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# **‘Wave to Plate’: establishing a market for cultural fisheries in Tasmania**

**Emma Lee**

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2016/204**

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- The Tasmanian Government through the Department of Primary Industries, Parks, Water and Environment (DPIPWE);
- The Centre for Marine Socioecology (CMS) and Institute of Marine and Antarctic Studies (IMAS), University of Tasmania (UTAS);
- The Centre for Social Impact (CSI), Swinburne University of Technology (SUT); and
- Member organisations from the Tasmanian Regional Aboriginal Community Alliance (TRACA) comprise the Aboriginal Tasmanian community engagement.

I thank the co-investigators, Professor Marcus Haward, Professor Steward Frusher, Professor Ben Richardson and Mr Mark Sayer, as well as the members and Elders of TRACA who have given their time and knowledge in generous support of the project.

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## Abbreviations

ALCT	Aboriginal Land Council of Tasmania
CMS	Centre for Marine Socioecology
COFI	Committee on Fisheries
CSI	Centre for Social Impact
DPIPWE	Department of Primary Industries, Parks, Water and Environment
FAO	Food and Agriculture Organization
FRDC	Fisheries Research & Development Corporation
GBRMPA	Great Barrier Reef Marine Park Authority
ICOMOS	International Council on Monuments and Sites
ILC	Indigenous Land Corporation
IPA	Indigenous Protected Area
ISSP	Indigenous Student Success Program
IUCN	International Union for Conservation of Nature
RJIP	Regional Jobs and Investment Packages
SDG	Sustainable Development Goal
SUT	Swinburne University of Technology
TRACA	Tasmanian Regional Aboriginal Community Alliance
TWWHA	Tasmanian Wilderness World Heritage Area
UN	United Nations
UTAS	University of Tasmania

## Executive Summary

**PROJECT No. 2016/204**      **Indigenous Reference Group: Indigenous business development opportunities and impediments in the fishing and seafood industry - 'Wave to plate' establishing a market for Tasmanian cultural fisheries.**

Principal Investigator:      Professor Marcus Haward, PI 2017-2019

Co-Investigators:      Dr Emma Lee

Professor Stewart Frusher PI 2016-2017

Professor Ben Richardson

Mr Mark Sayer

And      TRACA, Tasmanian Regional Aboriginal Community Alliance

### 1.0 Summary

The FRDC project, *'Wave to Plate': establishing a market for cultural fisheries in Tasmania*, is the first time that an Aboriginal Tasmanian postdoctoral researcher has engaged with marine research in Tasmania. Indigenous-led research has delivered a raft of outcomes that can be considered important social shifts for Tasmanian Aboriginal fisheries in over a generation, and, at the time of writing, the Tasmanian Government is actively working to implement the outcomes of the project in relation to access to resources and good governance.

This project has been successful in highlighting the barriers to participation and engagement in cultural fisheries, specifically the current regulatory and policy frameworks that impede progress towards regional development and the contributions that cultural economies of Aboriginal Tasmanians can make to the Tasmanian state. It has identified gaps in knowledge and posited future research directions that are Indigenous-led and centred upon connections to sea country. The project has also been successful in publicly demonstrating the appetite for cultural fisheries through the trialling of the 'Wave to Plate' concept with commercial partners.

There has been increased understanding from government, Aboriginal communities, industry and research stake holders and partners to the potential of new markets and developmental fisheries from making centre and core Aboriginal Tasmanian connections to sea country. New collaborations with food tourism interests have resulted from the project to inject cultural strengths into Tasmanian fisheries.

### 1.1 Background

Cultural fisheries in Tasmania is a neglected area for policy planning and management effectiveness. Therefore, unrealised potential innovation in, for example, developmental fisheries or new forms of governance partnerships are an ongoing loss to both the Australian and Tasmanian Governments and Aboriginal Tasmanian communities. ‘Wave to Plate’ aimed to shine a spotlight on where barriers and opportunities lie for Aboriginal Tasmanian participation and engagement, and provide pathways that can enhance cultural fisheries. The greatest barrier to community engagement in cultural fisheries, aside from restrictions in access to the resource, is the lack of clarity over activities that are allowable, where and how they can occur, and of what benefit they are to policy, research and regional development. Without the baseline data, policy planning and management effectiveness cannot be improved or made useful.

## 1.2 Objectives

The aims and objectives of ‘Wave to Plate’ are fourfold. In the first instance, cultural fisheries requires modelling for good governance and successful terrestrial models were investigated for adaptation to marine environments. The next objective revolves around cultural fishery extensions within commercial operations and what best practice might look like for government and industry partners. To do this, the third objective looks to exploring the network chains for Aboriginal Tasmanian involvement in food tourism. Finally, the gains made through investing in Indigenous-led research should be broadened out to develop Indigenous research capacity and flow through to other avenues of marine environment research.

## 1.3 Methodology

To achieve the aims and objectives, there have been three broad research methodologies used. These include:

- A desktop review to investigate current barriers and opportunities within Tasmanian and Australian Government legislation, policy and regulation to establishing a market for cultural fisheries. Furthermore, the desktop review investigated the components of recent and successful terrestrial models for good governance and how they can be applied to the fisheries sector;
- An Indigenous Fisheries Workshop to draw together Australian and Tasmanian Governments, Aboriginal Tasmanian communities, fisheries industry and marine researchers to investigate the condition-setting required for Indigenous inclusion, the potential socio-economic growth from establishing a market for cultural fisheries and the range of partnerships and networks that can grow mutual benefits in working together in regional settings; and
- A developmental program to trial the ‘Wave to Plate’ concept and to publicly test the frameworks for establishing cultural fisheries within food tourism. This program involved working with Tasmania’s premier museum and art gallