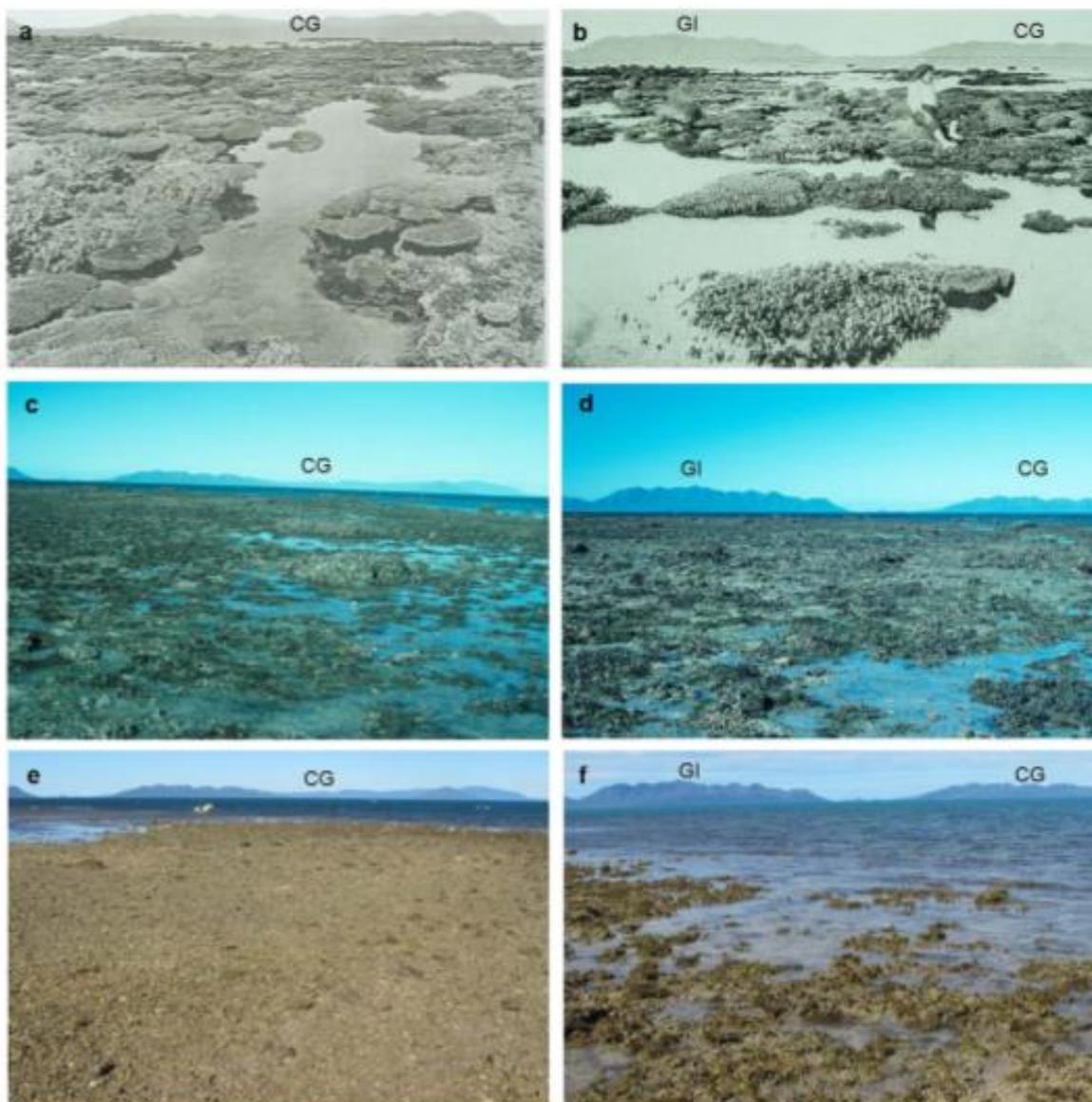
|  | GBR Catchments  |              | GBR World Heritage Area |              |
|--|-----------------|--------------|-------------------------|--------------|
|  | km <sup>2</sup> | %            | km <sup>2</sup>         | %            |
| <b>GBR World Heritage Area</b>   | -               | -            | <b>348,000</b>          | <b>100.0</b> |
| <b>GBR Catchments</b>  | <b>418,714</b>  | <b>100.0</b> | -                       | -            |
| Indigenous Land Interests (ILI) (e.g. A/TSI Freehold)  | 29,858          | 7.1          | 127                     | 0.04         |
| Indigenous Land Use Agreements (ILUA)  | 229,742         | 54.9         | 5,533                   | 1.6          |
| Native Title Determinations (NTD) (Native title exists in parts of or the entire determination area) | 65,562          | 15.7         | 4,209                   | 1.2          |
| TUMRA  | 0               | 0.0          | 44,826                  | 12.9         |
| Indigenous Protected Areas (IPA)   | 5,515           | 1.3          | 12,464                  | 3.6          |
| <b>Total Merged ILI, ILUA, NTD, TUMRA, IPAs</b>  | <b>240,594</b>  | <b>57.5</b>  | <b>54,337</b>           | <b>15.6</b>  |

## 4.2 Aspirations of Traditional Owners to Address Reef Decline

The health of the GBR has been in decline for decades. In 2012, an analysis of long-term coral reef monitoring on the GBR showed that coral cover had fallen by 50% during the preceding 27 years due primarily to coral predation during Crown-of-Thorns Starfish (COTS) outbreaks, coral bleaching and cyclone damage (De'ath, Fabricius, Sweatman & Puotinen, 2012). Additional stressors leading to coral loss include terrestrial pollution (sediments, contaminants and nutrients) and flood waters entering reef waters in runoff from catchments, ocean acidification (from climate change), shipping and overfishing (Brodie & Waterhouse, 2012; Clark, et al., 2016). More recently the situation has been exacerbated by consecutive bleaching events that collectively impacted two thirds of the GBR during the Austral summer of 2015-16 and 2016-17 (Hughes & Kerry, 2017).

Some stresses on the Reef are local and amenable to management interventions. These include the cumulative impacts of runoff from catchments causing reduced water quality leading to unfavourable reef conditions and COTS outbreaks (Brodie & Waterhouse, 2012; Wolff, Mumby, Devlin, & Anthony, 2018). However, coral bleaching events are global phenomena caused by thermal stress from marine heat waves triggered by climate change (Benthuyssen, Oliver, Feng, & Marshall, 2018), and this threat to reefs along with the more chronic impact of ocean acidification will remain ever-present without global action on carbon emissions (Wolff, Mumby, Devlin, & Anthony, 2018). In the meantime, the collective result of these cumulative impacts is that coral cover on the GBR overall has continued to decline, with some local areas that escaped severe bleaching showing signs of recovery (AIMS, 2018). While this is the picture painted by scientific data, perhaps a clearer and more powerful representation of these changes comes from historical photo series such as those in Figure 5.

Degradation of ecosystems is well known to lead to a loss of human wellbeing (Barnett, Tschakert, Head, & Adger, 2016). A recent study assessed the impact of coral loss on the GBR and the prospect of ongoing declines on the wellbeing of non-indigenous residents of and visitors to the Reef. The results indicated that the extent of 'reef grief' within the study group was firstly dependent on the intrinsic values they held (e.g. aesthetic, scientific or biodiversity based), with those who highly rated aesthetic values scoring lower grief. Secondly, grief was moderated by a respondent's attachment to place, including place identify, lifestyle dependence, pride, and derived wellbeing (Marshall, et al., 2018). While Indigenous respondents were not included in this study, the results could be extrapolated to predict extreme reef grief amongst Traditional Owners of the GBR, given their intimate knowledge of reef systems, and inseparable physical and spiritual connection to country upon which identity, life dependence, and sense of belonging and wellbeing is based, as reported in the Strong Peoples – Strong Country survey conducted at the 2018 Reef-Wide Forum (summary report 2018). It is not surprising that many Traditional Owners interviewed for this project reported significant distress against loss of or threats to specific attributes of reef values such as the biophysical values described above from the scientific literature, as well as additional threats such as the actions of tourists and local residents to cultural values. Traditional Owners also expressed frustration over the failure of Reef management to mitigate impacts, and lack of empowerment to take meaningful action themselves (see Box 6).



**Figure 4. Historical and modern photographs of Stone Island.** (a) Historical photograph taken by William Saville-Kent<sup>20</sup> in c.1890 depicting high cover of branching and tabular *Acropora*; (b) Historical photograph taken in 1915 showing similarly high coral cover with large faviid colonies in the background of the image (photographer unknown); (c,d) Photographs of Stone Island taken in 1994 [Photographer: A. Elliot (© Commonwealth of Australia GBRMPA)]; (e) Modern photograph taken during this study on 30 July 2012 representing a time-series for images a and c (Photographer: T. Clark); (f) Modern photograph taken during this study on 31 July 2012 representing a time-series for images (b) and (d) (Photographer: H. Markham). Geological features in the background of the images used to identify the location of the historical photographs include Gloucester Island (GI) and Cape Gloucester (CG).

**Figure 5: A time series photo of declining Reef condition in near coastal systems, reflecting typical Traditional Owner concerns about environmental loss (Clark, et al, 2016).**

**Box 6: A Typical Example of Traditional Owner Concern for GBR Decline**

*I have grave concerns that for my sea country. With the pollution and the state that the Great Barrier Reef is in at the moment..., and of course in particular if boats are anchoring on the coral and that in itself destroys the coral. My concern there is the raping of the sea, how much of the fish are being taken, and is it destroying, or stopping the turtles and dugongs from coming the laying. I'm looking pollution, and runoff on the land, will effect whenever it goes into the sea. And of course, there is the migrating birds, migrating whales. That's my big concern, is what damage will be done to the Great Barrier Reef and the creatures that call it home and live there.*

(Traditional Owner, 2018).

The significant level of concern Traditional Owners have for the GBR's decline has been recorded as representing a sense of powerlessness during the consortium engagement processes. This adds weight to the need for greater Traditional Owner involvement in the GBR governance process. Traditional Owners are responsible for reef health under customary law/lore, and are therefore getting more and more distressed over time about not actually being able to meet these obligations while watching the health of the Reef progressively decline.

### **4.3 Traditional Owner Feedback on Governance Arrangements**

When sixty-six GBR Traditional Owners participated in the reef-wide workshop held May 2018 at Palm Cove (RRRC & CSIRO, 2018), participants particularly discussed current GBR governance arrangements as well as possible future models for Traditional Owner governance of the GBR. Workshop participants expressed that existing organisational governance structures enable Traditional Owners to be involved to some extent in management and key decision-making at multiple levels, including local, Traditional Owner group, sub-regional and regional levels, and at the reef-wide level. However, there is broadly a low level of satisfaction with many of the components related to Traditional Owner influence over the wider governance of the GBR. For example, the *Strong Peoples - Strong Country* framework (see Section 7) identifies a suite of factors relating to customary governance (in the 'Culture and Community' hub) and to organisational governance (in the 'Empowerment' hub). Assessment of the level of satisfaction with 19 factors underpinning these two hubs showed satisfaction with three factors, low satisfaction with 11 other factors, and very low satisfaction with the remaining five.

At the whole of GBR level, Governance arrangements for Traditional Owner representation within *Reef 2050* are seen to be not coordinated well to enable an effective flow of information around strategic discussions between Indigenous representatives. More effective governance requires explicit linking up between Indigenous members from the Independent Expert Panel; Reef Advisory Committee, Indigenous Reef Advisory Committee and other informal working groups such as Reef Integrated Monitoring and Reporting Program Steering Committee, Indigenous Heritage Expert Group (IHEG) and GBRF Traditional Owner Working Group. To facilitate complete strategic linkages, this should also link to the Indigenous Advisory Committee (hosted by DoEE) and the Indigenous Advisory Council (IAC) (hosted by Department of Prime Minister and Cabinet (PM&C)).

More importantly, there is a strong view that it is a requirement for the *Reef 2050 Plan* to recognise the explicit role of Traditional Owners, as prescribed under the World Heritage Convention, including Operational Guidelines and Management Principles; the *Environment Protection Biodiversity Conservation Act 1999* (EPBC), *Great Barrier Reef Marine Park Act 1975* (GBR) and the *Native Title Act 1993* (NTA), and their associated regulations. This would ensure due consideration of the rights and interests of Traditional Owners in the management of the GBR and provides opportunities to use existing land and sea management capability in their organisations. It also would foster the development of a process to increase participation levels for existing, new and emerging Traditional Owner interests.

During the GBR-wide Traditional Owner forum, participants were presented with two possible models of improved Traditional Owner governance for the GBR. All models are aimed at empowering Traditional Owner groups to determine cultural governance within their groups and in supporting more effective organisational governance through key themes identified in the workshop (see Figure 6). The first of these involves replication of the existing GBRMPA-led structure based on a Local Marine Advisory Committee (LMAC). Established in 1999, the LMAC system works through twelve committees intended to enable local communities (including Traditional Owner communities) to have effective input into managing the GBR and to provide a community forum for interest groups, government and the community to discuss issues around marine resources (see <http://www.gbrmpa.gov.au/about-us/local-marine-advisory-committees>). These skills and experience-based committees represent 12 regions of the GBR from Cape York down to the Burnett region. GBR Traditional Owners are familiar with the committees and are involved with some of them. It was proposed that one model (**GBR-Wide Engagement Model 1**) for improved Traditional Owner governance could be based on the LMACs but be revised to be based on Traditional Owner group representation within each of the local regions. Alteration to the regions may be needed to better align with Traditional Owner groups. It was also proposed that the Indigenous LMACs could work together and form a 'Big MAC' which would include one or more Traditional Owners from each of the LMACs, strengthening whole of GBR coordination through a network approach.

The second and preferred model (**GBR-Wide Engagement Model 2**) presented to the workshop for discussion was based on a Traditional Owners cluster and hub type of network (Figure 7). This model is based on existing Traditional Owner group communities and their areas, rather than on the GBRMPA-defined regions. Like the Big MAC proposal, a Traditional Owner cluster and hub network would be aimed at strengthening existing relationships, connections and linkages between individuals and between Traditional Owner groups. Benefits of the model over a modified LMAC model include that it:

- Is based on aggregation upwards of self-defined Traditional Owner groups;
- Would bring together Traditional Owners from across the GBR;
- Would enable sub-regions or regions to pull clans together for discussion; and
- Would enable a Traditional Owner reference group (or Sea Country Alliance) to form across the GBR.

Important factors required for this model to improve Traditional Owner governance include:

- Traditional Owner groups/elders need to keep decision-making roles;
- Funding is needed (e.g. to establish sub-regional/regional forums, for meetings etc.); and
- Boundaries (of sub-regions) need discussion and determination by Traditional Owners.

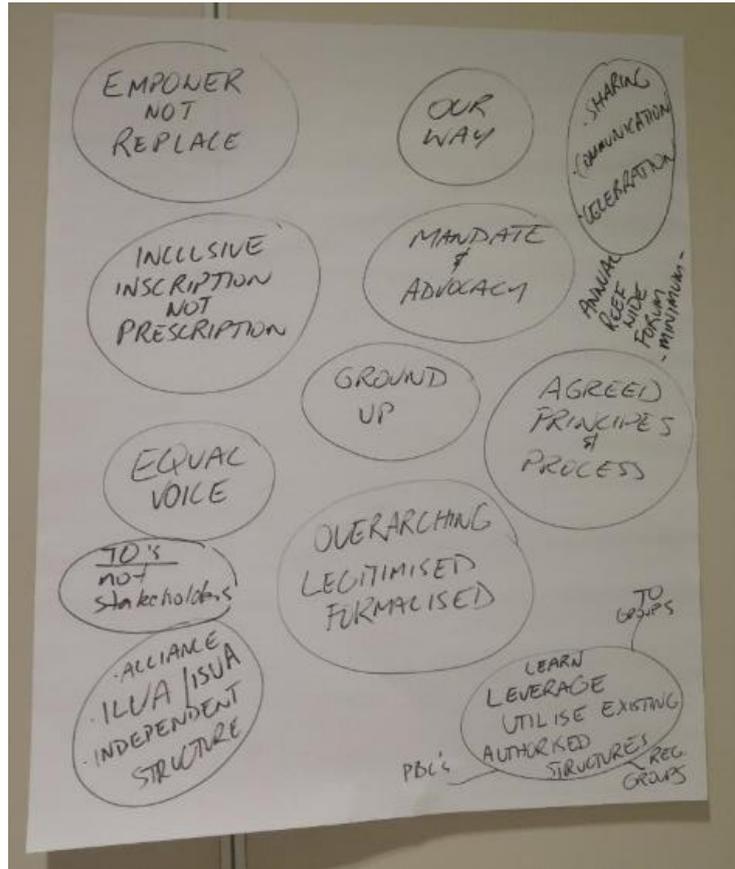


Figure 6: Key themes important for GBR Traditional Owner governance as identified at the Palm Cove “whole of GBR” workshop in May 2018.

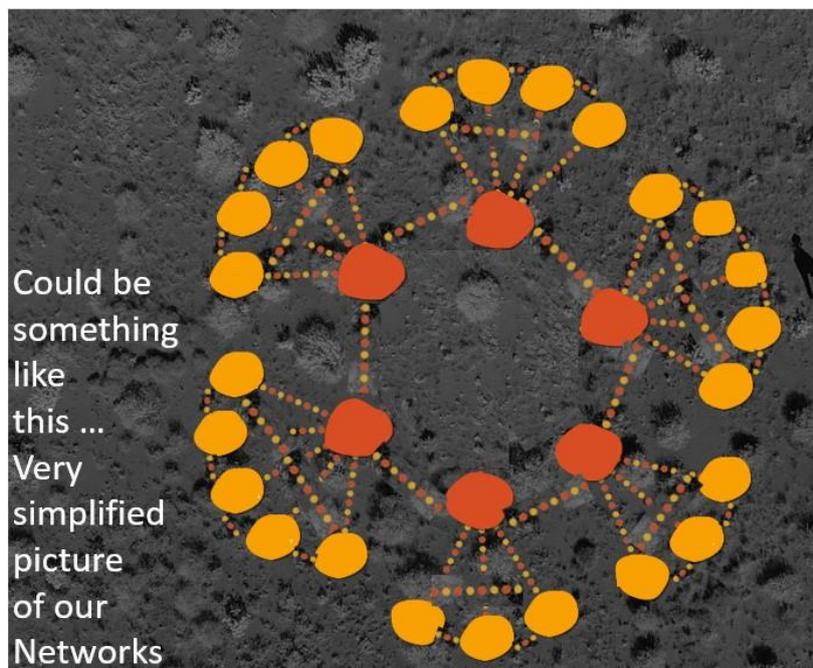


Figure 7: Example of a cluster and hub network governance system for the GBR.

Both improved governance models support Traditional Owners to come together in larger regional forums to discuss regional issues relevant to the Traditional Owners communities within the GBR. The consequent development of GBR-wide representation for GBR Traditional Owners (e.g. a GBR Traditional Owner Sea Country Alliance) which supports existing traditional decision-making structures (i.e. cultural governance) was strongly supported by all Traditional Owner groups engaged in the forum. Key elements of an effective alliance approach would be that it would:

- Provide authority to GBR Traditional Owners from across the Reef;
- Include members from all the Traditional Owner regions and cultures;
- Deliver a united voice for GBR Traditional Owners;
- Enable liaison between Traditional Owners;
- Facilitate collaboration and resource-sharing and capacity sharing between Traditional Owner groups, including on funding bids;
- Provide advice directly, cutting out the need for other, ad hoc Indigenous Advisory Groups;
- Improve the ability for rapid reaction for emergencies (e.g. oil spills);
- Create an opportunity for including a Traditional Owner Youth Alliance; and
- Provide a go-to for Government for Traditional Owner business.

Some of the operational aspects of an alliance as envisaged would include:

- Year-round administrative support (perhaps through an agreed third party);
- Regular (e.g. quarterly) meetings of regional Traditional Owner Clusters;
- Less regular (e.g. twice yearly) meetings of the GBR Traditional Owner Sea Country Alliance; and
- May involve up to 12 subregions that then relate back to 4 regional scale clusters aligned to representative body boundaries (see Figure 8).

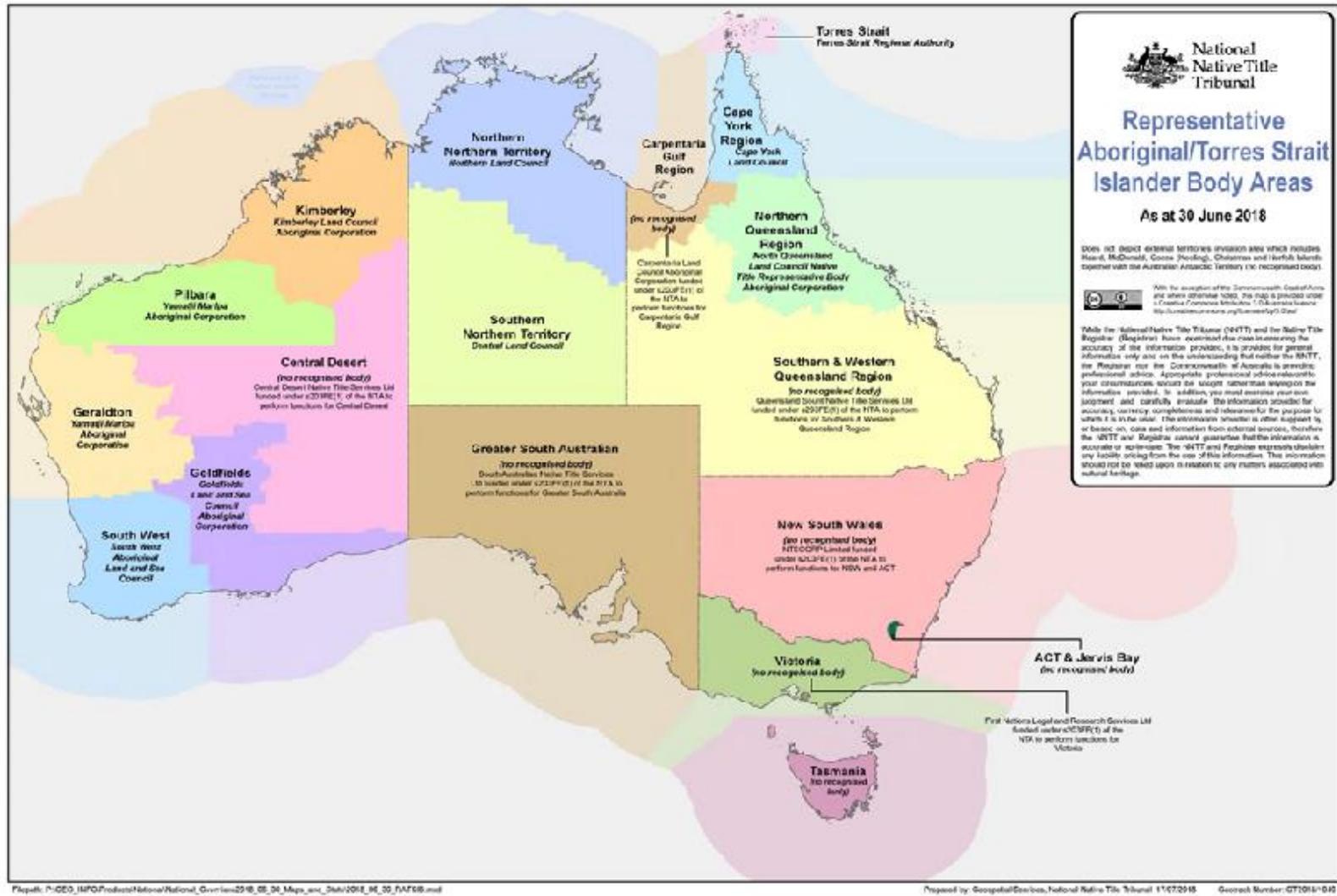


Figure 8: Australian Native Title Representative Body boundaries.

Source: National Native Title Tribunal, 2018.

## 4.4 The Implications of Free Prior and Informed Consent

The Requirement of Free Prior and Informed Consent (FPIC) of Indigenous people in both the nomination and declaration of new World Heritage areas and major changes in management strategies and policies of all Natural World Heritage areas is taking a higher profile within the International Union for Conservation of Nature (IUCN) and within the expectations of the broader public. As discussed in other sections of this report, the GBRMP was created in 1975 pre-native title and pre-land rights when First Nations communities were only just emerging from the Mission and Protection eras in Queensland. Despite some changes to the Act, the power over Indigenous land and sea rights remains firmly vested with the Commonwealth and Queensland Governments despite major system-changing developments in Indigenous land titling and rights since 1990.

While the regulatory power of GBRMPA and the Queensland Department of Environment and Heritage Protection (QDEHP) has grown rapidly since 1975, there has only been very limited growth in the capacity, power and authority of First Nations to challenge these developments despite exclusive native title claims having been recognised over the coastal and marine areas adjacent to the Reef and the handback of large swathes of land under Queensland law. Indigenous people now own under Queensland legislation the entire northern third of the GBR catchment and the One Claim Native Title claim is progressing the resolution of all native title within this region. Given the existing resolution of sea rights in the Torres Strait, the next logical sequence in claims activity will be a single sea claim or series of sea claims around Cape York Peninsula. This trend will likely extend south across the entirety of the GBR sea country estate over the coming decade. Consequently, the Australian government has a great opportunity through the 2020 *Reef Plan* review process to bring the foundation FPIC principles into a best practice governance and management through recognition and implementation of Indigenous legal rights of Traditional Owners of the GBR.

### ***Free Prior and Informed Consent***

FPIC is a principle that is triggered when decisions and actions may affect Indigenous peoples: their tangible rights to land, territories, resources and their intangible rights to intellectual and cultural property. The principle has developed into a norm of international law, recognised by intergovernmental organisations, international bodies, conventions and international human rights law in varying degrees and increasingly by the laws of State. Hales (2013) and others flesh out the key parameters of FPIC in the context of World Heritage, drawing from the United Nations Declaration on the Rights of Indigenous Peoples 2007 (UNDRIP) and the International Workshop on FPIC and Indigenous People's (United Nations, 2005). These include:

- *Free* means the absence of coercion and outside pressure, including monetary inducements (unless they are mutually agreed on as part of a settlement process), and divide and conquer tactics (Bass, 2003). It must also include the absence of any threats or retaliation if it results in the decisions to say 'no' to proposals by proponents;
- *Prior* means a process taking place with sufficient lead time to allow the information gathering and sharing process to take place, including translations into traditional languages and verbal dissemination as needed, according to the decision-making processes decided by the Indigenous people involved. Consent must also take place

without time pressure or time constraints. A plan or project must not begin before this process is fully completed and an agreement is reached (Perrault et al. 2006);

- *Informed* means that all relevant information reflecting all views and positions is provided. This information includes the input of traditional elders, spiritual leaders, traditional subsistence practitioners, traditional knowledge holders, leaders and entrepreneurs, with adequate time and resources to find and consider information that is impartial and balanced. This needs to enable Indigenous people to assess potential risks and benefits to their interests based on the 'precautionary principle' (Vanclay, 2003; United Nations, 2007). The logical extension of this definition, is that 'potential risks and benefits' includes economic risks and benefits and opportunities foregone. Finally, information provided by the proponent must be transparent and complete and all intentions and objectives must be concise and clear; and
- *Consent* means the demonstration of clear and compelling agreement, using a mechanism to reach agreement which is in itself agreed to by Indigenous people under the principle of FPIC, in keeping with the decision-making structures and criteria of the Indigenous peoples involved, including traditional consensus procedures (Tamang 2004). Agreements must be reached with the full and effective participation of the authorised leaders, representatives or decision-making institutions as decided by Indigenous people (United Nations 2009). This means consultation should be undertaken in good faith. Indigenous peoples should be able to participate through their own freely chosen representatives and customary or other institutions. The process should also include the option of withholding consent

Australia is party to a number of international declarations and conventions that embody the FPIC principle. However, the aspirations/norms/rules/ideals outlined in these international treaties do not form a part of Australia's domestic law unless the treaties have been specifically incorporated into Australian law through legislation. This is often described as the distinction between "soft" and "hard" law: the former is law with no legally binding force and the latter is law that creates rights and responsibilities for either the individual or the State. In light of such a distinction, the priority is to identify tangible, "hard law" rights to consent that can be readily asserted with real and practical implications. These can be found in domestic legislation and UNESCO guidelines. This is notwithstanding that other international conventions and "soft law" rights around consent nevertheless have persuasive effect and should be strongly acknowledged or noted in any engagement around World Heritage listing and management.

### ***Consent in Australian Heritage Legislation***

Australia's obligations under the World Heritage Convention are enacted under the EPBC Act, under which consent is required in two contexts: firstly, for submission of an area or property for inscription on the World Heritage list, and secondly for a listed property's management arrangements. Under the EPBC Act, the best endeavours by the Commonwealth are required to seek agreement with the registered land trust or corporation over that property. The manner in which that body would then reach a decision would be subject to the adopted rules of the particular body. The specific groups to be consulted under domestic legislation are determined by identifying firstly, existing land tenure over the specific area sought to be listed. This is complex as, in Cape York Peninsula, for example, currently a patchwork of existing and evolving land tenures including DOGIT (Deed of Grant in Trust), Aboriginal freehold, Land Trust, Forest Reserve and Cape York Peninsula Aboriginal Land (CYPAL) National Park. A

corresponding range of government agencies and private land-holders also have responsibilities for managing these tenures under an extraordinary range of legislative arrangements. There are over 100 Traditional Owner clan groups on Cape York Peninsula (CYP), located within 17 Indigenous communities and represented by 11 local government authorities. In this case, the Cape York Land Council is the peak representative body that represents Indigenous People in their land rights claims and other Indigenous matters. At the very least, over 70 Land Trusts and PBC organisations have been established in the CYP.

When FPIC is being considered, once the existing land tenure has been identified, the government is required to identify the representative body from or with whom consent or consultation should be sought. A simple example is Aboriginal freehold land, which is held in trust by either: (i) Land Trusts: administered under *Aboriginal Land Act 1991* (QLD); or (ii) Corporations registered under the Australian Government's *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. It can be argued that the reference to 'reaching agreement' in the EPBC Act should comply as far as possible with established customary international norms of FPIC. Paragraph 38(iii) that the criteria for "informed" includes the requirement for adequate capacity being available in the engagement process. Hence, where it's clear that local bodies (e.g. Land Trusts) lack capacity (representational or governance) to ensure the principles of consent can be adequately met, consideration of this must be incorporated in the discussion. Suggestions for regional body (NTRB) oversight to 'fill the gap' in local body governance or procedure can be made in the context that domestic legislation must as far as possible function within the framework of international law.

The incorporation of international norms should also draw on the point made in Paragraph 38(iii) that the criteria for "informed" should, in this context, include an economic cost benefit analysis of World Heritage listing for landholders. Agreement made in accordance with the EPBC Act can only be made with this information already on the table. As the GBR was declared World Heritage prior to native title and land rights legislation, there would be a good argument that an analysis of economic opportunities and restrictions for Indigenous people in the World heritage area should be done to inform further *Plan* review. This could include the identification and development of new and emerging opportunities related to the management of the GBR as outlined later in this section.

### ***Native Title Consent***

The 'best endeavours' obligation set out in the EPBC Act requires engagement with not only the "owners and occupiers" but also with the holders of native title rights and interests. This comes about through the operation of the *Native Title Act 1993* (Cth), set out below:

- The *Native Title Act* provides for "future acts"; that is, proposals to deal with land in a way that affects native title rights and interests. An act will "affect" native title if "...it extinguishes the native title rights and interests or if it is otherwise inconsistent with their continued existence, enjoyment or exercise";
- If a given property is subject to a native title right that permits native title holders to cause a 'significant' impact on the world heritage values of the property, then placing that property on the World Heritage List will qualify as a "future act" under the *Native Title Act 1993* (Cth). Significant impact for World Heritage properties is said to be likely

when it will cause world heritage values to be “lost, degraded or damaged, or notably altered, modified, obscured or diminished”;

- The legislative provisions around future acts are complex and detailed but in essence, a future act will be invalid unless it complies with the procedures set out in the *Native Title Act*. A World Heritage listing would likely be classified as a future act under *Native Title Act* (part 2 division 3 subdivision M13), which engages the procedures set out in Section 24MD (below); and
- Section 24MD (6A) states that “the native title holders, and any registered native title claimants in relation to the land or waters concerned, have the same procedural rights as they would have in relation to the act on the assumption that they instead held ordinary title to any land concerned and to the land adjoining, or surrounding, any waters concerned”.

By virtue of the above discussion and Section 24MD, therefore, if tentative listing or major change in management plans is proposed for a World Heritage property over which native title holders are permitted to cause a ‘significant’ impact on the world heritage values of the property, then the best endeavours obligation outlined in s10 of the EPBC Act applies equally to native title holders as it does to owners and occupiers. The government would be expected to consult with any native title representative bodies for the area, any native title body corporate for a determined claim, any registered Native Title Party, and/or the National NT Tribunal.

### ***The Growing Importance of Indigenous Consent in UNESCO Dialogue***

Indigenous consent is also rapidly gaining importance in all discourse surrounding the nomination process and management of World Heritage Areas, which is starting to be reflected in Convention instruments. A review of World Heritage processes indicates increasingly direct attention on community issues is progressively of more importance (Disko & Tugendhat, 2014). Human presence in World Heritage areas is no longer considered an anomaly in the natural World Heritage context.

It is worth being aware of the history of dialogue around the issue. Since the Convention came into place, there have been frequent objections raised by Indigenous peoples about violations of their rights in its implementation, not only at the domestic level in the nomination and management of specific World Heritage sites but also at the international level in the practice of the WHC, its advisory bodies, IUCN and International Council on Monuments and Sites (ICOMOS), and its Secretariat. Human rights concerns include disrespect for Indigenous peoples’ participatory rights in the nomination and inscription of sites, marginalisation of Indigenous peoples in the onsite decision-making and management of World Heritage areas, violations of their right to share equitably in tourism benefits, a common lack of consultation with Indigenous peoples by monitoring and site evaluation missions and a serious lack of transparency in some of the Convention’s processes. Disko (2014) notes further that in some World Heritage areas, Indigenous peoples are essentially treated as threats to their own territories and tight restrictions and prohibitions are placed on traditional land-use practices such as hunting, gathering, farming or animal husbandry, in violation of Indigenous peoples’ cultural and subsistence rights. These restrictions and prohibitions have had severe consequences for some Indigenous peoples’ food security, health and well-being and can be directly linked to the World Heritage status. The World Heritage List contains several protected areas from which Indigenous peoples have been forcibly removed, in some instances even

with the intention of “justifying inscription of an area on the World Heritage List as a place of natural importance devoid of what is perceived as the negative impact of local inhabitants” (Titchen, 2002).

### ***Revisions to the Operational Guidelines: 2015 and 2017***

The growing pressure for deeper engagement outlined above saw the introduction of “free, prior and informed consent” to paragraph 123 of the Guidelines through Decision 39 COM 11 of the Committee, taken in Bonn in July 2015. Until July 2015 the paragraph read: “Parties are encouraged to prepare nominations with the participation of a wide variety of stakeholders, including site managers, local and regional governments, local communities, NGOs and other interested parties”. While adopting the revisions, reflected in the current version of paragraph 123, the World Heritage Committee stated: “Taking into account that a more thorough revision of the Operational Guidelines on issues related to Indigenous peoples will take place further to the adoption the UNESCO Policy on Indigenous peoples in 2017, the present document proposes a limited revision, in view of aligning the World Heritage Convention and its implementation with other international instruments”.

It is instructive that the insertion of “free, prior and informed consent” is described as only a limited revision, and that the requirement for consent in the Operational Guidelines may imminently be strengthened, perhaps even during the consultation period for the current *Reef 2050* review. Meanwhile, the current cycle of World Heritage nominations are the first to be subject to the Guidelines in their current form and it remains to be seen how this insertion will be treated. It seems likely, given the Committee’s response to ongoing pressure thus far, that Indigenous consent will be given increasing priority and concern by the Committee when assessing State Party nominations. Australia has a chance to consider these changes not just for new World Heritage listings but to bring the implications for pre-land rights listings such as the GBRMP into modern standards when significant management changes are afoot.

## 5.0 KEY STRATEGIC THEMES EMERGING FOR TRADITIONAL OWNERS IN REEF 2050 GOING FORWARD

### **In short, this Section:**

In the context of the need for a more co-governed approach between Traditional Owners and Commonwealth and State governments, outlines the key strategic themes that Traditional Owners would like to see negotiated and resolved at a whole of Reef scale. These include lifting the foundational governance capacities of self-defined Indigenous land and sea institutions, creating the foundations for engagement and agreement making at various scales, and ensuring core investments in country-based planning, workforce, infrastructure and co-generated science that empowers Traditional Owners.

### **Contractually, this Section:**

Explores the larger policy issues concerning their future involvement in management of the GBR and determines key GBR wide policy and program funding/delivery.

### 5.1 Broad Strategic Themes Identified by Traditional Owners

Through the Palm Cove Forum and the extensive engagement held since, it has become clear that Traditional Owners across the GBR have long been and continue to advise that there remain several critically important policy considerations that they would like to see resolved going forward:

- **Long Term Approaches to Lifting Traditional Owner Sea Country Governance and Capacity:** Clear and long-term approaches are needed to partner Traditional Owners in the development of their capacities and opportunities to govern their sea country well at family, clan and tribal scales. This needs to start with enhancing cultural governance, growing to strong organisational governance that reflects it;
- **From Engaging Traditional Owners to Co-governing With Traditional Owners:** Fundamental recognition that Traditional Owners hold rights that arise from customary law/lore, recognised by the Australian nation-state, including seeing all GBR planning and management (from Reef 2050 down) being *with* rather than *for* Traditional Owners. In this context, there are management actions and priorities specific to Traditional Owners that they want to lead, implement or to have supported. There are often established Indigenous structures and processes that need to be recognised and/or spaces for Indigenous people to design and implement their own governance. There are also a number of parallel processes relating to sea country management and authority and Indigenous capability and capacity that need to be considered in the Reef 2050 context;
- **Toward Co-design of Key Reef Initiatives:** All stages of policy/program design and delivery needs to be co-designed/co-delivered with Traditional Owners from the start;
- **Long Term and Stable Sea Country Programs:** Stable policies and programs supporting Traditional Owner governance, planning and management of sea country and catchments (e.g. IPA/ TUMRA/ WOC/ Indigenous Business). This particularly means providing a real focus on equity issues (across groups) within the design framework and ensuring a wide spectrum of appropriate support arrangements

emerge. This means the design of programs that do not just focus on providing support to high capacity groups and that involves multiple layers of investment prioritisation;

- **Less Fragmentation Across Government and Private Sector Support Arrangements:** Reef-focused policies and programs will need to be integrated, not just within the GBR space, but across the wider range of support opportunities in the Commonwealth, State and even local government and the private and philanthropic sectors. How might, for example, Indigenous specific programs in Prime Minister and Cabinet (e.g. such as the Indigenous Advancement Strategy) provide the foundation stones for Reef investment;
- **Supporting Indigenous Leadership and Access to Emerging Environmental Services Markets:** Internationally, high value environmental services markets (including those which deliver social and cultural co-benefits) can be fostered and targeted into Traditional Owner efforts in the GBR. Traditional Owners are looking for governmental support and enhancement of these emerging markets and to avoid governments becoming market gatekeepers or destroying such markets through ill-considered regulatory action. The emerging environmental services context provides a very positive narrative about future Traditional Owner governance;
- **Towards a More Negotiated Approach to Resolving Sea Country Claims:** With many GBR sea claims yet to be resolved, more resources and streamlined processes need to be in place to facilitate more progressive and positive resolution of sea country claims and ILUAs at various scales. Such approaches also need to support a more negotiated approach to deal making in the shorter term (among groups and within others) while positively supporting ongoing resolution of claims into the future;
- **Towards a Longer-Term Focus on Building Cultural Values and The Economy:** Much higher-level recognition, protection and promotion of the cultural values of the GBR is required;
- **Building Indigenous Business Opportunities:** Opportunity exists for Traditional Owners to play a central role in the GBR economy, so effort is needed to support them to access these opportunities; and
- **Traditional Owners and Research Partnering:** Traditional Owners need to become real partners and collaborative researchers in the progression of science within the GBR.

These policy considerations are explored and developed in more detail below.

## 5.2 An Analysis of Emerging Rights and Past Agreement Approaches

An important conundrum arising from the 1981 World Heritage listing of the GBR and Indigenous authority is whether the original listing would be legitimate in a post-Mabo world. The Mabo case overturned the doctrine of *terra nullius* by Australia's High Court in 1992. If the World Heritage listing of the GBR had occurred in 2018, would the Australian Government need to (or have chosen to) seek the consent of Traditional Owners for this nomination? If the answer is yes, then the current listing and the approach to management in and adjacent to the GBRMPA needs to be significantly reviewed to lift it into the twenty-first century with the clear application of consent principles and Indigenous authority applying to all actions and future planning for this global icon. The current approach to GBR governance and management was created at the end of the Indigenous protection-era in Queensland (about forty years ago)

when terra nullius was still valid. In the protection-era, the government controlled both the setting of public policy for Indigenous people *and* acted as the designer of all public policy. It was also the funder, purchaser and provider of services. Over the last 30 years, there has been significant reform to the role of government and the gaining of rights by First Nations, but the Queensland Government and the Australian Government (including GBRMPA) still remain dominant in decision making and most Indigenous people and groups are competing in the service provision space after all other decisions have been made for them. The first new challenge is for governments to acknowledge that there is a problem and that structural reform in GBR governance is needed. From here, things can progress to the design and implementation of new arrangements that are serious about supporting an Indigenous agency and authority at a regional, sub-regional, tribal, clan and family level.

The institutionalised control that government currently holds over the design, funding and purchasing of policy and services for Indigenous people needs to be deconstructed and new arrangements designed and implemented for increasing Indigenous agency and authority. Simply establishing another advisory group to inform decision making (or an Indigenous position) does not substantiate FPIC or any level of Indigenous authority or recognition of Indigenous governance. RNTBCs and Land Trusts and other Indigenous resource interests (particularly in the Torres Strait and Cape) now hold extensive land rights and traditional ownership rights over the catchments that flow into the GBR lagoon, particularly north of Cooktown where 95% of catchments on CYP are Aboriginal owned and controlled land under Aboriginal Freehold Title including CYPAL National Parks. As the *Reef 2050 Plan* seeks to address catchment management issues in relation to water management (inflows to the reef lagoon), the flawed assumption generally is that this *Plan* considers that Traditional Owner rights and interests mainly apply to only sea country (and not the adjacent catchments).

The ecosystem, cultural and social inter-connections between Torres Strait and the rest of the GBR have also already been discussed. Torres Strait Islanders already have extensive sea country rights recognised in law, and a legislative framework which empowers them to manage their marine resources amongst other matters in the region. For example, the key government institution is the TSRA which is a statutory authority governed by a board made up of democratically elected leaders from each of the islands. Use of marine resources is specifically protected for Islanders in the *Torres Strait Fisheries Act 1984*, which includes acknowledgement and protection of the traditional way of life, rights to traditional fishing and promotion of economic development for traditional inhabitants (Commonwealth of Australia 2010).

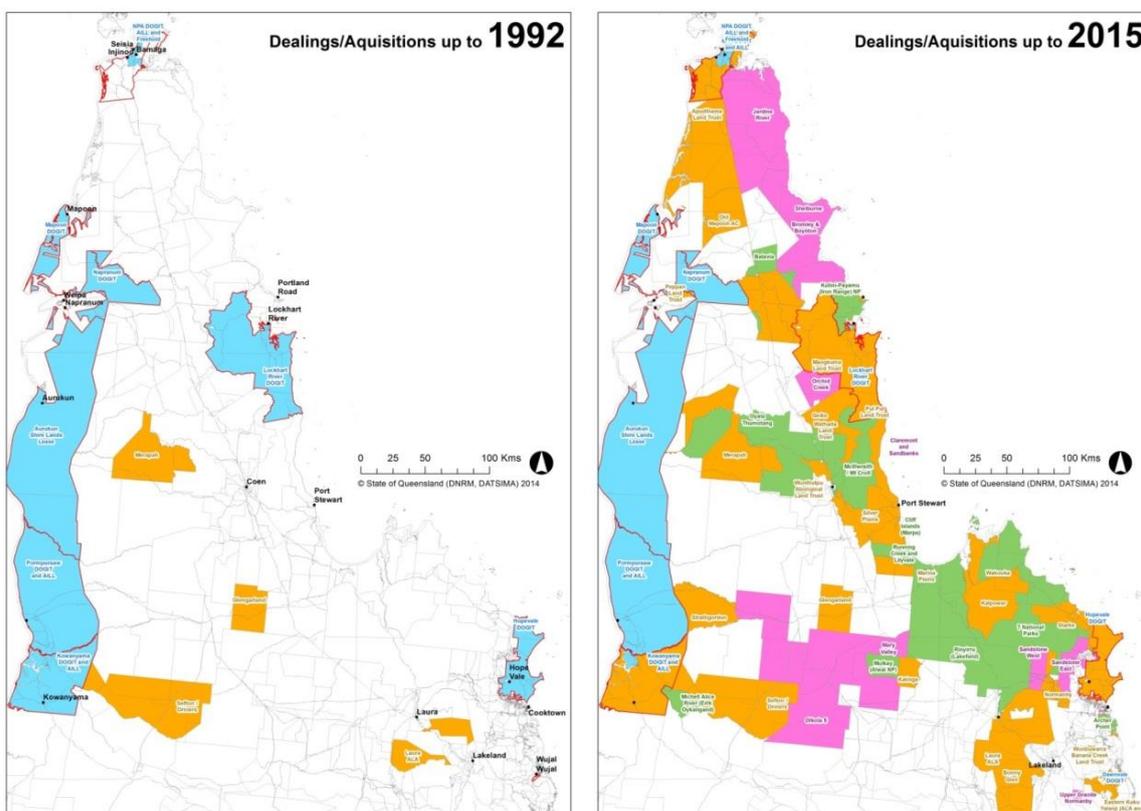
Torres Strait Islanders already have extensive sea country rights recognised. In the Cape York context, the *Reef 2050 Plan* needs to accommodate the One Claim process, the strength of anthropology on Cape York, and that the native title rights over sea country in the northern section of the GBR will deliver strengthened Indigenous legal rights (see Figure 9). As a result, some activities of GBRMPA, including issuance of permits and licenses over the northern section, will likely become a future act requiring agreement making. Government and government agencies, including GBRMPA, will ultimately become third parties wanting to regulate and do things over Aboriginal land and sea country rights (in the name of the public interest). Following further native title development across Queensland, relevant Corporations will want to apply ILUA-based approaches more often. Following native title determination, consequent Aboriginal Corporations have two key functions:

1. Native title authority (RNTBC functions); and
2. Act as a Land Trust and include all people concerned including historical owners.

Further, it needs to be remembered that the GBRMP is not an isolated area, and management of the Coral Sea, Torres Strait and Gulf of Carpentaria will also affect governance of the GBR, so connections with these marine areas is required too. Providing a single Sea Country Alliance or network to advise all these plans, sea programs and regions will reduce engagement duplication and costs, save time (i.e. people not having to sit on multiple advisory bodies) and provide consistent advice to multiple government agencies and stakeholders.

### **Increasing Sea Country Ownership**

As mentioned previously, sea claims have been determined in the Torres Strait. Native title sea claims have been registered over parts of the GBRMP and the northern marine parks network. The North Eastern Peninsula Sea Claim, for example, covers over approximately 18,555 square kilometres of sea country off the east coast of Cape York. The Northern Peninsula Sea Claim is over approximately 7,402 square kilometres of sea country. The Cape York East Coast Sea Claim is intended to be filed by the end of 2019 and extend from Captain Billy Landing in the north to the Daintree River in the south and stretch to the outer reef. The current claims, and the upcoming claim when filed, provide Traditional Owners with rights and interests in these areas, including the right to be consulted over activities within the claim area. These claims will seek to prove Indigenous people hold rights over the GBR and will also increase expectations of FPIC for decisions in the Reef such as the issuing of access permits and changes to management plans or economic restrictions



**Figure 9: The growing extent of recognition through Queensland legislation of Indigenous ownership of catchments in the northern GBR**

It is essential that those Traditional Owners already identified for the current claims are involved in new marine management planning and implementation. It is also essential that the Traditional Owners for the upcoming sea claims be identified early in the process so that any of those Traditional Owners can be involved in any marine planning and management discussions that occur prior to the filing of the claim. A joint or co-managed approach will provide full and culturally appropriate management coverage and will include activities currently overlooked such as regulation and policing of traditional hunting. This approach would provide a proactive view of the rights and responsibilities of Indigenous people in the World Heritage region.

Native title rights will also increasingly compel joint management of the marine park through the activation of Section 39ZA of the *Great Barrier Reef Marine Park Act 1975* (and other mechanisms) and support the emergence of a formal network of Traditional Owner groups consistent with the rights held, allowing Traditional Owners to be the drivers of their own destiny. Over the last two decades, there has been increasingly regulatory activity in reef catchments, despite the implications to Aboriginal people as significant owners of the land. Again, stressing the importance of an unfolding raft of sea claims in the GBR, the proposed 2019 East Cape York sea claim, for example, will establish native title rights and provide increased standing for Traditional Owners in such issues.

### ***Increasing Indigenous Land Ownership***

The *Aboriginal Land Act 1991* (Qld) (ALA) provides for the grant of land ownership to Aboriginal people particularly concerned with the land as Aboriginal land. The tenure of transferred (i.e. granted) land is Aboriginal freehold and title to the land is held by a land trust. Aboriginal freehold is a form of freehold tenure and provides similar rights and responsibilities to Aboriginal landowners as to the owners of fee simple freehold land, the main difference being that Aboriginal freehold land is inalienable so it may not be sold. There are two main processes for land transfers to Aboriginal freehold tenure. The first process is the transfer of land identified in the ALA s10 as transferable lands. This land is transferred pursuant to the transfer process provided by the ALA. In addition, The *Nature Conservation Act 1992* (NCA) provides for the creation of a class of protected area called "National Park (Cape York Peninsula Aboriginal land)" (National Park [CYPAL]). This class of protected area provides for existing and proposed national parks to become Aboriginal land and to also be dedicated and managed as a National Park (CYPAL). Existing Aboriginal land and unallocated State land in the Cape York Peninsula region can also become National Park (CYPAL).

Traditional Owners are the owners of National Park (CYPAL) through the grant of Aboriginal freehold title, and these areas are jointly managed by Traditional Owners (represented by a land trust) and the Queensland Department of Environment. Joint management arrangements for a National Park (CYPAL) are established through the development of an Indigenous Management Agreement (IMA) and a park management statement or management plan. As a result of land transfers since the introduction of the *Queensland Aboriginal Land Act*, most of the land in the GBR catchment north of the Daintree River is now Aboriginal freehold land and managed directly, or jointly in the case of CYPAL land, by Aboriginal land owners.

Aboriginal land trusts, as the owners of Aboriginal freehold land, are responsible to manage that land in compliance with relevant legislation and overarching management plans. The Reef

*2050 Plan* identifies that water quality due to land based run off and coastal land use change are key risks to the reef. As land owners Aboriginal land trusts on Cape York are responsible for managing run off from their land and land use changes. Therefore, if water quality and land use in the northern third of the GBR is to be managed to achieve *Reef 2050* objectives, Aboriginal land owners must be properly engaged and supported to achieve water quality and land use management actions. Also, this approach sets a precedent in Queensland for Joint Management. Feedback from Traditional Owners in Cape York Peninsula during this project would suggest that while the National Park Joint Management system in Cape York is poorly resourced/implemented, it does provide an improvement on past exclusion models.

### ***Cultural, Fishing and Hunting Rights***

Importantly native title rights focus strongly on hunting rights and management of totem species. Consequently, the management of these species can be enhanced through joint management and reinstatement of Indigenous authority. Currently the regulation and laws around taking these species are limited. The Cape York Turtle and Dugong Taskforce provided a roadmap for Indigenous Native Title based regulations on the hunting of endangered species including the permitting, banning, policing and resource allocation and limits in relation to hunting. Feedback from Traditional Owners in Cape York Peninsula during this project would suggest that this is currently poorly understood as a management issue for GBR agencies and is unenforceable without the leadership of Indigenous people themselves.

### ***Experience in Local Agreement Making: S. 39ZA of the GBR Marine Park Act***

A very little used, but extremely powerful opportunity for agreement making also exists within the *GBR Marine Park Act* itself. This arrangement is the Section 39ZA arrangements that enable the GBRMPA to undertake agreement making with community groups that have special interests in areas of the marine park. Under the *GBR Marine Park Act 1975* (Cth), Part VB provides more formal, but unused, opportunities for Traditional Owner involvement in that:

- a. Section 39V Interpretation A makes reference to a community group having a special interest in an area of the marine park and includes a reference to the people in the group who have some form of native title to the area or its resources or have some other special identification with the area or its resources; and
- b. Section 39Y deals with the Objects of Plans of Management and provides for the management of areas of the park in conjunction with community groups in circumstances where those groups have a special interest; and
- c. Section 39ZA enables the making of arrangements with community groups that have special interests in areas of the marine park.

Under these arrangements, the Authority may enter into an agreement or arrangement with a group of people who are representative of a community group that has a special interest in an area of the park. The agreement or arrangement may relate to the development and/or the implementation of a plan of management for, or for a species or ecological community within the area concerned and may, if the Authority considers it appropriate, provide that, if such a plan of management is prepared, the community group is to manage the area, or the species or ecological community within the area, jointly with the Authority in accordance with the plan.

### **Experience in Local Agreement Making: TUMRAs**

TUMRAs are formal agreements developed by Traditional Owner groups that may be accredited by the Australian Government's GBRMPA and the Queensland Department of Environment and Science (QDES). They have the status of a legal instrument under the *GBR Marine Park Act 1975* (Cwlth) and under the *Marine Park Act 2004* (Qld). The Authority and the QDES have jurisdictional responsibility for management of the marine park, coastal waters and the inscribed World Heritage Area. TUMRAs are considered an important tool to assist in the protection of cultural and heritage values, to conserve biodiversity and to enhance the resilience of the GBR. The TUMRA is a voluntary agreement, which formally recognises traditional lore and custom and is led, driven and authorised by Traditional Owners. Under their TUMRA program, Traditional Owners incorporate a shared science and knowledge of environmental management for the ongoing protection of their land and sea country estate. Many Traditional Owners undertake TUMRAs to practice a sustainable living maritime culture, provide traditional food for families and educate younger generations about traditional and cultural rules, protocols and activities in sea country. Expressions of these activities are typically reflected within the TUMRA Implementation Plan.

Under their TUMRA, Traditional Owners are often taking the lead, motivated by self-determination and self-management. The process to accredit a TUMRA establishes a legal management framework to work with and partner with management agencies to conserve and protect species, habitats and ecosystems critical to the healthy functioning of the Reef. These are interconnected natural attributes existing within a symbiotic relationship with Traditional Owners and are recognised as being of Outstanding Universal Value to the world. The TUMRA may describe specific management strategies for the conservation and sustainable use of key species and habitats; restoring and maintaining waterways and coastal ecosystems, maintenance and protection of significant heritage values including important places, traditional ecological knowledge, culture and language; research and monitoring of sea country (including partnerships with the Authority and other leading scientific institutes and individuals); leadership and governance including knowledge management; education and information exchange; and enhanced compliance.

In more recent years the process of establishing a TUMRA has focused the attention of Traditional Owners on a wider set of interests. Formal TUMRA partnerships have led to a deeper interest in developing ranger capacity, managing enhanced compliance (customary lore as well as regulatory agency law), undertaking environmental projects, strengthening natural and cultural heritage, protecting areas of cultural sensitivity (i.e. Impact Assessment Guidelines) and developing business opportunities. Not only do TUMRAs contribute to more active and effective partnerships, but they enable Traditional Owners to seek a role as joint custodians to address conservation and sustainable use objectives as part of their obligations.

It is also worth noting that Traditional Owners have legal and inherent rights and interests that differ from historical Aboriginal and/or Torres Strait Islander people connected to the GBR. Traditional Owners describe one of the key benefits of the TUMRA process is that it affords respect and recognition of these rights and interests. Commonwealth and State management agencies recognise this difference and acknowledge Traditional Owners continuing social, cultural, economic and spiritual connections to the GBR region. Accrediting a TUMRA is a formal way to recognise and promote this, which is highly valued by Traditional Owners.

TUMRAs however, do have the potential to be geographically fractured and unenforceable. They have provided a planning framework with minimal funding back up for implementation and they have not been formalised in broader GBR management arrangements. They also can lead to more reporting rather than regulatory powers for Traditional Owners. While TUMRAs are an active agreement making tool, they may not be sufficient in their own right to meet a more complex set of Traditional Owner aspirations.

### ***Experience in Local Agreement Making: ILUAs***

ILUAs have not been used very much for GBR management but should be able to give greater authority to endorse options for future governance, management and regulation. An ILUA, for example, could be used to regulate all traditional hunting and fishing rights in the GBR management area, including for iconic species such as turtle and dugong. This would help achieve the objectives of Reef management (e.g., managing unregulated hunting and fishing under the authority of native title). Additionally, an ILUA could potentially be used to meet consent requirements at various scales for major management plan changes or to update the GBR World Heritage status. This would enable world's best practice by meeting international agreements on Indigenous peoples' rights under FPIC. As bleaching and other threats continue to increase on the Reef, the importance of lifting the bar on Indigenous consent will improve Australia's international standing and improve the chances of retaining World Heritage recognition, which the tourism industry relies on and the Australian public values.

## **5.3 The Potential for Regional Agreement Making**

Given the diversity of major regions in the GBR, there is significant potential for the formalisation of regional agreement making to hone effort towards more specific regional needs. Most progress towards thinking about regional agreement making has occurred in Cape York. Since 1999, Indigenous regional organisations in Cape York have promoted a model that recognises the decision-making needs at a local, sub-regional and regional level. This model suggests that Traditional Owners are recognised and seeks to secure a consistent engagement and decision-making process for natural resource use issues. In this case, a regional/sub-regional governance model has been proposed with clearly defined roles and responsibilities for decision-making at each level and clear relationships between levels.

Key regional differences across the GBR suggest the need for separate approaches to regional agreement making for the Torres Strait, Northern, Central and Southern Regions of the GBR (see Table 5). There are a number of issues, for example, that are unique to the Cape York GBR management region compared with central and southern catchments. Examples include:

- Cape York catchments are relatively intact;
- The reef is generally closer to land;
- Much of the region is very remote and hard to access;
- Oceans are warmer and warming more quickly, making it an important location to monitor ecosystem adaption and resilience;
- Land ownership and native title are extensive and strong;
- The region is predominantly an Indigenous domain; and
- There are strong regional Indigenous organisations working on environmental management and economic issues with established Aboriginal governance.

Indeed, great cultural and operational differences in different regions suggest the potential value of diverse regional agreement making processes.

**Table 5: Comparative characteristics of different GBR Indigenous regions.**

| <b>Issue</b>                    | <b>Northern</b>   | <b>Central</b>  | <b>Southern</b>   |
|---------------------------------|---|---|---|
| <b>Infrastructure</b>           | <ul style="list-style-type: none"> <li>• Remote</li> <li>• Lack of Infrastructure</li> <li>• Coastal access limited Large areas with no access</li> <li>• Lizard Island Facility</li> <li>• Key access points are Indigenous communities of Wujal Wujal, Cooktown, Hopevale, Port Stuart, Lockhart River, NPA</li> <li>• Basic remote boat ramps</li> </ul> | <ul style="list-style-type: none"> <li>• Populated</li> <li>• Tourism Hubs of Cairns, Townsville and Whitsundays</li> <li>• Major Ports and international airports</li> <li>• Science organisations located</li> <li>• Research Facilities including AIMS</li> <li>• Management agencies located</li> </ul> | <ul style="list-style-type: none"> <li>• Close to Population of South East Queensland.</li> <li>• Research Facilities</li> </ul>  |
| <b>Economic</b>                 | <ul style="list-style-type: none"> <li>• Remote and undeveloped – restricted economic opportunities</li> <li>• Land and Sea management</li> <li>• Fisheries and tourism</li> <li>• Timber, agriculture and grazing</li> </ul>   | <ul style="list-style-type: none"> <li>• Major economic hubs of Cairns and Townsville</li> <li>• Large tourism opportunities,</li> <li>• Grazing, agriculture and mining</li> </ul>   | <ul style="list-style-type: none"> <li>• Economic Hubs of Mackay and Gladstone</li> <li>• Mining, grazing and agriculture</li> <li>• Close to large populations and resources of SE Queensland</li> </ul> |
| <b>Environmental Priorities</b> | <ul style="list-style-type: none"> <li>• Climate change</li> <li>• Erosion</li> <li>• Bleaching</li> <li>• Run off and sediment</li> </ul>  | <ul style="list-style-type: none"> <li>• Crown-of-thorns</li> <li>• Agricultural runoff</li> <li>• Urban development</li> <li>• Climate change</li> <li>• Mining</li> <li>• Cruise ship ports and dredging</li> </ul>   | <ul style="list-style-type: none"> <li>• Crown-of-Thorns</li> <li>• Mining</li> <li>• Agricultural runoff</li> <li>• Climate change</li> </ul>  |
| <b>Existing Reef Resourcing</b> | Low   | High  | Medium  |
| <b>Land Tenure</b>              | <ul style="list-style-type: none"> <li>• Large areas Aboriginal Freehold</li> <li>• CYPAL National Parks</li> <li>• Pastoral leases</li> <li>• Native Title</li> </ul>  | <ul style="list-style-type: none"> <li>• Freehold</li> <li>• World Heritage (Wet Tropics)</li> <li>• Mining lease</li> <li>• Pastoral leases</li> </ul>   | <ul style="list-style-type: none"> <li>• Freehold,</li> <li>• Mining leases</li> <li>• Pastoral leases</li> </ul>   |

## 5.4 The Need to Support Economic Development

There is currently a very limited economy in Indigenous nations and very high rates of unemployment. This contrasts against the growing land holdings and sea rights of Traditional Owners and their aspiration to manage their land for its natural and cultural values and taking up their right to development across a range of industries including tourism, ecosystem services, forestry, agriculture, horticulture, pastoralism and mining. The GBR economy needs

to generate significant Indigenous jobs if the long term entrenched disadvantage and poverty facing families and all of the disastrous secondary social problems are to be addressed. Our engagement has uncovered a significant Indigenous interest is economic development through the use of GBR resources.

An economic analysis identified that in 2015-16 the GBR (not including Torres Strait) contributed \$6.4B to the Australian economy annually, including \$2.9B within the GBR region itself (see Table 6). The majority of this value comes from tourism, with significant contributions also from recreation, commercial fishing, and scientific research and reef management (Deloitte Access Economics, 2017).

**Table 6: Economic value of the GBR from the four main contributing sectors.**

| <b>Economic sector</b>                         | <b>National contribution</b> | <b>Queensland contribution</b> | <b>GBR region contribution</b> |
|--|------------------------------|--------------------------------|--------------------------------|
| <b>Tourism</b>                                 | \$5.7 B                      | \$3.4 B                        | \$2.4 B                        |
| <b>Commercial Fishing and aquaculture</b>      | \$162 M                      | \$140 M                        | \$139 M                        |
| <b>Recreation</b>                              | \$346 M                      | \$296 M                        | \$284 M                        |
| <b>Scientific research and reef management</b> | \$182 M                      | \$161 M                        | \$155 M                        |

While economic opportunities within this Reef economy should be plentiful for Traditional Owners, these opportunities are not currently being realised. Traditional Owner participation was not specifically measured in the Deloitte analysis, however it was considered to be currently very low. Lack of reef transport infrastructure and equipment limits participation in the tourism, recreation and research sectors, which is consequently restricted to shore-based cultural activities such as dancing, art and storytelling; and employment servicing tourists in the hospitality sector (Marrie, 2017). Nevertheless, as Traditional Owners become more empowered in Reef resource use and management, there is scope to establish a framework for greater participation in all four sectors.

Particular attention has also been raised by Traditional Owners about the potential for aquaculture as a sustainable industry based on marine and/or freshwater resources for development by Traditional Owners of the reef. In 2003, a North-Queensland wide scoping study was undertaken to assess opportunities for Indigenous aquaculture development including on the GBR. This project and its outcomes were overseen by a representative Indigenous group - the North Queensland Indigenous Aquaculture Working Group, later renamed Mura Bama, and chaired by Bruce Gibson (O'Sullivan, 2004). The study analysed historical Indigenous aquaculture projects which had failed, and identified a wide range of region-specific species that were suitable for new aquaculture development. The analysis recognised several core requirements for Indigenous aquaculture in addition to the usual feasibility studies, business/marketing plans, and requirement for appropriate capacity. These included significant interest and readiness within Indigenous groups, good access to suitable land and sea country through traditional ownership, realistic community understanding of the benefits and risks, and a willingness to enter into joint ventures due to the high capital investments required. It also noted significant permitting constraints to aquaculture development within the GBR area due to GBRMPA requirements (see GBRMPA, 2004).

Nevertheless, the study went on to predict success in three Indigenous aquaculture projects that were in pre-development stages (Oliver & Whitney, 2004).

Unfortunately, to date none of these ventures have come to fruition, and non-Indigenous in-sea aquaculture activity within the GBRMP has declined. There were four pearl farms and one sea-cage fish farm operating in the GBRWHA in 2004 (GBRMPA, 2004), but not one of these remains in operation today, although a further pearl farm has commenced at Albany Island (see Permit No G18/36668.1; (GBRMPA, 2018)). In an environment where reef restoration is emerging as a key new strategic tool, this trend of declining aquaculture activity on the Reef is in contrast to a national increase in aquaculture production of 10% per annum to 2015-16 when its value reached \$1.3B, primarily due to salmonid production in southern states (ABARES, 2017). It is also inconsistent with the Commonwealth government's key policy guidance for aquaculture which seeks to meet growing demand for seafood and reach \$2B value in the sector by 2027, and identifies the need for stronger involvement of Indigenous people as a key issue (Department of Agriculture and Water Resources, 2017).

## 5.5 Improving Local Governance Capacity and Infrastructure

Self-defined family, clan and tribal groups and their PBCs, Land Trusts and relevant corporations, in many cases, have very low levels of resourcing and therefore capabilities. This issue is amplified in the northern section of the GBR with vast remote areas lacking basic physical infrastructure, people to manage the Reef and few industries such as tourism to assist.

Part of the problem is that these organisations have never been fully incorporated into regulatory or decision making frameworks, as intended when the *Native Title Act* was established. There are capable land and sea institutions, but the stark capacity divide can also make them vulnerable to fracturing and division if there is not inclusive Traditional Owner representation in governance. The *Reef 2050 Plan* should give a strong network of institutions a clear role, and help determine a clear purpose and common operational principles. This could involve work with other agencies to ensure sufficient funding and support to enable professional governance building and to help meet the targets and priorities of local plans.

After 25 years of native title rights being progressed, many Traditional Owners remain unhappy with their ability to leverage these rights for their benefit. Cultural authority is often weakly enforceable, and a lack of regulatory power and penalties allows abuse of the system. Traditional Owners are often left carrying the political and physical liability of management without the means or authority to protect their collective interests, both for their own sustainability, and for the betterment of the broader society. Because of this spread of capability of Indigenous organisations holding land and sea rights, tailored support is needed to match organisational capability. A broad focus on capacity building needs to include governance, planning, business development, workforce and infrastructure issues.

## 5.6 Governmental Relations at the Whole of Reef Scale

The concept of *terra nullius* has set the framework for control and contestation of Australian nationhood to the present day and underlies the lack of negotiations for a treaty or compensation with Traditional Owners (Babacan & Gopalkrishnan, 2017). This is also reflected in the lack of authoritative organisational governance for Traditional Owners, exemplified by

the Australian Government's rejection of the Referendum Council's call for a national Indigenous representative assembly to be put into the Constitution of Australia. While Traditional Owner groups have been consolidating their local rights and building organisational governance of their land and sea country through organisations and institutions, there remains no broad agreement between them and Commonwealth and State governments about GBR management (Dale et al, 2016).

The key challenge is to move from recognition of Traditional Owner values and the provision of advisory roles to Traditional Owners to a situation where Traditional Owners are in authoritative decision-making roles. These roles for Traditional Owners must also reflect and have strong links to customary governance arrangements within and between Traditional Owner groups. The Australian Government has not ratified the 1989 *International Labour Organisation's (ILO) Convention No.169 concerning Indigenous and Tribal Peoples in Independent Countries* (ILO 169), which recognises that Indigenous Peoples, and Tribal Peoples, have "the right to land and ownership, the right to participate in the management of land and natural resources and also the right to self-determination". As such, an agreement between GBR Traditional Owners and the State and Commonwealth governments is needed to establish and recognise these rights over the GBR.

Some localised key mechanisms for implementing more regionalised or localised forms of co-governance are in place through stronger Aboriginal and Torres Strait Islander institutions and co-management frameworks (e.g. TUMRAs). However, a stronger GBR-wide legal foundation and higher-level co-governance agreement with Commonwealth and State governments is needed to provide a regular framework for supporting and resourcing Traditional Owner-led governance of the Reef. Indeed, review and implementation of the *Reef 2050 Plan* presents a crucial opportunity to develop decision-making authority for GBR Traditional Owners at the whole of GBR level through some form of tripartite agreement between Traditional Owners and the State and Commonwealth governments. This should also be built upon intergovernmental agreement between State and Commonwealth governments concerning this approach.

Through our engagement and research, such an approach has already been considered and applied in other contexts and could involve:

- Co-governance of the whole Reef (agreement making at whole of GBR level), setting the framework for policy and plan making, program design and monitoring progress;
- The empowerment of the emerging Sea Country Alliance concept to enable cultural authority among Traditional Owners;
- Cooperative support/engagement among the GBR's four native title representative bodies;
- 3rd party facilitation of the negotiation process would be crucial to keep the parties together and would also be important in supporting implementation and monitoring;
- Sustainable financing and innovative financing could be included and discussed, including examples of Sami models for sustainable financing; and
- A focus on getting the delivery arrangement right (e.g. core governance and capacity building of self-defined groups, agreement making via s39Za, TUMRAs, ILUAs).

In thinking further about this concept, experience from other jurisdictions across the globe may provide additional help in designing such an approach.

### ***International Examples of Wider Agreements with Traditional Owners***

The *Sámi* people are the Traditional Owners of parts of northern Europe, living in areas of current-day Norway, Sweden, Finland and the Russian Kola Peninsula. Within Sweden, Cultural governance of the *Sámi* people are structured around the '*siida*', a local organisation that plays an important role in the distribution of lands, water and natural resources (Talbot, 2017). Within the '*siida*', members have individual (often inherited) rights to resources but work with each other in the management of reindeer herds, hunting and fishing. These structures form the basis of systems for land distribution, inheritance and dispute resolution among '*siida*' members (Talbot, 2017).

The history of Swedish *Sámi* organisational governance and agreement-making can provide insight for progressing the rights to shared governance by GBR Traditional Owners. For example, in 1956, the *Sámi* Council was established as a pan-*Sámi* coalition and representative body for *Sámi* across the various nation-state borders. The *Sámi* Council is a non-governmental organisation that promotes the human rights of *Sámi* people across borders. Subsequently, *Sámi* parliaments have been established in Norway, Sweden and Finland as the "...principal vehicles for *Sámi* self-determination in [these three nation states] and represent an important model for Indigenous self-governance and participation in decision-making that could inspire the development of similar institutions elsewhere in the world" (Human Rights Council, [HRC] 2011, p.11). The characteristics of *Sámi* parliaments vary across the three countries and all have strengths and shortfalls in terms of delivering effective governance to *Sámi* Peoples. For example:

- the Swedish *Sámi* Parliament is both a Government agency and a popularly elected body (HRC, 2011), although there is an ongoing struggle for recognition of *Sámi* as Indigenous Peoples and for land ownership rights in Sweden (Talbot, 2017);
- the Constitution of Finland recognizes the *Sámi* as an Indigenous people and recognizes their right to cultural autonomy within their homeland, noting that "in their native region, the *Sámi* have linguistic and cultural self-government. However, this does not acknowledge or grant any special land rights to the *Sámi* people or acknowledge any exclusive rights for the *Sámi* people to pursue their traditional livelihoods, within or outside of the homeland areas (HRC, 2011); and
- the Norwegian *Sámi* parliament has a consultation agreement with the government of Norway, with the potential for advancing *Sámi* rights and influence over decision-making. However, there are concerns about the genuine influence of the *Sámi* parliament over decisions through the consultative process, and conflicts continue to arise, between traditional *Sámi* ways of living and industrial development (HRC, 2011).

In 2000, the *Sámi* Parliamentary Council (comprising the *Sámi* parliaments and with permanent participation with the *Sámi* from Russia) was mandated to deal with cross-border issues affecting the *Sámi* people, and to coordinate their voice at the international level, including at the UN (HRC, 2011). In 2017, the Nordic *Sámi* Convention was agreed by the Nordic governments and hailed as a significant step forward on the rights and culture of *Sámi* People (Staalesen, 2017). While the autonomy and self-governing authority of *Sámi* parliaments is not yet supported in national legislation (Staalesen, 2017), it presents a model of regional agreement-making between Indigenous groups and Governments that could be adapted to the GBR situation.

### **An Australian Case Study in Shared Governance of the Wet Tropics World Heritage Area (Talbot 2017)**

Rainforest Aboriginal People from the Wet Tropics World Heritage Area self-determined their engagement in the region through a shared governance process consisting of eight members of an Aboriginal Negotiating Team (ANT) and region-wide workshops conducted from 2002 to 2005. In 2005, the *Wet Tropics World Heritage Regional Agreement* (hereafter called the 'Regional Agreement') was signed between 18 of the Rainforest groups, the Wet Tropics Management Authority (WTMA) and the Australian and Queensland governments (Wet Tropics Management Authority, 2005). This agreement signified the start to new engagement and partnerships between governments and all of the local Rainforest groups, with a strong focus on more meaningful Traditional Owner involvement in decision making regarding the management of the WTWHA (Wet Tropics Management Authority 2005). An Aboriginal Rainforest Council (ARC) was established, with some initial government funding, for ongoing collective decision making among the Rainforest Aboriginal People throughout the Wet Tropics World Heritage Area. A Rainforest Aboriginal Consultative Committee (RACC) was also established as an advisory committee under Section 40 1(b) of the *Wet Tropics Act 1993* (Wet Tropics Management Authority 2017).

Concurrently with the negotiations of the Regional Agreement, Rainforest Aboriginal People developed a *Wet Tropics Aboriginal Cultural and Natural Resource Management Plan – The Bama Plan* (hereafter called 'the *Bama Plan*') (which complements the Wet Tropics Natural Resource Management Plan) (Wet Tropics Aboriginal Plan Project Team 2005). The *Bama Plan* sets out the on ground priorities and aspirations of each of the *Bama* groups. *Bama* again engaged in this process through self-determined arrangements, establishing an Indigenous Technical Support group and conducting more than 20 regional and local workshops (Larsen and Pannell 2006, Pannell 2008). These milestones and foundational achievements reflected ongoing efforts by Rainforest Aboriginal People to improve their access to, and involvement in, making decisions about, and managing, their traditional lands. Much larger changes have occurred since 2008, through native title recognition and the declaration of Indigenous Protected Areas (IPAs) within the WTWHA.

Again, there were great strengths in the processes of negotiating the development of the regional agreement and *Bama Plan*. However, major problems emerged through the lack of consistent implementation, support and commitment from participating governments. Lessons learned from this experience particularly remind us of the need for agreement making to be long term, implementation focussed and heavily based on monitoring, evaluation and continuous improvement. Agreement making is the start, not the end of such processes.

## **5.7 Why Meaningful Engagement in Knowledge Building is Important**

Traditional Owners of the GBR are born with inherent responsibilities, rights and interests to care for land and sea country. They hold vast Traditional Ecological Knowledge (TEK) from observations captured in practices and oral histories of sustainable resource use, custodianship and environmental change. This knowledge may cover thousands of years. For example, Yidinji stories from the Cairns region recall times of lower sea levels at least 10,000 years ago (Reid & Nunn, 2015). It is not surprising that this intellectual and cultural investment

is matched by a strong desire to be meaningfully engaged in research, monitoring, planning and management relating to their traditional land and sea country. Despite many good intentions, this has not always happened and Traditional Owners continue to be marginalised from research, management and decision-making about their country (See Box 7).

**Box 7: The Importance of Cultural Competency**

*... these people from universities and stuff, they just don't know about cultural appropriateness and stuff like that, and we need to sit down with our Mob and just nut stuff out....a lot of people don't seem to want to listen to it or they don't understand it and they just block their ears to it, it falls upon deaf ears.*

(Traditional Owner, 2018).

Furthermore, this means missed opportunities for research and management to benefit from traditional knowledge and insights into appropriate management approaches. Access to the best possible information must include traditional knowledge, to best inform adaptive management, reef decision making, policy direction and programs. In this section we:

- identify principles for knowledge partnerships with Traditional Owners based on experience within and beyond the GBR;
- discuss important elements of implementing knowledge partnerships; and
- discuss some challenges relating to existing policy, programs and resourcing.

Collaborative knowledge production will result in research and monitoring of a range of attributes including biophysical and cultural values, management outcomes and trends that are informed by the priorities of Traditional Owners. Several Traditional Owner groups (for example Giringun Aboriginal Corporation, 2013; Jalunji-Warra People & Shee, 2012; Woppaburra Land Trust, 2009; Mandingalbay Yidinji Aboriginal Corporation, 2009), have documented their strategic and research priorities for sea country and the Reef, and these should be used to guide research partners in their conversations with Traditional Owners and the development of collaborative proposals and projects.

***Principles for Knowledge Partnerships***

Meaningful engagement and knowledge sharing with GBR Traditional Owners goes well beyond the concept of stakeholder consultation (see Box 8). For decades they have pursued a role and recognition as Reef rights and knowledge holders, with equity between traditional and western knowledges as the starting point. The engagement goal for GBR Traditional Owners is collaboration through equitable partnerships aimed at implementing collaborative action and strategic investment to gain the best possible outcome for country. One approach to collaboratively bringing together traditional knowledge and other knowledge systems and practices is the Multiple Evidence Base (MEB) approach. This approach supports collaborating partners to share, use and co-produce knowledges (Austin et al. 2018). MEB tools include the use of qualitative and quantitative data sets and different knowledge systems and bases (Austin et al. 2017, e.g. Figure 10).

**Box 8: Traditional Owner Interests in Science Partnerships**

*...we need the scientists to work closely with the traditional owner. They would learn both traditionally culturally and scientifically, exchange ideas and knowledge, that's for me.*

(Traditional Owner, 2018).

Among the guidelines for developing research partnerships with Traditional Owners, the following have been identified by Traditional Owners (from the Kimberley region) as important in the initial stages (Austin *et al.* 2017):

- take relationship-building seriously;
- empower local, inter-cultural governance;
- ensure free, prior and informed consent;
- facilitate local participation; and
- begin with equity among knowledge systems.

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) has created Guidelines for Ethical Research in Indigenous Studies (GERAIS) (AIATSIS, 2012) centred around principles that can be applied to engagement more broadly. For example, these principles underpin the *Indigenous Engagement and Participation Strategy* developed by the National Environmental Science Program (NESP) Tropical Water Quality (TWQ) Hub (TWQ Hub & RRRC, 2015), as well as the Western Australian Marine Science Institution's (WAMSI) *Guidelines for Collaborative Knowledge Work in Kimberley Saltwater Country* (Austin *et al.* 2017). The 14 principles are:

1. Recognition of the diversity and uniqueness of peoples, as well as of individuals;
2. The rights of Indigenous peoples in self-determination must be recognised;
3. The rights of Indigenous peoples to their intangible heritage must be recognised;
4. Rights in the traditional knowledge and cultural expressions of Indigenous peoples must be respected, protected and maintained;
5. Indigenous knowledge, practices and innovations must be respected, protected and maintained;
6. Consultation, negotiation and free, prior and informed consent are the foundations for research with or about Indigenous peoples;
7. Responsibility for consultation and negotiation is ongoing;
8. Consultation and negotiation should achieve mutual understanding about proposed research;
9. Negotiation should result in a formal agreement for the conduct of a research project;
10. Indigenous people have the right to full participation appropriate to their skills and experiences in research projects and processes;
11. Indigenous people involved in research, or who may be affected by research, should benefit from, and not be disadvantaged by, the research project;
12. Research outcomes should include specific results that respond to the needs and interests of Indigenous people;
13. Plans should be agreed for managing use of, and access to, research results; and

14. Research projects should include appropriate mechanisms and procedures for reporting on ethical aspects of the research and complying with these guidelines.

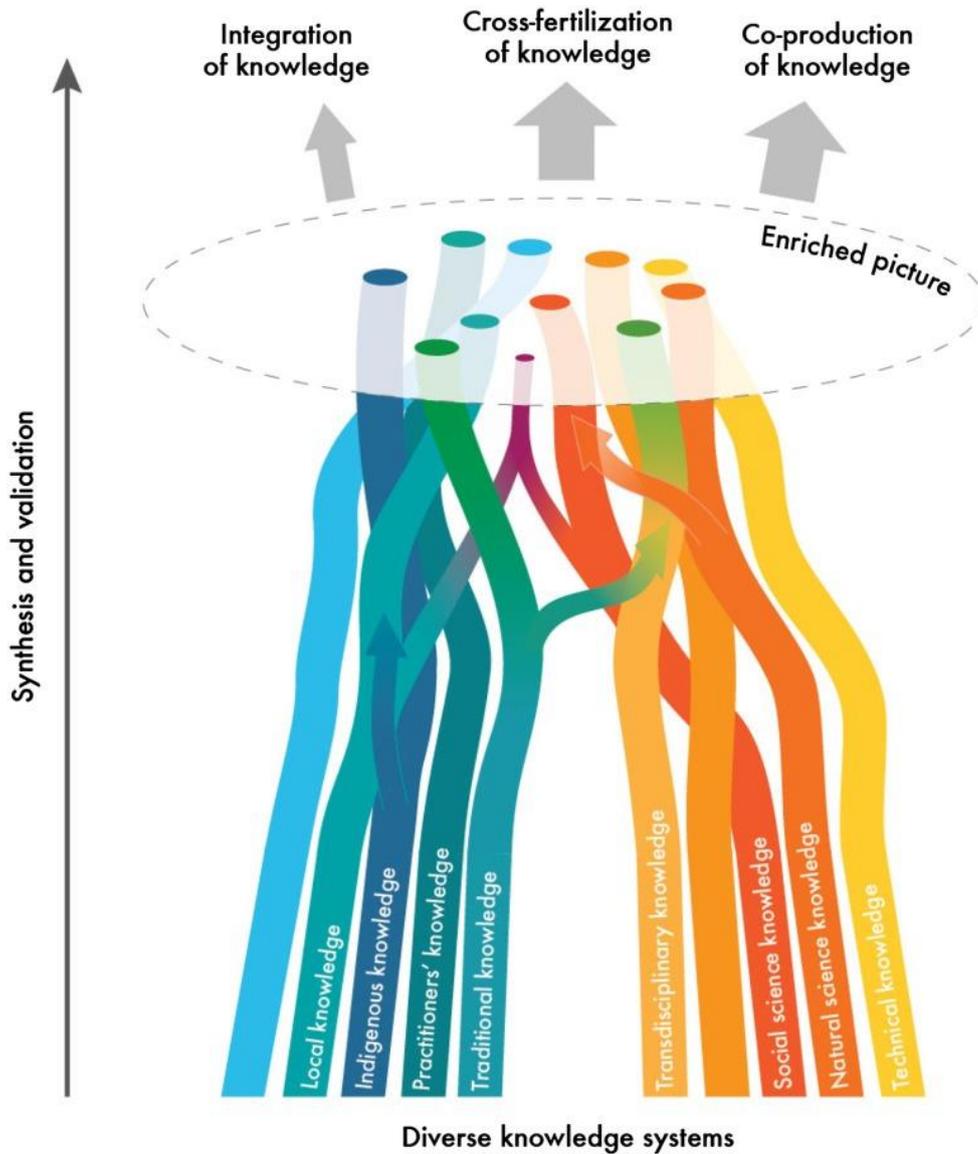


Figure 10: Diagrammatic representation of a multiple evidence based approach to bringing together multiple knowledge systems.

These principles provide a sound foundation for better future research and management partnerships on the reef, and they should be applied to all reef business. This includes research and monitoring of biophysical and cultural values and attributes, and achieving desired management outcomes and trends that are informed by the priorities of Traditional Owners. Several Traditional Owner groups have documented their strategic management and research priorities for sea country and the Reef. Examples include Raine Island, Giringun and Lama. Such information should guide research partners in their conversations with Traditional Owners and the development of collaborative proposals and projects.

### **Implementing Knowledge Partnerships**

Putting these principles into practice involves recognising the complexity and multiple dimensions in Traditional Knowledge systems. For example, some knowledge is held commonly, while certain knowledge may be restricted to particular knowledge holders; and there are established cultural protocols and processes associated with knowledge storage and transmission. Thus, engagement with Traditional Owners and incorporation of their knowledge into reef research and management is not necessarily a simple two-way interface and likely involves multiple, iterative and diverse forms and processes. To be effective, this requires long-term commitment to processes that are embedded within core business.

Furthermore, genuinely collaborative knowledge generation would value Traditional Owner methodologies and approaches to recording, analysing and interpreting knowledge. This will require dedicated investment in building the Indigenous-led research capacity in the GBR and in developing locally-owned monitoring and planning processes. For example, the *Strong Peoples – Strong Country* framework presented in the Indigenous Heritage Expert Group (IHEG) report (Jarvis *et al.* 2018) identifies Traditional Owner-driven indicators for monitoring Indigenous heritage within the *Reef 2050 Plan*. Furthermore, there is a great diversity in the capacity of Traditional Owner groups on the Reef to document their research priorities and reef management concerns, and obtain resources to implement actions and collaborate in projects (Reef 2050 Indigenous Implementation Plan, n.d.). It may be appropriate to undertake a regional analysis of research priorities, such as that recently completed with Traditional Owners in the Northern Territory (Australian Venture Consultants, 2018).

Tengo *et al.* (2017) propose a five-stage framework of weaving different strands and sources of knowledge including traditional, Indigenous, local and western scientific, into collaborations that respect the integrity of each knowledge system:

1. Mobilise: bring out and articulate knowledge into a form that can be shared with others;
2. Translate: implies interactions between knowledge systems to enable mutual comprehension of the shared knowledge;
3. Negotiate: means joint assessment of convergence, divergence and conflicts across knowledge contributions;
4. Synthesise: involves shaping a broadly-accepted common knowledge that maintains the integrity of each knowledge system (rather than 'integrating' into one knowledge system); and
5. Apply knowledge: emphasises knowledge useable for decision-making for all people involves at different scales that can feed back into respective knowledge systems (Tengo, et al. 2017).

Such a weaving approach may provide a good foundation for new knowledge sharing approaches in future governance and management of the GBR.

### **Challenges for Engagement and Knowledge Partnerships**

The collaborative production of knowledge through research and monitoring requires that Traditional Owners have roles at all levels of the knowledge generation process (i.e. they are *bone fide* collaborators in the research design and implementation stages, as well as co-authors of resulting data, outputs and outcomes). There is a need for development of bespoke

policies and practices to guide authorship attribution and data sharing arrangements for such collaborations. Typical academic policy and procedure for attribution of authorship are unlikely to provide adequate guidance, due to the complexities of Indigenous knowledge systems described earlier. For example, attribution of Traditional Knowledge to the collective who owns that knowledge may or may not be more appropriate than attribution to the individual that provided it. When reef research takes place on a Traditional Owner group's sea country, should that Traditional Owner group be collectively acknowledged in outputs regardless of specific data contributions? Further, should traditional knowledge contributions be treated differently to co-authorship of new data and knowledge generated with non-Indigenous partners?

Further, the normal data sharing policies and expectations of publically funded research in Australia require modification and/or clarification for Traditional Owner collaborations. Normally, data from such work is expected to become publicly available after an appropriate embargo period to allow original authors to publish their findings (for example, AIMS CSIRO JCU policies), and many journals now require lodgement of data into public repositories for peer review and verification purposes, as a condition of publication.

One of the key challenges to sharing Traditional Knowledge in research/management collaborations is the need for deep knowledge paradigms to either shift or be accommodated. Traditional Owners are more used to applying their knowledge in the context of their identity and wellbeing associated with connection to their specific country and caring for it. This may conflict with the concept of contributing to a research/management collaboration that places knowledge in a non-traditional and broader context through integration into new shared knowledge. At the recent RIMReP Traditional Owner workshop on safeguarding Indigenous heritage and knowledge, many participants expressed a good-faith willingness to share traditional stories, customs and knowledge relevant to reef research and management for the purposes of informing a better understanding amongst non-Indigenous reef research and management partners. However, this willingness does not always extend to allowing documentation or integration of such knowledge with new joint knowledge outputs and outcomes (Markwell and Associates, 2018).

There is a need for bespoke data sharing arrangements to govern the use and disclosure of traditional knowledge made available for collaborative projects. Such arrangements may vary depending on the sensitivities surrounding shared traditional knowledge and wishes of knowledge owners, and may include the following:

- *Keep confidential and secret, available only according to Traditional lore* - Traditional Owner data is kept secret and is collated/documented for use and control strictly by Traditional Owners only, according to relevant traditional knowledge systems;
- *Inform but don't identify or document* - Traditional Owner data is kept secret due to cultural sensitivities, can be used to inform a collaborative project but cannot be identified or documented in co-authored reporting or data lodgements;
- *Use within confines of the collaboration, with attribution* - Data owners continue to own their own data, but within the collaboration agreement collaborators issue each other with a limited license for use of the data in accordance with the purpose of the collaboration, with attribution; and
- *Open access with attribution* - All data generators (traditional and otherwise) in the collaboration make their data freely available to the other collaborators and the public

for any purpose they see fit, but use of the data in any study or publication must be acknowledged by attribution.

It is recognised that not all research projects will be suited to or resourced for collaborative knowledge production with Traditional Owners, and the appropriate level of engagement in research and monitoring may range from consultation and provision of information to co-production. In order to support Traditional Owners' roles at all levels, information must be provided to Traditional Owners, not only about research proposals and findings, but also about the complex policy and programmatic arrangements relating to the GBR. Importantly and to catch-up from lack of such arrangements being in place to date, this obligation for communication must include information about prior programs, the results of past research related to each group's sea country, and syntheses of existing knowledge to address specific issues of concern to Traditional Owners. For example, AIMS' Indigenous Partnerships plan includes delivery of results of the last 45 years of GBR research, and the development of fact-sheets to synthesise the state of knowledge about issues of concern raised by Traditional Owners. These issues include reef health; climate change; crown-of-thorns starfish; reef restoration and adaptation; and marine research on sea country, especially the behaviour of researchers (Reef 2050 TO Aspirations and IHEG Consortium, 2018).

This information needs to be communicated in appropriate formats and through appropriate channels, including the development of customised communication products and the use of reef-wide forums. A clear message from the Reef-wide forum held in May 2018 and the deep engagement conducted since, is that such forums provide a valuable and productive format for information exchange, planning and interactions firstly for Traditional Owners with each other, and secondly for Traditional Owners and non-Indigenous research and management partners (reference the forum report). A more co-ordinated, Reef-wide representative structure will help to clarify relationships between the raft of policies, programs, agencies and organisations, and identify priority opportunities for Traditional Owner engagement.

Effective collaboration will require more than a good-faith expectation of respect for the integrity of different knowledge systems, actors and institutions involved in reef research and management. To ensure a consistent level of compliance, it will also require greater statutory recognition of rights and empowered Indigenous institutions and adequate Traditional Owner representation in relevant peak bodies. Aboriginal and Torres Strait Islander people are acknowledged by the Queensland and Commonwealth governments as the Traditional Owners of the entire GBRWHA (Commonwealth of Australia, 2018), yet this is only legally recognised in formal arrangements for 15.6% of the area.

Finally, meaningful engagement with Traditional Owners needs to be supported within research and management agencies and funding programs, as a priority for collaborations to be instigated, developed, driven and maintained. This requires dedicated, ongoing resourcing because of the large transaction costs involved in implementing collaborative agreements, governance, knowledge generation and management. It may also require formal compulsion for research, planning and on-ground management organisations to engage collaboratively with Traditional Owners, together with processes for reviewing compliance. Cultural awareness and cultural capability training, and maintenance of up-to-date contacts for Traditional Owners, are recognised as important components of developing and supporting organisational capacity for engaging with Traditional Owners. Such a commitment has begun to emerge in key Reef organisations. For example:

- AIMS has established and resourced a comprehensive Indigenous Engagement plan which has included the recruitment of a reef Traditional Owner to coordinate the development of meaningful partnerships and collaborations, and a recent review of the AIMS research strategy has placed Indigenous partnerships as a central enhanced capability target;
- The National Environmental Science Program requires Indigenous engagement to be a mandatory component of each and every funded project, and has developed a useful tiered approach to guide delivery of that engagement;
- The GBRF is in the process of developing an Interim Traditional Owner Working Group to co-design and deliver the Reef Trust Partnership; and
- GBRMPA requires consultation but not necessarily agreement (e.g. IRAC).

## 6.0 KEY COMPONENTS OF A SHARED APPROACH TO GOVERNING THE REEF

### **In short, this Section:**

Based on the above strategic policy themes, the research and engagement undertaken by the Consortium, and building on the previous work of GBR Traditional Owners, this section outlines emerging, necessary steps forward (in prioritized order) for the aspirations of Traditional Owners to influence the 2020 review of the *Reef 2050 Plan*.

### **Contractually, this Section:**

Includes well substantiated and prioritised options and recommendations (via well-defined Traditional Owner statements), including for partnership frameworks and enduring implementation mechanisms for the commitments in the Reef 2050 Plan.

### 6.1 Introduction and Framing of a Shared Approach

While this report is suggesting a new program logic needs to be developed to help reframe the relationship between the Commonwealth and Queensland governments and the aspirations of Traditional Owners, the deep engagement and additional research carried out does provide a strong and prioritised framework for the major reforms that would be required if a shift towards co-governance is to be achieved within the context of the 2020 review of the *Reef 2050 Plan*. Such an approach would be a major step forward from the multiple management related Traditional Owner actions established in the original *Reef 2050 Plan*. Key components would include, as outlined in Figure 11:

- Building on outcomes in the Torres Strait, continuing to resolve outstanding native title and other relevant claims across the balance of the GBR;
- Foundationally supporting the core governance and operational capacities (inclusive of cultural and organisational governance) of self-defined Traditional Owner groupings from family to regional and even whole of GBR scales;
- Establishing the basis for structured agreement making, implementation, and monitoring at all scales (e.g. via Traditional Owner Sea Country Alliance at the whole of GBR scale); and
- Ensuring there is strong program support (maybe via a dedicated GBR Traditional Owner funding facility and associated partnership arrangements) and resources available to drive the above, including a particular focus on governance and capacity building, continuous and adaptive country-based planning, investment in Indigenous workforces and key environmental, cultural and natural resource actions, business development and infrastructure.

Using this preliminary structural approach, the balance of this section explores several key statements or recommendations that would need to be adopted in reviewing the *Reef 2050 Plan* by 2020. A detailed action plan for implementation is outlined in Appendix 3.

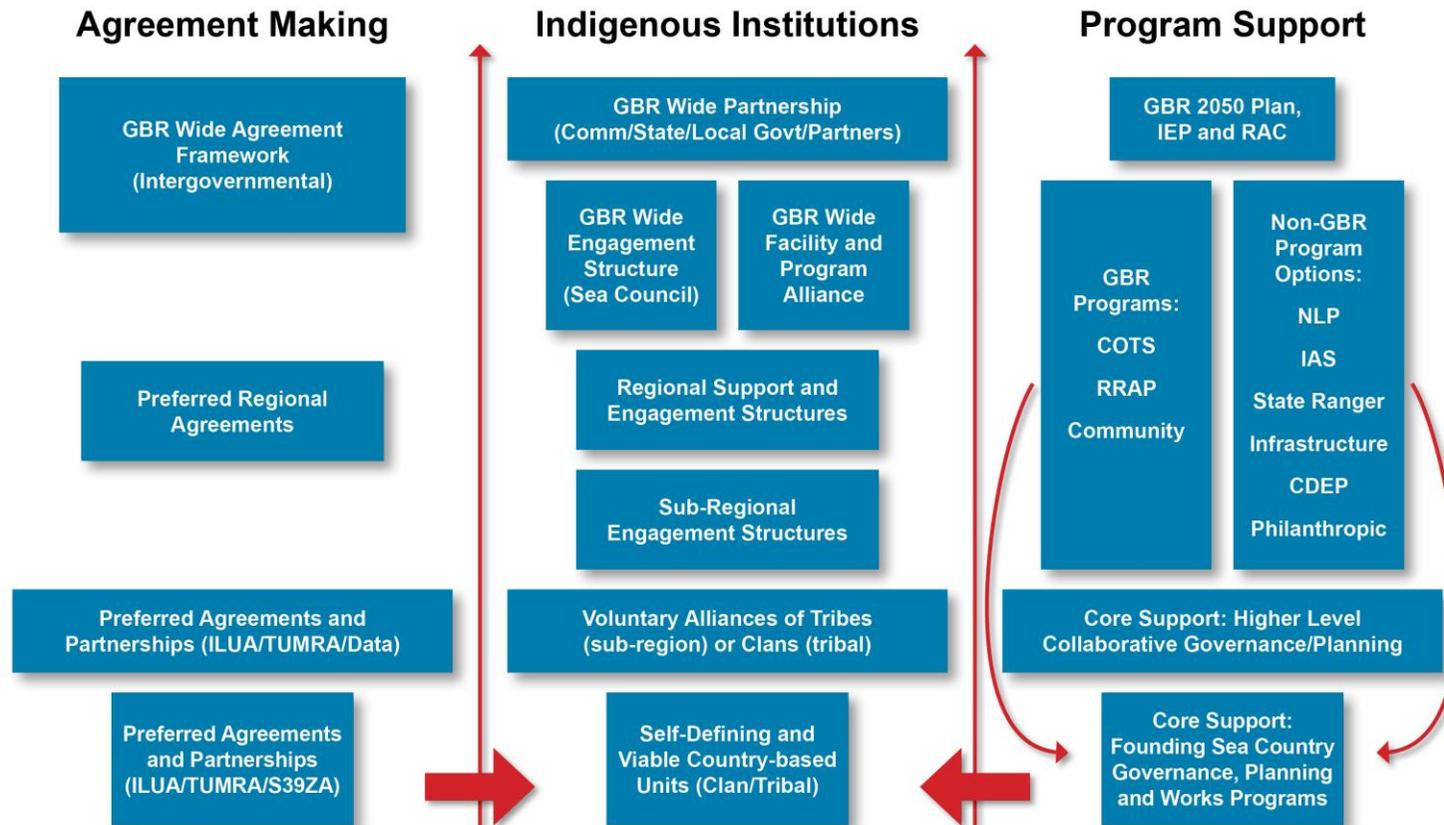


Figure 11: A preliminary approach to achieving Traditional Owner aspirations in the Reef 2050 Plan.

## 6.2 Building Local Strength and Capacity of Traditional Owner Groups

The most consistent and foundational desire raised during the engagement has been that all efforts concerning the relationship between Commonwealth, State governments and Traditional Owners need to be founded on **establishing a genuine basis for strong Traditional Owner led governance and partnership building in sea country**. As an underpinning foundation, Traditional Owners are particularly keen to progress the resolution of the sea country rights (see Box 9). Consequently, progressive and ongoing support is required for the positive and active resolution of sea country claims by Native Title Representative Bodies at scales determined as being appropriate by Traditional Owners.

### **Box 9: Extract From the Sea Country Working Group Statement**

*The point of contact for country is the native title and when you come to native title contact they will say this water belongs to this tribe, this area of reef belongs to this tribe. So the PBC don't make decisions, they identify who the Traditional Owner is, ... who can speak for this country. Then we say to the organisation of whomever, talk to direct to them, these tribal people.*

(Traditional Owner, 2018).

All business in sea country needs, however, to rest upon a stable, long term and progressively improving system (both policy and program support) aimed at of lifting the core capacity of Traditional Owners' Sea Country institutions from family, clan and tribal scales, but extending to sub-regional and regional scales where appropriate (see Box 10). The strengthening of the key cultural governance (including cultural authority) and supportive organisational governance capacities of GBR sea country institutions (at all scales) necessarily includes:

- A bilateral (Commonwealth and State) policy focus that provides authority to the key Indigenous sea country institutions at regional/local scales and prioritises long term program support for progressive cultural/organisational governance and capacity building;
- Establishing the foundations for long term approaches to sea country planning and long term programmatic support for prioritised delivery of sea country plans (including the building of infrastructure for greater use of rangers for on-ground work);
- Establishing a GBR-wide network support for this governance capacity building effort and the establishment of stable knowledge management systems at those scales; and
- Business planning and development for these key sea country institutions.

### **Box 10: The Importance of Strong Traditional Owner Institutions**

*When we began our journey with sea country management and the Reef space we established an Aboriginal corporation, we entered into a TUMRA agreement and developed a sea country plan. Those two tools have really guided our business on how we best approach the management of the Reef from our perspective.*

(Traditional Owner, 2018).

This could best be supported through a flexible, GBR wide support network/hub approach that:

- Seeks continuous improvement in GBR-wide understanding of the key self-defined sea country institutions and the relationships between them;
- Builds a supportive network across Indigenous organisations and scales;
- Establishes the foundations for peer to peer continuous performance improvement;
- Focuses on supporting all scales from regional institutions to clan/family scale;
- Guarantees an ongoing performance based investment in institutional existence; and
- Supports independent income streams/sustainability and self-determination; and
- Provides a level of authority/autonomy for Indigenous people that reflects their rights.

### **Statement/Recommendation 1:**

***Resolve Sea Country Claims:** Those responsible for the management of the Reef ensure, through collaboration between relevant Federal and State agencies, that adequate resources are available to support the longer term, fair and efficient resolution of sea country native title claims across the GBR estate over the coming decade.*

### **Statement/Recommendation 2:**

***Get the Foundations Right:** Formalising and supporting the foundational rights and responsibilities of Traditional Owners in sea country by enhancing the governance capacities of families, clans, tribes, sub-regions and regions.*

## **6.3 Agreement Making from Sea Country to GBR Levels**

Beyond having the foundation governance capacities in place and continuously improving, a **strong and progressive framework for supporting appropriate agreement making at clan/tribal, sub-regional, regional and even GBR level is required.** At the very least, this would need to include:

- Understanding, evaluating and continuously improving the range of agreement-based opportunities available at these scales, inclusive of ILUAs, TUMRAs, Marine Park Act Agreement (Section 39Za) and even less formalised data sharing agreements;
- Supporting Indigenous sea country institutions in exploring why agreement making is important and selecting the most appropriate forms relative to the group's aspirations;
- Regularised, stable support for sea country institutions to undertake and adapt sea-country planning as a foundation for structuring agreement making. Sea country plans have a key role in considering and prosecuting Traditional Owner aspirations and setting the scene for plan implementation (including through agreements);
- Progressing a whole-of-GBR tripartite agreement with Traditional Owners (and based on intergovernmental agreement between the Commonwealth and Queensland governments) that recognises GBR-wide issues, rights and opportunities; and
- Building an understanding of why co-benefits are necessary in agreement negotiation.

Priority agreement options that should be the focal point of local effort should at least include:

- ILUAs (particularly where native title has been determined);
- Section 39ZA agreements (as a basis for significant devolution of management roles);
- Strengthened TUMRAs (for co-governance of resources like dugongs and turtles); and
- Cohesive data sharing agreements (at least with GBRMPA, AIMS, JCU and CSIRO).

### **Statement/Recommendation 3:**

***Normalise Rights-Based Agreement Making:** Embed policy, procedures and ongoing participation and support to mobilise long term approaches for co-governance and co-management through agreement making, implementation and monitoring across the GBR at regional, sub-regional, and local scales.*

## **6.4 Intergovernmental Agreement & Culture Change in Government**

Traditional Owners are clear that, with significantly changing recognition of their rights and responsibilities in respect to sea country in the coming decades, **the core model of government thinking about the role of Traditional Owners in GBR management must change substantively**. The predominant model is based on government (Commonwealth and State) viewing themselves as the responsible authority and managers of the GBR. With rapidly expanding recognition of Indigenous rights in sea country however, perception will need to shift towards Traditional Owners being the foundation rights holders, primary stewards and the key managers. While Commonwealth and State governments retain effective obligations under global agreements and Commonwealth and State legislation, there needs to be a substantive shift from viewing Traditional Owners simply as stakeholders to be engaged. This fundamentally means a shift to the establishment of genuine frameworks for the co-governance of the GBR, from the whole of GBR to tribal/clan/family scales.

Shifting to a co-governance approach will require:

- A shift to genuine power-sharing approaches in decision making and management;
- Formal recognition in respect to Indigenous authority and rights in GBR sea country starting at the whole of GBR level and flowing down to clan/family scales;
- Cultural changes in the way Commonwealth and State agencies/staff conceptualise and enact their relationships with Traditional Owners at various scales; and
- Establishing the foundations for other GBR stakeholders starting to view Traditional Owners as essential partners in their key reef-based initiatives/activities. In this regard, a key outcome from such change would be key GBR stakeholders understanding and acting out the value of Traditional Owners as key partners/contributors.

Progressing any form of tripartite agreement at the whole of GBR level will essentially require the formation of some form of co-governance agreement at the Commonwealth/State level (i.e. some form of whole of GBR Intergovernmental Agreement or Framework Agreement). Initially, such a GBR-wide agreement concept might set the scene for more complex agreement making over time. Either way, some Reef-wide engagement mechanism might be required based on the hub-and-spoke governance concepts discussed previously (i.e. drawing

Indigenous representatives from defined sub-regions across the four GBR Representative Body regions (Torres Strait, Cape York, North Queensland and Southern Queensland), and continuing to involve NTRBs in respect to fulfilling their roles in matters related to native title. Such engagement arrangements could then be easily linked to enable Traditional Owners to access and work with existing stakeholder based engagement mechanisms in the GBR (e.g. the GBR Advisory Committee, the Independent Expert Panel and the GBRF). Feedback from across GBR-based Traditional Owners suggest the model perhaps could look as follows (Figure 12).

Such a GBR-wide form of agreement making might firm up the most effective framework for supporting the foundational aspirations and capacities of Traditional Owner sea country institutions at the tribal, clan and family scales. This would mean agreement making about the long term support required for the effective function of Traditional Owner sea country institutions at that scale and securing continuous improvements in their governance arrangements. It would also help guide the framework for supporting other forms of appropriate agreement making at those scales. To support strategic thinking in these areas, there would again be value in further exploration of appropriate extensive approaches to agreement making approaches in other jurisdictions.

#### **Statement/Recommendation 4:**

***Establish a GBR Traditional Owner Sea Country Alliance:** Resource and support Traditional Owners to establish a GBR-wide Sea Country Alliance and engagement framework as a basis for negotiating and implementing a Tripartite Agreement.*

#### **Statement/Recommendation 5:**

***Negotiate a GBR-Wide Tripartite Agreement:** Australian and Queensland Governments (through Intergovernmental Agreement) to meet obligations for Free, Prior and Informed Consent (in accordance with UNDRIP) through the negotiation of a whole of GBR Tripartite Agreement with Traditional Owners.*

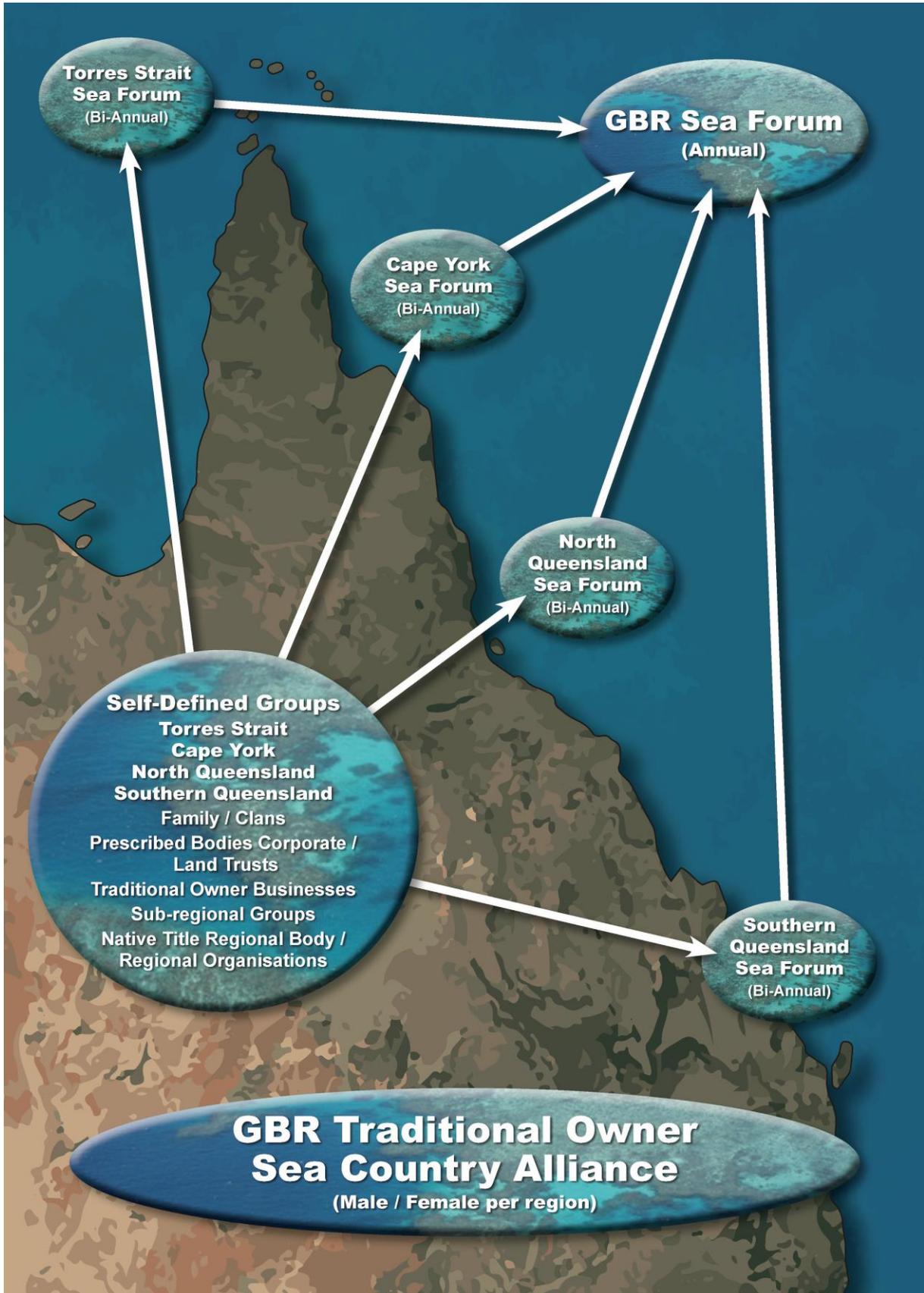


Figure 12: Traditional Owner GBR wide engagement structure model.

## 6.5 GBR Wide Investment and Support Mechanisms for Traditional Owners

The above suggests that if Traditional Owners are to make genuine progress towards their aspirations at the tribal, clan and family scales, and if some form of GBR-wide framework agreement can be reached and implemented, then **there does need to be some form of GBR-wide support mechanism. This could include some form of funding facility and partnership-based support hub or network** facilitating effective and fair outcomes across the GBR, while recognising regional differences. Key investment and support activities could include:

- Convening a GBR Traditional Owner Sea Country Alliance and its capacity to negotiate the development and implementation of a cohesive and collaborative Tripartite Agreement and perhaps a Traditional Owner *Reef 2050 Plan*;
- Convening GBR wide Sea Forums, and supporting the regular progression of Regional Sea Forums run in partnership with key regional organisations;
- Through structured regional negotiation, working across the GBR to define and map out Traditional Owner groups in operation from family, clan, tribal, sub-regional and regional scale;
- Ensuring support arrangements are in place to enable basic governance building, core capacities and sea country plans are in place across these self-defined groups;
- Managing and supporting traditional sea country knowledge building programs across the GBR and supporting knowledge building partnerships at the appropriate scales;
- Managing GBR wide programs to deliver on core ranger, works-program, infrastructure and business development support programs are delivering on Traditional Owner aspirations;
- Brokering alignment of cross-government and cross-agency support to grow these programs;
- Creating, supporting and innovatively growing a GBR-wide foundation for investment in Traditional Owner-based sea country management as well as regional and other models; and
- Sharing information and best practice between regions in relation to the facilitation, development and monitoring of a Traditional Owner *Reef 2050 Plan*.

Such a funding facility and associated support arrangements would need to be a stable and long term part of the GBR governance landscape, perhaps jointly designated and invested in under the *Reef 2050 Plan* framework, and focussed on supporting self-defined groups from regional to local scales. Key design features could include:

- Ensuring the funding facility and support arrangements have genuinely skills-based governance, including regularised engagement and cultural authority to act under the direction of a GBR Traditional Owner Sea Country Alliance and consistent with any finalised tripartite agreement with Traditional Owners;
- An ability to network and listen across the GBR space through family, clan, tribal, sub-regional and regional networks across the GBR;
- Support for Traditional Owners to build adaptive policy and long-term program delivery frameworks at the whole of GBR scale;
- Support for monitoring of Traditional Owner interests and actions in the *Reef 2050 Plan*;

- Negotiation and alignment of investment effort across government and philanthropic sectors towards the aspirations/interests of GBR Indigenous Land and Sea institutions;
- Support for the ongoing process and reporting on the governance and capacity building of Traditional Owner land and sea country institutions across the GBR;
- Enhancement of the framework for the negotiation of strategic agreements (e.g. TUMRAs etc.) across regional, sub-regional, tribal, clan and family scales; and
- Development of an ever improving database and knowledge management support system for Indigenous land and sea institutions across these scales.

### **Statement/Recommendation 6:**

***Establish a GBR Traditional Owner's Funding Facility:** To underpin long term and sustainable support for achieving Traditional Owner aspirations (from local to regional scales), establish a GBR funding facility and support partnership arrangements to enable program delivery and investment leverage.*

## **6.6 Traditional Owner Influence in New Reef Investment**

**Traditional Owners have been clear that they currently feel they have very limited influence on decision making about the allocation of resources to GBR governance and management,** and in the design and delivery of the vast majority of delivery-focussed programs. This Consortium project effort has been seen as an opportunity to articulate these concerns and to provide guidance on the refinement of existing (and development of any new) major investment programs in the GBR. They would also like to see GBR funding of relevance to Traditional Owners, influence and align other non-mainstream areas of investment (e.g. the National Landcare Program) and Indigenous affairs (e.g. the Indigenous Advancement Strategy). Broadly, Traditional Owners wish to see all *Reef 2050* funding and partnership opportunities help to facilitate Traditional Owner delivery of *Reef 2050* actions, either directly through partnerships with other *Reef 2050* stakeholders.

Of most relevance at this particular point of time, Traditional Owners wish to ensure that the design and delivery of the Reef Trust allocation to the GBRF starts with Traditional Owners in mind. They consider that this needs to start with the effective allocation of the Traditional Owner component of the Community part of the package, and this also includes ensuring strong Traditional Owner outcomes within the entire program framework, including:

- Design of the balance of the community component of the package;
- Traditional owner involvement in the COTS program;
- Traditional owner involvement in the Reef Restoration and Adaptation Package;
- Traditional Owner involvement in the Reef Water Quality space;
- Traditional Owner involvement in long term Monitoring and Evaluation.

At the Palm Cove Reef-wide Forum, Traditional Owners identified that their local involvement in the above activities could be identified via draft sea country plans developed by local Traditional Owner land and sea institutions at tribal, clan and family scales. Earlier draft regional sea country plans with also form an important foundation.

### **Statement/Recommendation 7:**

***Immediate Traditional Owner Co-design in Programs and Procurement:*** Urgent interim action is required to ensure equitable and effective Traditional Owner involvement and influence in the co-design, procurement and delivery of all current programs and tenders of relevance to their Reef-related aspirations (e.g. GBRF, Indigenous Advancement Strategy, Closing the Gap, etc.).

## **6.7 Economic Engagement and Opportunities for Indigenous People on the Reef**

**Economic advancement is at the heart of Traditional Owner involvement in sea country in the GBR.** Hence, support for the building of Traditional Owner-based livelihoods, social and commercial enterprise needs to be at the heart of any long term relationship with Federal and State Governments. A shift to co-governance approaches will open new economic opportunities. Throughout our engagements, Traditional Owner priorities for progressing potential social and economic opportunities has at least included or been identified as:

- Strategic and operational involvement in Reef and cultural heritage management, including involvement in contracting (e.g. COTS, compliance, etc.) via procurement;
- Reef-based tourism and fisheries/ aquaculture development;
- Indigenous-led science and research and monitoring industry support;
- Ownership of attraction of the Payment of Ecosystem Services (PES); and
- Intellectual property-based negotiations (e.g. pharmaceuticals, etc.).

Frameworks are required for supporting business development in these sea country priorities and social and economic priorities from regional, sub-regional, tribal, clan and family scales. In this context, it needs to be recognised that many of these aspirations and opportunities operate at the family scale.

### **Statement/Recommendation 8:**

***Ensure Fit-For-Purpose Delivery Programs:*** Through leveraging the Traditional Owner Funding Facility, establish stable delivery programs that particularly support social, cultural, environmental and economic aspirations (e.g. country-based planning, meaningful jobs, infrastructure, and business development).

## 6.8 Support for Open Engagement with Information and Knowledge

Real Traditional Owner empowerment commences with strong knowledge, **effective community ownership and use of that knowledge and strong partnerships** that drive the co-generation of knowledge for the benefits of Traditional Owners. This means support for:

- Structured arrangements for Traditional Owners to build and maintain their own knowledge systems at family, clan, tribal, sub-regional and regional levels;
- Consideration of the formation of GBR-wide knowledge management partnerships that support groups to protect and enhance these knowledge sets (into perpetuity) and enables the negotiation of GBR-wide data sharing agreements as strategically required;
- Growth in the development and coordination of Indigenous-led science at the family, clan, tribal and regional levels also supported at the GBR-wide level;
- Growth in the number of Indigenous Sea Country scientists and institutional engagement positions within key institutions such as CSIRO, AIMS and JCU; and
- A strengthening of the requirements for co-research approaches with all strategic research investment in the GBR particularly affecting Traditional Owners (e.g. monitoring, values of sea country management, impact assessment, reef restoration and adaptation).

To support strategic thinking in these areas, there would be value in further exploration of appropriate Indigenous-led science and knowledge management approaches in other jurisdictions.

### **Statement/Recommendation 9:**

***Towards Research Partnerships:** The GBR's leading research institutions jointly collaborate with Traditional Owners to plan and negotiate a long term strategy for supporting their knowledge and research needs (e.g. data sharing agreements, etc.).*

## 7.0 HOW DO WE MONITOR SUCCESS

### **In short, this Section:**

Having established a broader set of statements and pathways for achieving Traditional Owners aspirations within the next generation of the *Reef 2050 Plan*, this final section draws upon new thinking and developments emerging from RIMReP (the Strong Peoples – Strong Country Framework) that could be directly used to better monitor progress towards and arising from a more co-managed approach to GBR governance.

### **Contractually, this Section:**

Includes a strategy for further refinement and delivery of *Reef 2050 Plan* commitments, monitoring, reporting and adaptive management and the ongoing involvement of Traditional Owners across the GBR.

## 7.1 The *Strong Peoples - Strong Country Framework*

Monitoring is crucial to assessing the success of research, planning and management interventions in terms of whether or not changes in the condition of values in the GBR are improving. To this end, it is also important to define desired outcomes or directions of change. Recently, the GBR Traditional Owner-led Indigenous Heritage Expert Group (IHEG) was created to advise on the design of the Indigenous heritage theme of the RIMReP, a key component of the *Reef 2050 Plan* (Commonwealth of Australia, 2018). IHEG members worked with a project support team to identify a framework and indicators for use in the detection of changes in condition and trend of GBR Indigenous heritage, but this was also a process relevant to the wider involvement of Traditional Owners monitoring progress towards the achievement of the wider *Reef 2050 Plan*. At the GBR-scale, the project identified strategic indicators of condition, trends in heritage values and their attributes, and relationships with system pressures and drivers.

The IHEG reviewed a series of Traditional Owner-driven monitoring frameworks implemented throughout Australia and determined that the most successful frameworks were biocultural — connecting Indigenous community wellbeing with country wellbeing through stories and statistics. Through analysis of existing frameworks and monitoring methods, the IHEG developed a unique framework, *Strong Peoples – Strong Country*, for Traditional Owners to monitor the GBR and its catchments (GBR region) and track Traditional Owners' perceptions of the status of Indigenous heritage, and progress on the Traditional Owner objectives and targets in the *Reef 2050 Plan*. In undertaking this work, the IHEG identified six key hubs that encompass Traditional Owners' understandings of the connections between the people and their Country across, and underpinned by, the GBR region: Country health; People's Health; Heritage and Knowledge; Culture and Community; Education; and Empowerment and Economics (see Figure 13). Forty-five factors that influence each of these six hubs were uniquely described using the worldviews of Indigenous peoples in the GBR region. These forty-five factors were able to be mapped against the *Reef 2050 Plan* Traditional Owner objectives and actions and the Draft Aboriginal and Torres Strait Islander Heritage Strategy (hereafter the *Draft Strategy*) (GBRMPA 2018), demonstrating their capability of these factors to track Traditional Owner concerns regarding wider trends in asset condition.



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Figure 13: The *Strong Peoples – Strong Country* Framework for monitoring Indigenous interests in RIMReP.

## 7.2 Measurement of Progress

In the context of the *Strong Peoples – Strong Country* framework, progress, or “success” in achieving Traditional Owner aspirations, would be reflected in high levels of Traditional Owner satisfaction with all the hubs and factors. The Reef-wide Traditional Owner Forum (in Cairns on 1-3 May 2018) demonstrated that there is currently a low level of satisfaction with the wellbeing of Traditional Owners of the GBR land and sea country, and thereby with the status of their Indigenous heritage. In particular, satisfaction levels were consistently low for factors relating to the Empowerment and Economics hub, indicating that future actions should empower Traditional Owners and improve their economic prospects in order to improve the condition of Indigenous heritage.

Gathering longitudinal data on the status of Indigenous aspirations and heritage on the GBR could track progress in the key factors that underpin Traditional Owner wellbeing. The ‘dashboard’ approach used in the current *GBRMPA Outlook Report* (GBRMPA, 2014) is based on a standardised assessment of grade and trend since the last assessment and the level of confidence in assessment for each indicator. This approach could also be applied to the factors underpinning the *Strong Peoples – Strong Country* framework. The dissatisfaction index

developed in Jarvis *et al.* (2018) could then be applied to prioritise wider *Reef 2050 Plan* actions with the view to improving satisfaction ratings. While the IHEG project did not specifically assess progress in relation to the wider targets identified for the *Indigenous Implementation Plan* component of the *Reef 2050 Plan*, it is possible to map the Factors identified in the *Strong Peoples – Strong Country* framework to all Indigenous specific targets within the *Reef 2050 Plan*. For example, ten factors from the *Strong Peoples - Strong Country* framework are related to two of the specific targets identified for the *Reef 2050 Plan* Objective: “The knowledge, innovations and practices of Traditional Owners relevant for conservation and cultural use of biocultural diversity are preserved and maintained”.

### **7.3 Traditional Owner Monitoring and Co-governance**

Development of an applied understanding of effective co-governance for the Reef will be critical to the successful implementation of Traditional Owner-led monitoring of Indigenous heritage and biophysical values (see Table 7). Central to this will be facilitation of strong Traditional Owner Cultural (customary) governance (based on customary lore and tradition) as well as Indigenous organisational governance. To ensure success, recognition of and support for, Indigenous cultural *and* organisational governance and Indigenous-led initiatives will be needed from the government and other agencies. Effective shared or co-governance will also require practices of Indigenous self-determination, leadership and empowerment to be in place at local and regional scales. In addition, shared governance of the Reef is likely to be enabled through a strong, united voice for Traditional Owners that can reflect and represent local and regional Traditional Owner rights and interests.

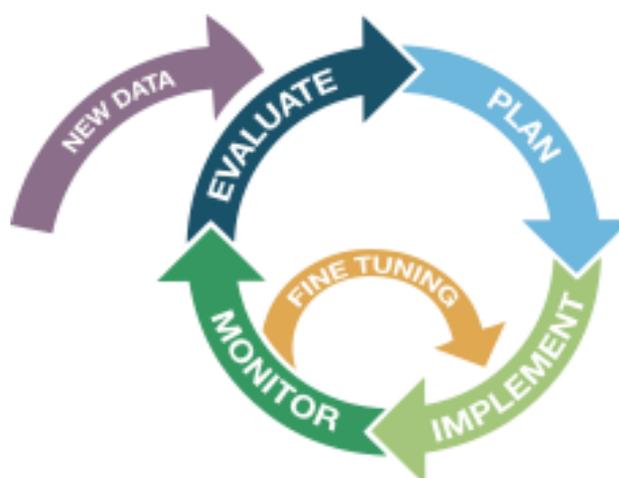
Monitoring factors associated with the ‘Culture and Community’ (relating to Cultural governance) and ‘Empowerment and Economics’ (relating to Organisational governance) hubs of the *Strong Peoples- Strong Country* framework may help to track progress towards effective co-governance for the Reef (See Section on Traditional Owner governance), though further refinement and additional factors may be needed to specifically monitor important components of co-governance.

**Table 7: A contemporary application of the *Strong People – Strong Country* Framework**

| Previous Grade   | Current summary and assessment components   | Assessment grade and trend  |  |   |           | Confidence |       |
|--|---|---|--|---|-----------|------------|-------|
|  |   | Very good   | Good   | Poor  | Very poor | Grade      | Trend |
| n/a  | <b>Being on Country:</b> Traditional Owners are not able to be physically present on the Country  |   |  |   |           |            | n/a   |
| n/a  | <b>You to Country health:</b> There are limited opportunities for Traditional Owners to go back to Country to keep it healthy                             |   |  |   |           |            | n/a   |
| n/a  | <b>Healthy animals:</b> Threatened species, totemic species and other biodiversity are not being maintained   |   |  |   |           |            | n/a   |
| n/a  | <b>Healthy coral:</b> The health, diversity and extent of coral is declining  |   |  |   |           |            | n/a   |
| n/a  | <b>Healthy other habitats:</b> Mangroves, seagrass beds, estuarine systems and other habitats are declining   |   |  |   |           |            | n/a   |
| n/a  | <b>Clean saltwater:</b> The quality of oceanic water is low   |   |  |   |           |            | n/a   |
| n/a  | <b>Clean freshwater:</b> The quality of freshwater is low   |   |  |   |           |            | n/a   |
| <b>Grading statements</b>  |   | <b>Trend</b>  |  |   |           |            |       |
|  |   |   |  | <ul style="list-style-type: none"> <li> Improved</li> <li> Stable</li> <li> Deteriorated</li> <li> No consistent trend</li> </ul>   |           |            |       |
| <p><b>Very good</b><br/>No marine debris or rubbish, no development, farming, mining or dredging. Baseline data available. Ongoing measurement in place.</p> | <p><b>Good</b><br/>Limited marine debris or rubbish, development, farming, mining or dredging. Baseline data available. Ongoing measurement in place.</p> | <p><b>Poor</b><br/>Observe marine debris or rubbish, development, farming, mining or dredging. Baseline data not available and/or ongoing measurement not in place.</p> | <p><b>Very poor</b><br/>Substantial marine debris or rubbish, development, farming, mining or dredging. Baseline data not available. Ongoing measurement not in place.</p> | <p><b>Confidence</b></p> <ul style="list-style-type: none"> <li> Adequate high-quality evidence and high level of consensus</li> <li> Limited evidence &amp;/or limited consensus</li> <li> Inferred/subjective, very limited evidence</li> </ul> |           |            |       |

## 7.4 Monitoring in the Context of Adaptive Management

Information from well-designed Traditional Owner-led monitoring and reporting programs will be able to be used to measure and to evaluate progress towards achieving outcomes, objectives and targets set out in the *Reef 2050 Plan* and other plans. It will play a crucial role in guiding adaptive management by tracking whether or not research, planning and management interventions are achieving (or shifting condition towards) desired outcomes, and inform decisions about whether or not approaches need fine tuning (Figure 14). Linking monitoring and adaptive management processes empowers communities to share and generate information that will contribute to the overall co-management from GBR to local scales (Commonwealth of Australia, 2018).



**Figure 14: The adaptive management cycle.** Source: <http://naturalresources.anthro-seminars.net/case-studies/reflections/advantages-of-adaptive-management>.

It has been identified that Traditional Owner engagement in monitoring, evaluation and reporting for the *Reef 2050 Plan* has the potential to contribute to many of the factors identified in the *Strong Peoples – Strong Country* framework that underpin wellbeing. In particular, there are likely to be much-needed economic opportunities for Traditional Owners associated with meaningful roles in long-term monitoring. Furthermore, Traditional Owner engagement in monitoring, evaluation and reporting activities as part of the *Reef 2050 Plan* reporting process would help to:

- Meet the obligation in *Reef 2050* to report to Traditional Owners every six months; and
- Build Traditional Owner applied capacity to collect science-based indicators, including for all the other indicators considered in the RIMReP.

It would be important to liaise between agencies that partner with Traditional Owners to deliver *Reef 2050 Plan* actions to ensure a holistic approach that does not duplicate reporting.

## 7.5 Developing Objective Indicators and Traditional Owner Monitoring Services

It is recognised that the indicators underpinning the current *Strong Peoples – Strong Country* framework are subjective and based on the perceptions of Traditional Owners about the status of Indigenous heritage. Further work is needed to derive suitable, Traditional Owner-driven objective indicators of the condition of Indigenous heritage. In addition, there is a clear aspiration among GBR Traditional Owners to develop their capacity to be service providers for the collection of data associated with the RIMReP more broadly, but more particularly at regional, sub-regional and local scales, including monitoring biophysical aspects of reef health. Development of objective participatory two-way indicators that complement the current subjective indicators in the *Strong Peoples – Strong Country* framework is considered by GBR Traditional Owners to be a high priority to enable holistic responses to complex issues relating to the GBR and its catchments. Information collected at the reef-wide Traditional Owner Workshop (RRRC & CSIRO, 2018) showed that three types of objective indicators are currently in use by Traditional Owners:

1. Indicators to meet governments' requirements for Monitoring, Evaluation, Reporting and Improvement (MERI) in relation to IPAs, rangers' work-plans, etc.;
2. Two-way indicators, where Traditional Owners have developed data sharing arrangements with key researchers and research investors (e.g. JCU and the NESP Marine Biodiversity Hub); and
3. Traditional indicators provided by Indigenous Elders, usually applied in situations where Indigenous people have a greater level of control over their land and sea Country. It is noted that traditional indicators are showing huge changes (e.g. seasonal calendars are out of whack) and Traditional Owners need to learn to re-read the country.

GBR Traditional Owners have articulated a high priority for developing broader sets of objective indicators that can be used by Traditional Owners to monitor the condition and status of Indigenous heritage (Jarvis *et al.* 2018). Conceivably, these could map to the *Strong Peoples – Strong Country* framework and be used in a 'dashboard' approach to track change over time. Considerable work would be required to determine the specific indicators appropriate to each Traditional Owner group, because these vary depending on the biodiversity and ecosystems in different areas, the nature and extent of environmental change in different locations, and local cultural perspectives with regard to values, knowledge and needs. Key steps include:

1. Support for Traditional Owner groups to prepare and update sea country plans, including the identification of appropriate participatory, two-way indicators.
2. Negotiation of data sharing agreements with collaborating organisations or groups to enable relevant data to be collected, analysed and scaled across the GBR region.
3. Solid joint management arrangements to develop and use indicators.

Traditional Owners of the GBR have matured, long-standing traditions of tracking changes in land, water, natural systems, and many now adapt new technologies and tools to their monitoring. Many Traditional Owner groups already employ objective indicators to varying degrees in their current work. For example, Traditional Owners in the Mackay-Whitsunday

region have implemented a monitoring program that integrates both subjective and objective components of the condition of Indigenous heritage through a partnership with the Traditional Owner Reference Group (TORG) facilitated by Reef Catchments NRM. Similarly, Yuku Baja Muliku Traditional Owners collaborate with JCU to apply objective indicators associated with a key cultural species (mussels) into their monitoring work (Klunzinger *et al.* 2016). Programs such as these may be useful starting points as case studies or pilot projects to understand how suitable objective indicators were identified, how they relate to Indigenous heritage (including testing on ground of the *Strong Peoples – Strong Country* framework) and what capacity is required to implement these. Lessons from these case studies, together with scoping of existing monitoring work (i.e. what objective indicators are Traditional Owners currently monitoring?) and capacity (i.e. what skills and equipment are available to different Traditional Owner groups?) would inform the development of a framework for broader application across the GBR region. An audit of capacity for sea country management has been initiated within this Consortium Project and would be likely to support this process. The next stage of work associated with the *Strong Peoples – Strong Country* framework (Jarvis *et al.* 2018) envisaged involves community workshops with each of the 70 GBR Traditional Owner groups to apply the framework at the local level. It may be possible to incorporate the development of locally-relevant, two-way objective indicators into these workshops.

In addition to developing objective indicators for monitoring Indigenous heritage, GBR Traditional Owners express a priority aspiration to deliver services in the collection and handling of field data associated with monitoring indicators of all aspects of Reef health included in RIMReP. Delivery of paid field monitoring services by Traditional Owners would be a key pathway to increasing employment opportunities for GBR Traditional Owners, as well as contributing to a range of other aspects of Traditional Owner wellbeing. Work towards developing objective indicators for Indigenous heritage would contribute to this, but additional resourcing would be needed, for example to deliver training to increase the skills and capacity of Traditional Owners to collect data required for RIMReP, including access to the required equipment. Work with Traditional Owners in other regions has found that training that has a strong applied component and which includes peer-to-peer instruction is likely to be most useful for Traditional Owners (Hill & Woodward, 2017).

### **Statement/Recommendation 10:**

***Traditional Owners Embedded in GBR Monitoring:*** Embed Traditional Owners and cultural heritage in all aspects (e.g. turtle and dugong) and scales (from GBR-wide to local) of GBR monitoring and evaluation, using culturally appropriate approaches (e.g. *Strong Country – Strong People Framework*).

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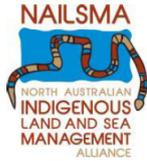
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## **APPENDIX 1: ENGAGEMENT CONSENT FORM**



**Consent form for the Reef 2050 Traditional Owner Aspirations Project**

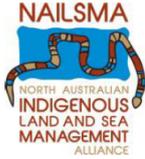
I, .....

Of .....

have read the **Participant Information Sheet** for the **Reef 2050 Traditional Owner Aspirations Project**, and I agree to take part in the project to help establish greater involvement of Traditional Owners in Great Barrier Reef sea country planning and management.

I understand that:

- Any information I contribute will be used to inform the Australian Government on what the priorities of Traditional Owners are concerning the Reef 2050 Plan.
- My participation may come from being interviewed as an individual or with a group.
- My information will be included in summaries of Traditional Owner views, and may be used in reports, articles (eg newsletters, websites, journals), presentations and project proposals for future work.
- My name and any information that might identify me will not be included in any publication unless I want it to, for example by asking for my name on photographs and quotes.
- I can change my mind and stop the interview and withdraw my consent at any time during the project. However, I also understand I cannot do this once the information has been analysed and reports written.



Please tick one or more boxes below:

- I give my permission to be interviewed as part of a group discussion
- I give my permission to be interviewed as an individual
- I give my permission for any interviews to be recorded
- I give permission for photographs and video of me to be taken, and for the project partners to use them in reports, web pages, publications, and the media.
- I want my name to be used in photographs and video.
- I want my name to be used on any direct quotes from me.
- I give permission for my name and/or position to be included in the project acknowledgements
- I give permission for any photographs and video taken of me during this project phase to be used by the Australian Government to tell stories about the work that is / will happen under this project in web pages, publications, and the media.

Name:

Signature:

Date:

\_\_\_\_\_

Email.....

Postal address.....

Phone number.....

Comments:

## **APPENDIX 2: ENGAGEMENT QUESTION GUIDE FOR TRADITIONAL OWNERS**

## Reef 2050 Traditional Owner Aspirations Project

### Record of Engagement

#### Target Groups for This Form

Traditional Owner Organisations, Land Trusts, TUMRA Groups, Ranger Groups,  
TO Individuals

---

**Consortium Member/s:**

**Date:**

**Meeting with:**

**Traditional Owner Group:**

**Organisation:**

**Place of meeting:**

**Meeting Start Time:**

**Meeting Finish Time:**

**Consent Form completed:**

**Yes**

**No**

**Meeting orally recorded:**

**Yes**

**No**

**TO-led Reef 2050 Actions shown: Yes**

**No**

---

#### Semi-structured Interview Questions for Traditional Owners

|  |
|--|
| <p><b>Remember:</b> There are 27 TO-led actions in the Reef 2050 Plan across 7 themes - ecosystem health; biodiversity; heritage; water quality; community benefits; economic benefits; and governance</p> |
|--|

#### We'd like to talk about TO decision making and engagement on the reef

*Prompts:*

Make sure your discussion covers the following:

- Tell us about your sea country and any worries you have about its health?
- How do you currently use and access your sea country?
- How do you make decisions about your sea country:
  - Within various organisation (e.g. Land trusts, PBC, local Aboriginal councils, rangers, corporations, TO regional group, regional alliances)?
  - Within your TO group (e.g. Elders groups, families, clan groups)?
- How do you engage with your various partners locally, your neighbours and with government (e.g. GBRMPA, Marine Parks, etc.)?
- Who else is involved in doing things on your country (e.g. researchers, police, surveillance)?
- Are you member of, or aware of, **government advisory panels** for sea country management?

- How could decision making about your sea country be improved?

An outcome from the big Reef-wide workshop at Palm Cove was discussion about developing a 'cluster and hub' approach to help TOs have a stronger role in governing the Reef (show leaflet and get feedback).

- What do you think about working in an alliance model and what roles should it have?
- How do you think the alliance should look and work?
- What role would your mob like to play in any emerging alliance?

### **We want to talk to you about the work you are doing yourselves and with your partners about implementing the Reef 2050 Plan**

*Prompts:*

Using the Reef 2050 Plan Actions Sheet, make sure your discussion covers the following:

- Do you know anything about the Reef 2050 Plan and its actions?
- Were you involved in the first talks about the actions for the Reef 2050 Plan?
- Are you implementing the sorts of actions outlined in the Plan (which ones)?
- Are there effective support mechanisms in place to help your people manage healthy sea country?
- Do you have a sea country plan/s, active sea county agreements and ranger programs (e.g. IPAs, TURMAs, State rangers, WoC rangers, NRM funding)?
- Has your TO group already or started to, record cultural heritage in a database for future generations?
- Who do you work with and how do you do that (e.g. who are your partners, do you have agreements in place (MOU), work plans, ways to keep your knowledge strong)?
- Who else do you want to work with and what else do you want to do (e.g. researchers, more commercial activity, etc.)?
- What are the gaps and opportunities in implementing the Reef 2050 actions?
- What are the most important actions that should be done for the future of the Reef?
- How can we better influence future investment in the reef for TOs ongoing engagement?

### **We want to talk to you about how you monitor the health of your sea country and better ways to improve that**

*Prompts:*

Make sure your discussion covers the following:

- Is your TO group involved in monitoring your sea Country and/or Culture?
- What can you tell us about any work on monitoring you are doing for any other agencies (e.g. fisheries, GBRMPA, etc.)?
- Is there more or other monitoring that you would like to do?
- What can you tell us about the indicators you use to do this (e.g. Indigenous, two-way, science or government based)?
- Do you have your own database/s to keep and store all your knowledge about sea country?
- What is your TO group's capacity to do monitoring (e.g. boats, resources, qualifications)?
- Do you know where your monitoring information goes and how it is used?

- Do you know if there are others on your sea country doing monitoring work?
- What are the challenges for your mob in monitoring your sea country?
- Would you be interested in developing data sharing agreements with other partners involved in monitoring the reef (like the work that Chrissy Grant started)?
- Do you know much about the Indigenous indicator framework called Strong people-Strong country (show factsheet) and how can this be moved forward?

### **We want to hear how TO caring for country can provide employment and enterprise opportunities for you and your community**

*Prompts:*

Make sure your discussion covers the following:

- What Community owned enterprise and business activities do you know about on your country?
- What are the main enterprise and business activity opportunities on your sea country?
- Do you know of other businesses that have happened before on your sea country?
- How does your TO group want to maintain and build business opportunities?
- What issues that have stopped TOs from starting their own businesses on their sea country?
- What support do you think you need to make those business opportunities and activities happen?
- Do you deliver sea country management activities on behalf of the Federal and State governments?
- What are the jobs around sea country that you would like to see happen (e.g. fishing, collecting data work, restoring the reef, tourism, small business like catering or arts)?

### **We want to hear other things that can be done to support you to manage your sea country effectively**

*Prompt:*

Make sure you ask:

- What else needs to be done to improve the health of your sea country?
  - What else can be done to support your mob to plan for and manage sea country?
  - Any other comments?
-

## APPENDIX 3: A DETAILED ACTION PLAN FOR IMPLEMENTING THE RECOMMENDATIONS

| Statement/Recommendation  | Action Steps  | Potential Barriers   | Potential Partnership Opportunities  | Related Reef 2050 Plan Actions (and Targets) | Lead Government Agency/Timelines  |
|---|---|--|--|--|---|
| <p><b>Resolve Sea Country Claims:</b> <i>Those responsible for the management of the Reef ensure, through collaboration between relevant Federal and State agencies, that adequate resources are available to support the longer term, fair and efficient resolution of sea country native title claims across the GBR estate over the coming decade.</i></p> | <ul style="list-style-type: none"> <li>• This recommendation should be considered and supported through the Reef Intergovernmental Working Group (IWG) and Ministerial Council.</li> <li>• Following Ministerial Council consideration, DoEE could provide advice to PM&amp;C and Attorney General concerning the importance of establishing a clear approach to supporting the resolution of imminent sea country claims. This advice should seek to ensure adequate resources are available to support the longer term, fair and efficient resolution of sea country claims (including evidence building in the development of claims)</li> </ul> | <ul style="list-style-type: none"> <li>• Potential for resource-based conflict over sea country claims.</li> <li>• Difficulties faced by claimant groups in securing the evidence required in establishing detailed connection reports.</li> <li>• Resources available for effective claim resolution and ILUA development.</li> </ul> | <ul style="list-style-type: none"> <li>• Key partnerships required with PM&amp;C, Native Title Tribunal, Attorney General and QDNR&amp;M and NTRB's.</li> <li>• Strong opportunities to positively partner with key Reef users at both State, regional and local scales in the resolution of sea country claims via ILUA arrangements and processes.</li> <li>• NTRB's will need to be central in the claims development process.</li> </ul> | <p>EHA1 (HT1)<br/>GA11 (GT1)</p>             | <p>PM&amp;C and OGBR and Attorney General</p> <p>Action steps undertaken by June 2019</p> |

| Statement/Recommendation   | Action Steps  | Potential Barriers  | Potential Partnership Opportunities   | Related Reef 2050 Plan Actions (and Targets) | Lead Government Agency/Timelines   |
|--|---|---|---|--|--|
|  | and structured ILUA negotiation across the GBR estate over the coming decade.   |   |   |  |  |
| <p><b>Get the Foundations Right:</b> Formalising and supporting the foundational rights and responsibilities of Traditional Owners in sea country by enhancing the governance capacities of families, clans, tribes, Indigenous corporations, sub-regions and regions.</p> | <ul style="list-style-type: none"> <li>• Early integrated Commonwealth and State investment should support more detailed work on further developing an audit, including in-depth analysis of the key cultural and organisational governance foundations of Traditional Owner groups, their core governance capacities and aspirational needs (from Torres Strait to the Southern GBR boundary).</li> <li>• This effort should result in development of an interactive tool (i.e. web portal/interactive map) that identifies point of contact for Traditional Owner groups and the</li> </ul> | <ul style="list-style-type: none"> <li>• Fluid nature of status of native title determination processes.</li> <li>• Existing lack of integrated approaches across State and Federal governments.</li> <li>• Current resources available for building long term governance and planning capacity.</li> </ul> | <ul style="list-style-type: none"> <li>• Upon completion Federal and State Governments could support Traditional Owners to build stronger sea country governance and sea country planning.</li> <li>• Within such a framework, there is significant opportunity to start aligning other partnerships with research institutions, reef users and philanthropic investment.</li> <li>• Potential partnership in governance building possible through NTRBs, Regional NRM Bodies, Universities and professional bodies.</li> </ul> | <p>HA1; HA2; HA11(HT3) CBA3 GA11 (GT1)</p>   | <p>DOEE in partnership with PM&amp;C and OGBR</p> <p>Reef 2050 Partners to collaborate with GBRF (and others) to develop innovative tool with GBR TOs.</p> <p>Action steps undertaken by December 2019</p> |

| Statement/Recommendation | Action Steps   | Potential Barriers | Potential Partnership Opportunities | Related Reef 2050 Plan Actions (and Targets) | Lead Government Agency/Timelines |
|--------------------------|--|--------------------|-------------------------------------|--|----------------------------------|
|                          | <p>most relevant engagement protocols. The audit should also continue the exploration and brokerage of investment opportunities, business capacity, required administrative support and infrastructure (i.e. office systems and tools). It should additionally include a skills audit for Traditional Owner groups and identify skills required for the future Reef workforce.</p> <ul style="list-style-type: none"> <li>• In conducting this audit, it will remain important to refer back to NTRBs to ensure native title holders and claimants are correctly identified. Understanding the resourcing needs for these institutions to support cultural/customary decision-making, which</li> </ul> |                    |                                     |  |                                  |

| Statement/Recommendation  | Action Steps  | Potential Barriers   | Potential Partnership Opportunities   | Related Reef 2050 Plan Actions (and Targets)   | Lead Government Agency/Timelines   |
|---|---|--|---|--|--|
|   | <p>usually requires collective processes, is critical. Based on a bilaterally agreed approach (and one negotiated through the emerging GBR Traditional Owner Sea Country Alliance), structured investment in foundational governance building/sea country planning can commence.</p>  |  |   |  |  |
| <p><b>Normalise Rights-Based Agreement Making:</b> <i>Embed policy, procedures and ongoing participation and support to mobilise long term approaches for co-governance and co-management through agreement making, implementation and monitoring across the GBR at regional, sub-regional, and local scales.</i></p> | <ul style="list-style-type: none"> <li>• Full review of the capacity of rights-based agreement opportunities available to Traditional Owners at local, sub-regional, regional and GBR-wide scales. Such a review should explore the capacity of these agreements to deliver on the aspirations of the Traditional Owners as well as meeting the needs of other Reef users. This review should at least</li> </ul> | <ul style="list-style-type: none"> <li>• Fluid nature of status of native title determination processes.</li> <li>• Existing lack of integrated approaches across State and Federal governments.</li> <li>• Lack of understanding (among Government</li> </ul> | <ul style="list-style-type: none"> <li>• Upon completion Federal and State Governments could support Traditional Owners to build stronger agreement making frameworks.</li> <li>• Within such a framework, there is significant opportunity to start aligning other partnerships with research institutions, Reef users and philanthropic investors.</li> </ul> | <p>EHA1;<br/>EHA2;<br/>EHA4 (EHT2)<br/>BA1; BA2;<br/>BA3 (BT1)<br/>HA1; HA3;<br/>HA6 (HT1)<br/>CBA1;<br/>CBA2;<br/>CBA3 (CBT1)</p> | <p>DOEE in partnership with OGBR</p> <p>Action steps undertaken by December 2019</p> |

| Statement/Recommendation | Action Steps   | Potential Barriers  | Potential Partnership Opportunities   | Related Reef 2050 Plan Actions (and Targets) | Lead Government Agency/Timelines |
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|                          | <p>include ILUAs, s39za of the GBRMP Act, TUMRAs, data-share agreements, voluntary MOU's, etc. It is also important that agreements are assessed as being able to meet the requirement for Free, Prior and Informed Consent.</p> <ul style="list-style-type: none"> <li>From this review, working with Traditional Owner groups and NTRBs at these multiple scales, it will become possible to map opportunities to progress a longer term work program of structured agreement making. It will also become possible to scale-up agreement making processes to appropriate levels required by Traditional Owners.</li> <li>Around this key work program, commence the</li> </ul> | <p>agencies and other Reef users) of the actual and emerging rights of Traditional Owners.</p> <ul style="list-style-type: none"> <li>Current lack of strong governing capacities among many Traditional Owner groups to take active advantage of formal agreement making.</li> </ul> | <ul style="list-style-type: none"> <li>Potential partnership in agreement building are possible through NTRBs, the Native Title Tribunal, Regional NRM Bodies, Universities and professional bodies.</li> </ul> |  |                                  |

| Statement/Recommendation  | Action Steps  | Potential Barriers   | Potential Partnership Opportunities   | Related Reef 2050 Plan Actions (and Targets) | Lead Government Agency/Timelines   |
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|   | <p>design and delivery of a long term program to progress, monitor and evaluate implementation of structured agreement making at appropriate scales.</p> <ul style="list-style-type: none"> <li>Identify, consider and progress required regulatory improvements to support active and progressive agreement making at various scales.</li> </ul> |  |   |  |  |
| <p><b>Establish a GBR Traditional Owner Sea Country Alliance:</b> Resource and support Traditional Owners to establish a GBR-wide Sea Country Alliance and engagement framework as a basis for negotiating and implementing a Tripartite Agreement.</p> | <ul style="list-style-type: none"> <li>Support a GBR-wide Traditional Owner discussion by resourcing a GBR Traditional Owner Summit or Gathering in 2019 to confirm and refine the design principles and establishment of processes for the proposed GBR Traditional Owner Sea Country Alliance. To meet <i>Native Title Act</i></li> </ul>       | <ul style="list-style-type: none"> <li>Fluid nature of status of native title determination processes.</li> <li>Failure of key parties to identify and recognise determined and potential rights holders.</li> <li>Potential for lack of agreement across the</li> </ul> | <ul style="list-style-type: none"> <li>Potential exists to link in with the Australian Indigenous Governance Institute for design expertise and support.</li> <li>An agreement could provide Reef 2050 Partners with an integrated and stable engagement/coordination function for servicing the Reef 2050 Plan (Actions).</li> </ul> | <p>GA11 (GT1)</p>                            | <p>DOEE in partnership with OGBR</p> <p>Action steps undertaken by December 2019</p> |

| Statement/Recommendation | Action Steps   | Potential Barriers   | Potential Partnership Opportunities | Related Reef 2050 Plan Actions (and Targets) | Lead Government Agency/Timelines |
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|                          | <p>obligations, NTRB regions should be involved in the design process.</p> <ul style="list-style-type: none"> <li>• Commission additional and progressive governance expertise (such as Australian Indigenous Governance Institute) to support this process and present options paper by end of 2019.</li> <li>• Detailed discussion/ negotiation should be based on four regions (Torres Strait, Cape York, Central and Southern) and appropriate sub-regions to ensure a focus on diverse issues and priorities, manageable processes and to build upon established governance arrangements and networks.</li> </ul> | <p>proposed GBR Traditional Owner Sea Country Alliance and lack of resources and capacity available to the Alliance.</p> <ul style="list-style-type: none"> <li>• A 'cluster and hub' model has not yet previously been adopted due to limited policy development and coordination across governments, costs and logistical difficulties in maintaining Traditional Owner networks.</li> </ul> |                                     |  |                                  |

| Statement/Recommendation | Action Steps   | Potential Barriers | Potential Partnership Opportunities | Related Reef 2050 Plan Actions (and Targets) | Lead Government Agency/Timelines |
|--------------------------|--|--------------------|-------------------------------------|--|----------------------------------|
|                          | <ul style="list-style-type: none"> <li>• Shared issues across the regions can be connected through combined whole of GBR forums to ensure a Reef wide response when required, while incorporating regional differences, opportunities and threats.</li> <li>• Commonwealth and Queensland governments work closely with GBR Traditional Owners in confirming and refining the design criteria for the successful establishment of the Alliance. To meet <i>Native Title Act</i> obligations, NTRB regions should be involved in the design process, but Traditional Owners must lead and drive.</li> <li>• Resource and support the operational foundations required for the commencing the</li> </ul> |                    |                                     |  |                                  |

| Statement/Recommendation  | Action Steps  | Potential Barriers  | Potential Partnership Opportunities   | Related Reef 2050 Plan Actions (and Targets)  | Lead Government Agency/Timelines   |
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|   | <p>establishment of the Alliance (regionally and Reef wide). This effort should be linked to innovative financing solutions.</p>  |   |   |   |  |
| <p><b>Negotiate a GBR-Wide Tripartite Agreement:</b> Australian and Queensland Governments (through Intergovernmental Agreement) to meet obligations for Free, Prior and Informed Consent (in accordance with UNDRIP) through the negotiation of a whole of GBR Tripartite Agreement with Traditional Owners.</p> | <ul style="list-style-type: none"> <li>Australian and Queensland Governments to reach informed intergovernmental agreement about the scope and processes required to negotiate a tripartite agreement with Traditional Owners across the GBR. The foundations set for negotiating a tripartite agreement making process should be designed to meet the FPIC (in line with the UNDRIP) required for supporting future GBR-wide planning and decision making. This process should draw on the lessons learned from</li> </ul> | <ul style="list-style-type: none"> <li>Fluid nature of status of native title determination processes.</li> <li>Potential for lack of agreement across the proposed GBR Traditional Owner Sea Country Alliance and lack of resources and capacity available to the Alliance.</li> <li>Potential lack of political will (at State/Federal levels) for progressing a strong framework agreement with</li> </ul> | <ul style="list-style-type: none"> <li>This is primarily a partnership between the Australian and Queensland Governments with Traditional Owners across the GBR. All four NTRBs across the GBR will also need to be significant partners in this (ILUA-like) process.</li> <li>This agreement making process should set the foundation for other key players to progress GBR-wide agreement making with GBR Traditional Owners (e.g. the Tourism Industry, the NRM and Farming Sector, the Research Sector, etc.).</li> </ul> | <p>EHA1;<br/>EHA2;<br/>EHA4 (EHT2)<br/>HT1; HA3;<br/>MTR HA3 (HT1; HT2; HT3)<br/>CBA2 (CBT1)<br/>GA11 (GT1)</p> | <p>DOEE in partnership with OGBR</p> <p>Action steps undertaken by June 2020</p> |

| Statement/Recommendation | Action Steps  | Potential Barriers   | Potential Partnership Opportunities | Related Reef 2050 Plan Actions (and Targets) | Lead Government Agency/Timelines |
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|                          | <p>the Wet Tropics Regional Agreement, the Sami Parliament (in Sweden and Norway), the Northern Australian Indigenous Reference Group and other equivalent land/seascape-scale agreements.</p> <ul style="list-style-type: none"> <li>Commence structured (and third party facilitated) negotiation of a GBR wide framework agreement with the GBR Traditional Owner Sea Country Alliance (refer to steps required in establishing the Alliance).</li> <li>Formalise the agreement through a Reef wide ILUA (or via other appropriate and legally binding instrument) and development of a Traditional Owner <i>Reef 2050 Plan</i> (as a subsidiary of the <i>Reef 2050 Plan</i>).</li> </ul> | <p>Traditional Owners.</p> <ul style="list-style-type: none"> <li>Potential delays in the establishment of the proposed GBR Traditional Owners Sea Country Alliance.</li> <li>Lack of understanding (among Government agencies and other Reef users) of the actual and emerging rights of Traditional Owners.</li> <li>Existing lack of integrated approaches across State and Federal governments.</li> </ul> |                                     |  |                                  |

| Statement/Recommendation   | Action Steps  | Potential Barriers  | Potential Partnership Opportunities  | Related Reef 2050 Plan Actions (and Targets)   | Lead Government Agency/Timelines  |
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| <p><b>Establish a GBR Traditional Owner's Funding Facility:</b><br/> <i>To underpin long term and sustainable support for achieving Traditional Owner aspirations (from local to regional scales), establish a GBR funding facility and support partnership arrangements to enable program delivery and investment leverage.</i></p> | <ul style="list-style-type: none"> <li>Develop Options Paper to establish a cohesive GBR Traditional Owners Funding Facility. This should include detailed investigation to draw lessons from the establishment of the Reef Trust and the NRM/Industry sector experience (i.e. the "Reef NRM Alliance" model). It should also draw lessons emerging from the development of an action strategy associated with the Northern Australian Indigenous Reference Group.</li> <li>Key design criteria for the GBR Traditional Owners Funding Facility should include: (i) a stable, longer term and significant investment horizon; (ii) strong GBR-wide governance safeguards that ensure</li> </ul> | <ul style="list-style-type: none"> <li>Potential lack of political will (at State/Federal levels) for progressing a strong and durable Funding Facility with and for Traditional Owners.</li> <li>Resources available for establishment of the Funding Facility.</li> </ul> | <ul style="list-style-type: none"> <li>This is primarily a partnership between the Australian and Queensland Governments with Traditional Owners across the GBR.</li> <li>Potential partnerships to support the formation of the Funding Facility may include institutions such as the GBRF, other key agencies (PM&amp;C, DATSIP), the ILC, philanthropic investors and other private sector investment interests.</li> </ul> | <p>EHA3 (EHT1)<br/>           BA2; BA3<br/>           HA1; HA2<br/>           CBA1;<br/>           CBA2;<br/>           CBA3<br/>           (CBT1)</p> | <p>DOEE in partnership with OGBR, PM&amp;C and the GBRF</p> <p>Action steps undertaken by December 2019</p> |

| Statement/Recommendation | Action Steps   | Potential Barriers | Potential Partnership Opportunities | Related Reef 2050 Plan Actions (and Targets) | Lead Government Agency/Timelines |
|--------------------------|--|--------------------|-------------------------------------|--|----------------------------------|
|                          | <p>effective expenditure of public monies and strong cultural authority from Traditional Owners; (iii) a strong capacity to lever and align the efforts of other mainstream government programs, ecosystem service markets and philanthropic and private investment; and (iv) decision making processes to identify how funding will be allocated to and across Traditional Owner groups; (v) strong monitoring and evaluation frameworks to ensure genuine progress in the achievement of the sea country aspirations and the well-being of Traditional Owners (across appropriate scales) across the GBR; and (vi) explored linkages</p> |                    |                                     |  |                                  |

| Statement/Recommendation  | Action Steps  | Potential Barriers   | Potential Partnership Opportunities   | Related Reef 2050 Plan Actions (and Targets)                         | Lead Government Agency/Timelines                            |
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|   | <p>to the ILC Land and Sea Future Fund.</p> <ul style="list-style-type: none"> <li>• Through negotiation with the GBR Traditional Owner Sea Country Alliance, explore these options for the foundational governance, establishment and delivery of a cohesive GBR Traditional Owners Funding Facility.</li> <li>• Through the 2020 review of the <i>Reef 2050 Plan</i>, align investment in the Funding Facility with the revised Plan and the subsidiary Traditional Owner <i>Reef 2050 Plan</i>, applying a 5 year government budgetary timeframe.</li> </ul> |  |   |  |   |
| <p><b><i>Immediate Traditional Owner Co-design in Programs and Procurement: Urgent interim action is required to ensure equitable and effective Traditional</i></b></p> | <ul style="list-style-type: none"> <li>• GBRF to recruit expert personnel to lead and manage Traditional Owner Program and Partnerships across the</li> </ul>   | <ul style="list-style-type: none"> <li>• Current political uncertainty over the future of the GBRF Reef Trust arrangements.</li> </ul> | <ul style="list-style-type: none"> <li>• Potential exists to build from current GBRF Reef Trust Partnership components: Water Quality; COTS; RRAP;</li> </ul> | <p>EHA1;<br/>EHA2;<br/>EHA3;<br/>EHA4<br/>BA1; BA2;<br/>BA3; BA4</p> | <p>DOEE in partnership with OGBR, PM&amp;C and the GBRF</p> |

| Statement/Recommendation   | Action Steps  | Potential Barriers  | Potential Partnership Opportunities   | Related Reef 2050 Plan Actions (and Targets)        | Lead Government Agency/Timelines            |
|--|---|---|---|---|---|
| <p><i>Owner involvement and influence in the co-design, procurement and delivery of all current programs and tenders of relevance to their Reef-related aspirations (e.g. Great Barrier Reef Foundation (GBRF), Indigenous Advancement Strategy, Closing the Gap, etc.).</i></p> | <p>RTP and other relevant internal projects</p> <ul style="list-style-type: none"> <li>GBRF to include a minimum investment rule across all components in the Reef Trust Partnership GBRF to include GBR Traditional Owners in the co-design and co-delivery across all components (and relevant internal projects) – ensuring there is: (i) a defined investment stream focussed on the emerging needs to Traditional Owners as per outlined in this consortium report; (ii) support for Traditional Owners to identify services they can supply to implement Reef 2050 actions across all 5 components; (iii) ensure all other Trust investment streams adequately integrate Traditional</li> </ul> | <ul style="list-style-type: none"> <li>Existing planning for resource allocation has already under-emphasised the needs of Traditional Owners and are well advanced.</li> </ul> | <p>RIMREP; Communities/Traditional Owners.</p> <ul style="list-style-type: none"> <li>Potential exists for a significant Indigenous-led research focus within the next generation of the Tropical Water Quality NESP Hub funding.</li> <li>Potential exists to partner with OGBR in delivery of the Water Quality Improvement Plan and Qld Indigenous Rangers Program.</li> <li>Potential exists to partner GBRMPA through its: (i) Aboriginal and Torres Strait Heritage Strategy; (ii) Permit Guidelines; (iii) current policy and planning reviews (39za, TUMRA, etc.); and (iv) permit assessment &amp; approvals.</li> </ul> | <p>HA1; HA3; HA6<br/>CBA1 (CBT1)<br/>GA11 (GT1)</p> | <p>Action steps undertaken by June 2019</p> |

| Statement/Recommendation   | Action Steps   | Potential Barriers  | Potential Partnership Opportunities   | Related Reef 2050 Plan Actions (and Targets)   | Lead Government Agency/Timelines  |
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|  | <p>Owner aspirations and interests (e.g. seeking strong Traditional Owner partnership, training and employment outcomes in COTS investment); (iv) the establishment of strong interim advisory arrangements that do not conflict with the principles articulated with respect to the longer-term process of establishing the GBR Traditional Owner Sea Country Alliance. This also applies to all mainstream and dedicated funding available through Reef 2050 Partners.</p> |   |   |  |   |
| <p><b>Ensure Fit-For-Purpose Delivery Programs:</b> <i>Through leveraging the Traditional Owner Funding Facility, establish stable, delivery programs that particularly support social, cultural, environmental and economic</i></p> | <ul style="list-style-type: none"> <li>Establish Funding Facility as per the actions articulated above to assist funding for Traditional Owner-based on-ground actions.</li> <li>In the design of the Funding Facility, ensure</li> </ul>  | <ul style="list-style-type: none"> <li>Potential lack of political will (at State/Federal levels) for progressing a strong and durable Funding Facility with and</li> </ul> | <ul style="list-style-type: none"> <li>This is primarily a partnership between the Australian and Queensland Governments with Traditional Owners across the GBR.</li> </ul> | <p>EHA3<br/>BA4<br/>HA1; HA2;<br/>MTR HA3<br/>(HT1; HT3)<br/>CBA2;<br/>CBA2<br/>(CBT1)</p> | <p>DOEE in partnership with OGBR, PM&amp;C and the GBRF</p> <p>Action steps undertaken by December 2019</p> |

| Statement/Recommendation   | Action Steps  | Potential Barriers   | Potential Partnership Opportunities  | Related Reef 2050 Plan Actions (and Targets)           | Lead Government Agency/Timelines  |
|--|---|--|--|--|---|
| <p><i>aspirations (e.g. country-based planning, meaningful jobs, infrastructure, and business development).</i></p>  | <p>the effective planning and design of key fit-for-purpose programs that can enable strong leverage of additional investment. These should at least include governance building and country-based planning, meaningful jobs development through operational programs, infrastructure, and business development).</p> <ul style="list-style-type: none"> <li>The Funding Facility should also specifically be designed to lever existing cross-government supported programs and grants.</li> </ul> | <p>for Traditional Owners.</p> <ul style="list-style-type: none"> <li>Resources available for establishment of the Funding Facility.</li> <li>Historical and traditional fragmentation across Commonwealth and State investment program aimed at both Indigenous development and natural resource management.</li> </ul> | <ul style="list-style-type: none"> <li>Potential partnerships to support the formation of the funding facility may include institutions such as the GBR, other key agencies (PM&amp;C, DATSIP), the ILC, Local Government, philanthropic investors and private sector investment interests.</li> </ul> | <p>EBA1; EBA2 (EBT1; EBT2)</p>                         |   |
| <p><b>Towards Research Partnerships:</b> <i>The GBR's leading research institutions jointly collaborate with Traditional Owners to plan and negotiate a long term strategy for supporting their knowledge and research</i></p> | <ul style="list-style-type: none"> <li>Through the GBR Ministerial Forum, Ministers could write to leading GBR Research Institutions with a "Statement of Expectation" of the need</li> </ul>   | <ul style="list-style-type: none"> <li>Historical lack of trust between researchers and Traditional Owners arising from poor past research</li> </ul>  | <ul style="list-style-type: none"> <li>Opportunity exists to apply better practice research (mandatory) standards. Solid examples include the AIATSIS Ethical Research and Protocol,</li> </ul>  | <p>EHA2; EHA4; EHA5 (EHT1) BA4 HA1; HA2; HA3; HA6;</p> | <p>At least CSIRO, AIMS, JCU and Uni. of Qld.</p> <p>Action steps undertaken by December 2020</p> |

| Statement/Recommendation                                 | Action Steps  | Potential Barriers   | Potential Partnership Opportunities   | Related Reef 2050 Plan Actions (and Targets)   | Lead Government Agency/Timelines |
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| <p><i>needs (e.g. data sharing agreements, etc).</i></p> | <p>to progress towards a more joined up and whole of GBR approach (perhaps through a negotiated GBR-wide research framework agreement) focussed on approaches to ethical and appropriate research collaboration, partnership and agreement-making with GBR Traditional Owners. This could lead to exploration of the possibility of the leading research institutions negotiating a GBR wide approach to supporting the knowledge requirements of GBR Traditional Owners at all scales.</p> <ul style="list-style-type: none"> <li>In the meantime, leading research institutions could collaboratively produce a portfolio of research capabilities that can be available for</li> </ul> | <p>practices and limited data sharing.</p> <ul style="list-style-type: none"> <li>Cultural barriers between Indigenous/ Traditional and Western Science-based knowledge systems and ways of doing things.</li> <li>Insufficient focus on the importance of delivering real-world impact from research.</li> <li>Competitive pressures facing the key research institutions and the nature of research funding guidelines and processes.</li> </ul> | <p>NESP TWQ Research Guidelines, RIMREP (Strong People – Strong Country Framework) and the DMS4 Guidelines.</p> <ul style="list-style-type: none"> <li>Opportunities to strongly build the career pathways of Indigenous scientists and far more inter-disciplinary and two-way research approaches.</li> <li>Opportunities that could lead towards Indigenous-led Reef Science and Monitoring programs in partnership with key research institutions.</li> <li>Partnership opportunities that build the science and monitoring capacities of Traditional Owner land and sea organisations, while equally lifting the local operations capacity of the key science institutions.</li> </ul> | <p>MTR HA3 (HT3)<br/>CBA3 (CBT1)<br/>EBA1;<br/>EBA2 (EBT1; EBT2)<br/>GA11 (GT1)<br/>(WQT5)</p> |                                  |

| Statement/Recommendation | Action Steps  | Potential Barriers | Potential Partnership Opportunities | Related Reef 2050 Plan Actions (and Targets) | Lead Government Agency/Timelines |
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|                          | <p>partnerships with Traditional Owners. These research Institutions could also synthesise their past and current research outcomes of relevance to GBR Traditional Owners at various scales and deliver this knowledge through appropriate communication products and data share agreements.</p> <ul style="list-style-type: none"> <li>• Key research institutions to undertake a stocktake or audit of what Traditional Owner relevant research has already happened in the GBR and make available the results to GBR Traditional Owners.</li> <li>• Progressively invest in GBR Traditional Owner Research Plans, including identification of research gaps.</li> </ul> |                    |                                     |  |                                  |

| Statement/Recommendation | Action Steps  | Potential Barriers | Potential Partnership Opportunities | Related Reef 2050 Plan Actions (and Targets) | Lead Government Agency/Timelines |
|--------------------------|---|--------------------|-------------------------------------|--|----------------------------------|
|                          | <ul style="list-style-type: none"> <li>• Progressively resource a GBR Traditional Owner Research Forum/Gathering in 2019 so that Traditional Owners can discuss and prioritise research and science priorities to develop a GBR Traditional Owners Science Needs document to guide future research investment.</li> <li>• Within resourced sea country planning processes, there should be support for Traditional Owners to identify key knowledge gaps and research priorities and where opportunities exist for research partnerships. This approach should also build awareness (among researchers and Traditional Owners) of the need to protect Indigenous knowledge</li> </ul> |                    |                                     |  |                                  |

| Statement/Recommendation   | Action Steps  | Potential Barriers  | Potential Partnership Opportunities   | Related Reef 2050 Plan Actions (and Targets)  | Lead Government Agency/Timelines                          |
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|  | <p>and intellectual property and knowledge contributed to research/research partnerships.</p> <ul style="list-style-type: none"> <li>• Within the context of programs developed through the GBR Traditional Owner Funding Facility, provide support to develop appropriate tools and mechanisms to protect Indigenous knowledge and intellectual property.</li> </ul> |   |   |   |   |
| <p><b>Traditional Owners Embedded in GBR Monitoring:</b> <i>Embed Traditional Owners and cultural heritage in all aspects (e.g. turtle and dugong) and scales (from GBR-wide to local) of GBR monitoring and evaluation, using culturally appropriate approaches (e.g. Strong Country – Strong People Framework)</i></p> | <ul style="list-style-type: none"> <li>• Through the RIMReP process, confirm and progress the resourcing and implementation of the Strong Country – Strong People ‘whole of GBR’ monitoring framework. This includes subjective indicators developed by the Indigenous Heritage Expert Group, and further work to identify relevant</li> </ul>                        | <ul style="list-style-type: none"> <li>• The almost complete historical exclusion of Traditional Owners in broad-scale monitoring of the health of GBR sea country.</li> <li>• The capacity of Traditional Owners to enter</li> </ul> | <ul style="list-style-type: none"> <li>• Potential exists for partnerships with research organisations to co-develop robust governance frameworks, monitoring frameworks and delivery systems.</li> <li>• Potential exists to work with research institutions in partnerships to develop long term, stable approaches to</li> </ul> | <p>EHA2;<br/>EHA3EHA4 (EHT1)<br/>BA3 (BT1)<br/>HA1; HA2;<br/>HA3; HA6;<br/>HA11 (HT2; HT3)<br/>CBA3 (CBT1)<br/>EBA1;<br/>EBA2</p> | <p>GBRMPA</p> <p>Action steps undertaken by June 2019</p> |

| Statement/Recommendation | Action Steps  | Potential Barriers   | Potential Partnership Opportunities   | Related Reef 2050 Plan Actions (and Targets) | Lead Government Agency/Timelines |
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|                          | <p>objective (two-way) indicators based on both Indigenous and scientific knowledge and supported by data-sharing agreements.</p> <ul style="list-style-type: none"> <li>Explore the development of peer-shared approaches to building the continuous improvement in both cultural and organisational governance of Indigenous land and sea managers (based on the Strong Peoples-Strong Country framework and relevant experiences from the NRM sector).</li> <li>Through core and stable investment in the governance building and sea country planning approaches envisaged above, establish simple, Indigenous led and peer-shared approaches to</li> </ul> | <p>into research and monitoring agreements.</p> <ul style="list-style-type: none"> <li>The short-time frames for the Indigenous Heritage Expert Group to complete its work, resulting in only part of the indicators work (subjective indicators) being completed/costed.</li> </ul> | <p>continuous improvement in institutional governance.</p> <ul style="list-style-type: none"> <li>Ongoing partnership roles with the Indigenous Heritage Expert Group to further work to identify the full costs of both subjective and objective indicators for the <i>Strong Peoples-Strong Country</i> framework.</li> </ul> | <p>(EBT1; EBT2) (WQT5)</p>                   |                                  |

| Statement/Recommendation | Action Steps  | Potential Barriers | Potential Partnership Opportunities | Related Reef 2050 Plan Actions (and Targets) | Lead Government Agency/Timelines |
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|                          | <p>monitoring the achievement of Traditional Owner aspirations for country.</p> <ul style="list-style-type: none"> <li>• Through the RIMReP framework, reach long term structures and processes for implementing two-way indicators, based on data-sharing agreements with Traditional Owners, for monitoring the health of sea country across all of RIMReP, by and with Traditional Owners at appropriate scales (including the development of effective fee-for-service approaches). Examples include monitoring activities designed by the coral reef, sea grass and other expert groups being developed under RIMReP. Negotiate Data Sharing Agreements</li> </ul> |                    |                                     |  |                                  |

| <b>Statement/Recommendation</b> | <b>Action Steps</b>                           | <b>Potential Barriers</b> | <b>Potential Partnership Opportunities</b> | <b>Related Reef 2050 Plan Actions (and Targets)</b> | <b>Lead Government Agency/Timelines</b> |
|---------------------------------|---|---------------------------|--|---|---|
|                                 | between Traditional Owners and other parties. |                           |  |   |   |

The following details the codes and associated details for Traditional Owner-related Actions (2018-2020) and Targets (2020) from *Reef 2050* that were mapped to the above recommendations from the Traditional Owner Aspirations Project. Codes and the associated details are reproduced from the *Reef 2050 Long-Term Sustainability Plan – July 2018* and Reef 2050 Plan. Codes for Targets below are distinguished from Actions using **bold** font.

| Action/Target Code in Reef 2050 | Detail   |
|---------------------------------|--|
| EHA1                            | Acknowledge Traditional Owners in new and existing policy and plans.   |
| EHA2                            | Incorporate and prioritise Traditional Owners' planning into existing and future ecosystem policy and programs.  |
| EHA3                            | Support Traditional Owner stewardship activities that contribute to Reef health and resilience, including removing and, where possible, identifying the sources of marine debris.  |
| EHA4                            | Develop further agreements with Traditional Owners addressing management of ecosystems within their traditional estates.   |
| EHA5                            | Develop, implement and coordinate a protocol and knowledge management system for recording, storing, protecting and, where appropriate, sharing of knowledge, innovations and practices; conserving and cultural use of biocultural diversity; and use in decision making. |
| <b>EHT1</b>                     | Traditional Owners have developed Indigenous Ecological Knowledge Management Systems for collecting, handling and sharing culturally sensitive information and its integration in decision making.   |
| <b>EHT2</b>                     | The number of agreements with Traditional Owners addressing management of ecosystems within their traditional estates is increased.  |
| BA1                             | Where agreed through Traditional Owner engagement frameworks, apply traditional knowledge and customary use of biological diversity, including the use of community protocols, in managing protected areas.  |
| BA2                             | Work with Traditional Owner groups to identify biocultural resources within their sea country and develop plans of management for conservation and use of those resources.   |
| BA3                             | Improve Traditional Owner engagement to strengthen participation in decision making at all levels relating to the conservation and cultural use of biodiversity.   |
| BA4                             | Work with Traditional Owners to build capacity to record and manage traditional ecological knowledge, and prioritise research to address key Indigenous knowledge gaps.  |
| <b>BT1</b>                      | Customary use of biological resources, in accordance with traditional cultural practices that are compatible with conservation or cultural use requirements, are formally recognised and adopted in management arrangements  |
| HA1                             | Build capacity for the involvement of Traditional Owners and community members in cooperative management, planning and impact assessment.  |
| HA2                             | Work with and support Traditional Owners to collect, store and manage their cultural heritage information.   |
| HA3                             | Improve engagement processes for assessment of cultural heritage values to inform decision making.   |
| HA6                             | Facilitate robust consideration of heritage values in planning processes including port development and associated activities.   |

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| <b>MTR HA3</b> | <i>Finalise and implement the Great Barrier Reef Marine Park Authority's Aboriginal and Torres Strait Islander Heritage Strategy for the Great Barrier Reef Marine Park.</i>  |
| HA11           | Further identify, map, monitor and report on key Reef heritage values and sites, including comprehensive maritime surveys in priority sections of the Reef.   |
| <b>HT1</b>     | New and effective cooperative management practices are developed for protection and conservation of Great Barrier Reef Indigenous and non-Indigenous heritage.  |
| <b>HT2</b>     | Indigenous and non-Indigenous heritage values are identified, documented and protected in decision-making and planning processes.   |
| <b>HT3</b>     | Partnerships between Traditional Owners and all stakeholders are increased to ensure key Reef heritage values are identified, documented, and monitored.  |
| CBA1           | Review current mechanisms and processes to improve benefits to Traditional Owners engaged in sea country management.  |
| CBA2           | Work with Traditional Owners to identify world's best practice in agreement making, strategic planning, and management and implementation of Indigenous programs in relation to the Great Barrier Reef sea country estate.          |
| CBA3           | Develop collaborative working arrangements with Traditional Owners which establish mutual trust and build Indigenous capacity.  |
| <b>CBT1</b>    | The number of benefit-sharing initiatives and agreements with Traditional Owners is increased   |
| EBA1           | Develop and implement an Indigenous Business Development Plan including a comprehensive review of baseline data, processes and systems to identify existing and potential economic benefits to Traditional Owners.                  |
| EBA2           | Assist Traditional Owners to be business-ready and have improved capacity to generate economic benefits from use and management of their traditional estates.   |
| <b>EBT1</b>    | There is an increase in the number of Traditional Owner service providers and viable businesses.  |
| <b>EBT2</b>    | The number of employment opportunities for Traditional Owners in sea country management and Reef-based industries is increased  |
| GA11           | Improve Traditional Owner participation in governance arrangements for protection and management of the Reef.   |
| <b>GT1</b>     | Implementation, reporting and review of this Plan are based on the principles of transparency, ownership, accountability, responsiveness and the strong involvement of Traditional Owners, industry, researchers and the community. |
| <b>WQT5</b>    | Traditional Owners, industry and community are engaged in onground water quality improvement and monitoring   |

# REEF 2050 TRADITIONAL OWNER ASPIRATIONS FRAMEWORK IMPLEMENTATION PLAN

| Responsible Party   | 2019   | 2020-2021   |
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| <b>Overarching Governance and Engagement – Reef Wide</b>    |  |   |
| Reef 2050 Ministerial Council                               | <ul style="list-style-type: none"> <li>Reef 2050 Ministerial Council to formally write to PM&amp;C and Attorney General (and Northern Australia Ministerial Forum) outlining the importance of establishing a clear approach to supporting the resolution of imminent sea country claims in the GBR estate. This advice should seek to ensure adequate resources are available to support the longer term, fair and efficient resolution of sea country claims (including evidence building in the development of claims) and structured ILUA negotiation across the GBR estate over the coming decade</li> <li>Australian and Queensland Governments to reach informed intergovernmental agreement about the scope and processes required to negotiate a tripartite agreement with Traditional Owners across the GBR. The foundations set for negotiating a tripartite agreement making process should be designed to meet Free Prior &amp; Informed Consent (in line with the United Nations Declarations of the Rights of Indigenous Peoples (UNDRIP)) required for supporting future GBR-wide planning and decision making. This process should draw on the lessons learned from the Wet Tropics Regional Agreement, the Sami Parliament (in Sweden and Norway), the Northern Australian Indigenous Reference Group and other equivalent land/ seascape-scale agreements.</li> </ul> | <ul style="list-style-type: none"> <li>Commence structured (and third party facilitated) negotiation of a GBR wide tripartite framework agreement with the GBR Traditional Owner Sea Country Alliance (refer to steps required in establishing the Alliance).</li> <li>Formalise the agreement through a Reef wide ILUA (or via other appropriate and legally binding instrument) and development of a Traditional Owner Reef 2050 Plan (as a subsidiary of the Reef 2050 Plan).</li> </ul> |
| <b>Overarching Governance and Engagement – Local Scales</b> |  |   |
| GBR Joint Team (Com., State and GBRMPA)                     | <ul style="list-style-type: none"> <li>Early integrated Commonwealth and State investment should support more detailed work on further developing an audit of the aspirations and needs of Indigenous land and</li> </ul>  | <ul style="list-style-type: none"> <li>Through the proposed Funding Facility (see below) formalise ongoing financial support to lift governance</li> </ul>  |

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|   | <p>sea institutions from family to regional scales), including in-depth analysis of the key cultural and organisational governance foundations of Traditional Owner groups, their core governance capacities and aspirational needs (from Torres Strait to the Southern GBR boundary).</p> <ul style="list-style-type: none"> <li>• This effort should result in development of an interactive tool (i.e. web portal/interactive map) that identifies point of contact for Traditional Owner groups and the most relevant engagement protocols. The audit should also continue the exploration and brokerage of investment opportunities, business capacity, required administrative support and infrastructure (i.e. office systems and tools). It should additionally include a skills audit for Traditional Owner groups and identify skills required for the future Reef workforce.</li> <li>• In conducting this audit, it will remain important to refer back to NTRBs to ensure native title holders and claimants are correctly identified. Understanding the resourcing needs for these institutions to support cultural/customary decision-making, which usually requires collective processes, is critical. Based on a bilaterally agreed approach (and one negotiated through the emerging GBR Traditional Owner Sea Country Alliance), structured investment in foundational governance building/sea country planning can commence.</li> </ul> | <p>and planning capacity of Indigenous land and sea institutions from family to regional scales).</p> |
| <h3 style="color: #8B0000;">Overarching Governance and Engagement – Agreement Making</h3> |   |   |
| <p>GBR Joint Team (Com., State and GBRMPA)</p>  | <ul style="list-style-type: none"> <li>• Commission a full review of the capacity of rights-based agreement opportunities available to Traditional Owners at local, sub-regional, regional and GBR-wide scales. Such a review should explore the capacity of these agreements to deliver on the aspirations of the Traditional Owners as well as meeting the needs of other Reef users. This review should at least include ILUAs, s39za of the GBRMP Act, TUMRAs, data-sharing agreements, voluntary MOU's, etc. It is also important that agreements are assessed as being able to meet the requirement for Free, Prior and Informed Consent. The Australian Indigenous Governance Institute may be appropriate to assist Traditional Owners in the commissioning the scope and design of this work.</li> </ul>   |   |

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|   | <ul style="list-style-type: none"> <li>• From this review, working with Traditional Owner groups and NTRBs at these multiple scales, it will become possible to map opportunities to progress a longer-term work program of structured agreement making. It will also become possible to scale-up agreement making processes to appropriate levels required by Traditional Owners.</li> <li>• Around this key work program, commence the design and delivery of a long-term program to progress, monitor and evaluate implementation of structured agreement making at appropriate scales.</li> <li>• Identify, consider and progress required regulatory improvements to support active and progressive agreement making at various scales.</li> </ul>   |   |
| <h3 style="color: #A52A2A;">Establish a GBR Traditional Owner Sea Country Alliance</h3> |   |   |
| <p>GBR Joint Team (Com., State and GBRMPA)</p>  | <ul style="list-style-type: none"> <li>• Invest in core resourcing to support a second phase (Phase 2) of the Reef 2050 Traditional Owner Aspirations Framework.</li> <li>• Commission a dedicated team of expert personnel to continue working with Joint Team (Reef 2050) Partners in the coordination of this proposed Reef 2050 Traditional Owner Aspirations Framework (including resourcing assistance of key partners).</li> <li>• Work to establish a GBR Traditional Owner Sea Country Alliance and develop a Traditional Owner Reef 2050 Plan (as a subsidiary of the Reef 2050 Plan) and Traditional Owner Funding Facility and fit for purpose program delivery.</li> <li>• Commissioned team to conduct more detailed work on further developing an audit, including in-depth analysis of the key cultural and organisational governance foundations of Traditional Owner groups, their core governance capacities and aspirational needs (from Torres Strait to the Southern GBR boundary) as lead in work to establish a GBR Traditional Owner Sea Country Alliance; sub regional work.</li> <li>• This effort should result in development of an interactive tool (i.e. web portal/interactive map) that identifies key points of contact for Traditional Owner groups and the most relevant engagement protocols. The audit should also continue the exploration and brokerage of investment opportunities,</li> </ul> | <ul style="list-style-type: none"> <li>• Interactive web-based online tool (informed by very detailed audit) is fully operational to improve engagement between GBR Traditional Owners and key partners and stakeholders</li> </ul> |

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|  | <p>business capacity, required administrative support and infrastructure (i.e. office systems and tools). It should additionally include a skills audit for Traditional Owner groups and identify skills required for the future Reef workforce.</p> <ul style="list-style-type: none"> <li>• In conducting this audit, it will remain important to refer back to NTRBs to ensure native title holders and claimants are correctly identified. Understanding the resourcing needs for these institutions to support cultural/customary decision-making, which usually requires collective processes, is critical. Based on a bilaterally agreed approach (and one negotiated through the emerging GBR Traditional Owner Sea Country Alliance), structured investment in foundational governance building/sea country planning can commence.</li> </ul>   |  |
| <p>GBR Joint Team (Com., State and GBRMPA)</p>   | <ul style="list-style-type: none"> <li>• Invest in a GBR-wide Traditional Owner discussion by resourcing a GBR Traditional Owner Summit or Gathering in 2019.</li> <li>• In preparation for the Summit, support detailed regional discussion based on four regions (Torres Strait, Cape York, Central and Southern) and appropriate sub-regions to ensure a focus on diverse issues and priorities, manageable processes and to build upon established governance arrangements and networks.</li> <li>• Commonwealth and Queensland governments work closely with GBR Traditional Owners in confirming and refining the design criteria for the successful establishment of the Alliance. To meet Native Title Act obligations, NTRB regions should be involved in the design process but Traditional Owners must own, lead and drive the process.</li> <li>• Resource and support the operational foundations required for commencing the establishment of the Alliance (regionally and Reef wide). This effort should be linked to innovative financing solutions (Funding Facility).</li> </ul> |  |
| <p>Traditional Owners 2019 Summit/ Gathering and Establishing the Sea Country Alliance</p> | <ul style="list-style-type: none"> <li>• Commission additional and progressive governance expertise (such as Australian Indigenous Governance Institute) to also support the Reef wide Gathering and present options paper by end of 2019. Provision for the</li> </ul>  | <ul style="list-style-type: none"> <li>• Operationalise formation of the GBR Traditional Owners Sea Country Alliance.</li> <li>• On an annualised basis, shared issues across the regions can be connected through combined whole of GBR forums to ensure a Reef wide policy setting by</li> </ul> |

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|                               | commissioning of a professional Events Manager should be included in this work (e.g. Supply Nation).  | the Sea Country Alliance while incorporating regional differences, opportunities and threats.   |
| <b>Research</b>               |   |   |
| Reef 2050 Ministerial Council | <ul style="list-style-type: none"> <li>Ministerial Council to write to leading GBR Research institutions and include in their <i>Statement of Expectation</i> the need to progress towards a more joined up and whole of GBR approach (perhaps through a negotiated GBR-wide research framework agreement) focussed on approaches to ethical and appropriate research collaboration, partnership and agreement-making with GBR Traditional Owners.</li> <li>Ministers to establish a method to monitor progress and compliance of leading research institutes against set expectations. This should be reported bi-annually.</li> </ul>   | <ul style="list-style-type: none"> <li>Report delivered to Ministerial Council bi-annually on compliance and/or progress against set expectations</li> </ul>  |
| Leading Research Institutes   | <ul style="list-style-type: none"> <li>Resource a GBR Traditional Owner Research Forum/Gathering in 2019 so that Traditional Owners can discuss and prioritise research and science priorities to develop a GBR Traditional Owners Science Needs document to guide future research investment:</li> <li>Exploration of leading research institutions to negotiate a GBR wide approach to supporting the knowledge requirements of GBR Traditional Owners at all scales.</li> <li>Produce a portfolio of research capabilities that can be available for partnerships with Traditional Owners.</li> <li>Synthesise past and current research outcomes of relevance to GBR Traditional Owners at various scales and deliver this knowledge through appropriate communication products and data sharing agreements.</li> <li>Undertake a stocktake or audit of relevant research (to Traditional Owners) that has already happened in the GBR and make results available to GBR Traditional Owners</li> <li>Within resourced sea country planning processes, there should be support for Traditional Owners to identify key knowledge gaps and research priorities and where opportunities exist for research partnerships. This approach should also build awareness (among researchers and Traditional Owners) of the need to protect Indigenous knowledge and intellectual property and knowledge contributed to research/research partnerships.</li> </ul> | <ul style="list-style-type: none"> <li>Develop a GBR Traditional Owners Science Needs document. Finalise in time to inform the next GBRMPA Science Needs (post Outlook) reporting processes.</li> <li>Implement a GBR wide approach to supporting the knowledge requirement of GBR Traditional Owners at all scales.</li> <li>Progressively invest in GBR Traditional Owner Research Plans (country-based plans), including identification of research gaps</li> <li>Within the context of programs developed through the GBR Traditional Owner Funding Facility, provide support to develop appropriate tools and mechanisms to protect Indigenous knowledge and intellectual property.</li> </ul> |

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| <p>GBR Joint Team (Com., State and GBRMPA)</p> | <ul style="list-style-type: none"> <li>• Through the RIMReP process, confirm and progress the resourcing and implementation of the Strong Country – Strong People ‘whole of GBR’ monitoring framework. This includes subjective indicators developed by the Indigenous Heritage Expert Group, and further work to identify relevant objective (two-way) indicators based on Indigenous and scientific knowledge supported by data-sharing agreements.</li> <li>• Explore the development of peer-shared approaches to building the continuous improvement in both cultural and organisational governance of Indigenous land and sea managers (based on the Strong Peoples-Strong Country framework and relevant experiences from the NRM sector).</li> <li>• Through the RIMReP process, make available to GBR Traditional Owners and all Reef 2050 Partners the outcomes from the RIMReP Data Sharing Agreements Number 4 Project (2018), including the following tools: all relevant reports (interim and final); protocol; guidelines and data sharing agreement templates.</li> <li>• Trial integrated application of agreement, making (options for multi-partied agreements) with a minimum of two Traditional Owner groups identified as being ready through the DMS4 process using the DMS4 products.</li> <li>• Implement relevant research components of the GBRMPA Aboriginal and Torres Strait Islander Heritage Strategy (Clth).</li> <li>• Ongoing support and investment for Traditional Owner research activities through existing (successful programs) including: Traditional Use of Resources Agreements (Clth); Capacity Building for Indigenous Rangers Strategy (FMP); Indigenous Protected Areas (Clth); Working on Country Rangers (Clth) and Indigenous Land and Sea Rangers (QLD); National Environmental Science Program (NESP) (Clth); Indigenous Advancement Strategy (PM&amp;C) (Clth); Water Quality Improvement Plan (QLD); Reef 2050 RIMREP (joint); Ports Authorities Strategy (QLD).</li> <li>• Support for CSIRO Indigenous Innovation Alliance Steering Committee.</li> </ul> | <ul style="list-style-type: none"> <li>• Through core and stable investment in the governance building and sea country planning approaches being established, establish simple, Indigenous led and peer-shared approaches to monitoring the achievement of Traditional Owner aspirations for country.</li> <li>• Through the RIMReP framework, reach long term structures and processes for implementing two-way indicators, based on data-sharing agreements with Traditional Owners, for monitoring the health of sea country across all RIMReP, by and with Traditional Owners at appropriate scales (including the development of effective fee-for-service approaches). Examples include monitoring activities designed by the coral reef, sea grass and other expert groups being developed under RIMReP.</li> <li>• Negotiate Data Sharing Agreements between Traditional Owners and other parties</li> </ul> |
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| <h2 style="color: #A52A2A; margin: 0;">Innovative Financing</h2>   |  |   |
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| <p>Reef 2050 Partners</p>  | <ul style="list-style-type: none"> <li>• Commission an Options Paper to establish a cohesive GBR Traditional Owners Funding Facility. This should include detailed investigation to draw lessons from the establishment of the Reef Trust and the NRM/Industry sector experience (i.e. the “Reef NRM Alliance” model) and the Major Integrated Project (MIP) models. It should also draw lessons emerging from the development of an action strategy associated with the Northern Australian Indigenous Reference Group.</li> <li>• Key design criteria for the Funding Facility should include:               <ul style="list-style-type: none"> <li>(i) a stable, longer term and significant investment horizon;</li> <li>(ii) strong GBR-wide governance safeguards that ensure effective expenditure of public monies and strong cultural authority from Traditional Owners;</li> <li>(iii) a strong capacity to lever/ align the efforts of other mainstream government programs, ecosystem service markets and philanthropic and private investment;</li> <li>(iv) decision making processes to identify how funding will be allocated to and across Traditional Owner groups; and</li> <li>(v) strong monitoring and evaluation frameworks to ensure genuine progress in the achievement of the sea country aspirations and the well-being of Traditional Owners (across appropriate scales) across the GBR;</li> <li>(vi) exploration of linkages to the ILC Land and Sea Future Fund.</li> </ul> </li> <li>• Establish GBR Traditional Owners Funding Facility by late 2019</li> <li>• Through the Funding Facility, support the establishment of a Sea Country Alliance.</li> </ul> | <ul style="list-style-type: none"> <li>• Through negotiation with the GBR Traditional Owner Sea Country Alliance, explore these options for the foundational governance, establishment and delivery of a cohesive GBR Traditional Owners Funding Facility.</li> <li>• Through the 2020 review of the <i>Reef 2050 Plan</i>, align investment in the Funding Facility with the revised Plan and the subsidiary Traditional Owner <i>Reef 2050 Plan</i>, applying a 5 year government budgetary timeframe.</li> </ul> |
| <h2 style="color: #A52A2A; margin: 0;">Programs: Funding Directed to Meet Traditional Owners Needs and Priorities</h2> |  |   |
| <p>GBR Joint Team (Com., State and GBRMPA)</p>   | <ul style="list-style-type: none"> <li>• In the short term, GBRF to secure expert personnel to lead and manage Traditional Owner Program and Partnerships across the RTP and other relevant internal projects</li> </ul>   | <ul style="list-style-type: none"> <li>• Co-designed RTP program is available to GBR Traditional Owners to fund on ground and in water activities across all 5 RTP components</li> </ul>  |

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| <p>Great Barrier Reef Foundation Reef Trust Partnership</p> | <ul style="list-style-type: none"> <li>• In the short term, GBRF to include a core Traditional Owner Program and a minimum investment rule across all components in the Reef Trust Partnership.</li> <li>• GBRF to include GBR Traditional Owners in the co-design and co-delivery across all components (and relevant internal projects), ensuring there is:             <ul style="list-style-type: none"> <li>(i) a defined investment stream focussed on the emerging needs to Traditional Owners as per outlined in this consortium report;</li> <li>(ii) support for Traditional Owners to identify services they can supply to implement Reef 2050 actions across all 5 components;</li> <li>(iii) assurance that all other Trust investment streams adequately integrate Traditional Owner aspirations and interests (e.g. seeking strong Traditional Owner partnership, training and employment outcomes in COTS investment);</li> <li>(iv) the establishment of strong interim advisory arrangements that do not conflict with the principles articulated with respect to the longer-term process of establishing the GBR Traditional Owners Sea Country Alliance. This also applies to all mainstream and dedicated funding available through Reef 2050 Partners.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Work with the Sea Country Alliance to design and establish a dedicated Funding Facility for GBR Traditional Owners.</li> <li>• Funding Facility to leverage additional financing from private (e.g. Philanthropic and Corporate sectors) and public sector leverage.</li> </ul>  |
| <p>GBR Joint Team (Com., State and GBRMPA)</p>              | <ul style="list-style-type: none"> <li>• Commission a dedicated team of expert personnel to continue coordination of the Reef 2050 Traditional Owner Aspirations Framework (including resourcing assistance of key partners). Work to establish the Sea Country Alliance, Traditional Owner Funding Facility and fit for purpose program delivery (Phase 2).</li> <li>• Continue to work with GBR Traditional Owners (core coordination team) through 2020 Review process. Continue to support a dedicated (and integrated) program logic process to develop the revised Reef 2050 Plan including a <b>subsidiary Traditional Owner Reef 2050 Plan</b>, applying a 5-year government budgetary timeframe.</li> <li>• Implement relevant management components of the GBRMPA Aboriginal and Torres Strait Islander Heritage Strategy (Clth).</li> </ul>  | <ul style="list-style-type: none"> <li>• Funding Facility to resource Traditional Owner-based governance, sea country planning and on-ground actions. Options to leverage additional funding from Reef Trust (e.g. National Landcare Program); Indigenous Advancement Strategy; CRC for developing Northern Australia funding, etc.</li> <li>• The Funding Facility should also specifically be designed to lever existing cross-government supported programs and grants.</li> </ul> |

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|  | <ul style="list-style-type: none"><li>• Continue ongoing support and investment in Traditional Owner Reef 2050 activities through existing (successful programs) including: Traditional Use of Resources Agreements (Clth); Capacity Building for Indigenous Rangers Strategy (FMP); Indigenous Protected Areas (Clth); Working on Country Rangers (Clth) and Indigenous Land and Sea Rangers (QLD); National Environmental Science Program (NESP) (Clth); Indigenous Advancement Strategy (PM&amp;C) (Clth); Water Quality Improvement Plan (QLD); Reef 2050 RIMREP (joint); Ports Strategy (QLD); Sustainable Fisheries Strategy (QLD); Local Government Association of Queensland.</li><li>• In the design of the Funding Facility, ensure the effective planning and design of key fit-for-purpose programs that can enable strong leverage of additional investment. These should at least include governance building and country-based planning, meaningful jobs development through operational programs, infrastructure, and business development).</li></ul> |  |
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## **APPENDIX 4: AN ANALYSIS OF GREAT BARRIER REEF TRADITIONAL OWNER AND PARTNER INTERVIEWS**

Margaret Gooch<sup>1</sup>, Liz Wren<sup>2</sup>, Duane Fraser<sup>2</sup>, Libby Evans-Illidge<sup>3</sup>, Larissa Hale<sup>4</sup>, Michael Winer<sup>5</sup>, Leah Talbot<sup>6</sup>, Traceylee Forester<sup>3</sup> and Cath Moran<sup>6</sup>

<sup>1</sup> The Cairns Institute, James Cook University

<sup>2</sup> Reef and Rainforest Research Centre Ltd

<sup>3</sup> Australian Institute of Marine Science

<sup>4</sup> Yuku Baja Muliku Landowner and Reserves Ltd

<sup>5</sup> Cape York Institute

<sup>6</sup> CSIRO

## Executive Summary

The Traditional Owner Reef 2050 Aspirations Project team surveyed 50 Traditional Owners through in-depth interviews; written surveys; and informal conversations about management of land and sea country associated with the Great Barrier Reef (GBR). The Traditional Owners surveyed in this study represented a broad geographic spread and belong to one or more of the Traditional Owner groups identified in the audit of Great Barrier Reef Traditional Owners.

Written submissions and group interviews from management and research organisations were also analysed in relation to working on sea country with Great Barrier Reef Traditional Owners. These organisations included Commonwealth Scientific and Industrial Research Organisation (CSIRO), the Great Barrier Reef Foundation (GBRF), James Cook University (JCU); the Australian Institute of Marine Science (AIMS); and the Great Barrier Reef Marine Park Authority (GBRMPA) (Appendix 2). Interviews, surveys and written submissions were analysed using a qualitative research approach that seeks variation in the ways in which respondents experience a phenomenon<sup>34</sup> For this approach, the emphasis is on *variation* in responses rather than *numbers of individuals* who responded in particular ways.<sup>1, 5</sup>

Traditional Owners raised several concerns about Reef management that they feel have been raised in the past, but have not been adequately addressed to date. Indeed, for some Traditional Owners, issues such as declining ecosystem health and the gulf between western world views and those of Traditional Owners, appear to be getting worse. Nevertheless, most recognised significant benefits for engaging with land and sea management including opportunities to connect or re-connect with country, scientists, managers and fellow Traditional Owners. Some Traditional Owners recognise that when done well, management of land and sea country can help build the capacity for Traditional Owners to be more self-reliant and empowered.

Analysis of interviews suggest that Traditional Owners who belong to mobs that work well together (i.e. internally) are more likely to be able to develop strong partnerships with others involved in land and sea country management, and make progress in achieving desired outcomes. These mobs are also more likely to have their rights and responsibilities formalised (e.g. TUMRA, ILUA or Native Title).

Results suggest that tangible improvements in management of Great Barrier Reef land and sea country can be improved through the following:

- (a) Greater Traditional Owner engagement and partnering by non-Traditional Owner research and management agencies.
- (b) Reef governance arrangements that formalise and support the foundational rights and responsibilities of Traditional Owners, and facilitate better engagement.
- (c) Traditional Owner involvement in monitoring, evaluation and reporting on targets and actions in the *Reef 2050 Plan*.
- (d) A Traditional Owner role in directing adaptive management including innovative financing for on-ground actions

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<sup>3</sup>Marton, F. 1981. Phenomenography—Describing conceptions of the world around us. *Instructional Sci.* 10:177–200.

<sup>4</sup>Marton, F. (1981). Phenomenography—Describing conceptions of the world around us. *Instructional Sci.* 10:177–200.

<sup>5</sup>Prairie Research Associates, Inc. (2001). *The In-Depth Interview*. Prairie Research Associates, Inc. (TechNotes). Available at <http://www.pra.ca/resources/indepth.pdf>

(e) Adequate resources to support and empower Traditional Owners in (a) to (d).

*The remainder of this report has been redacted.*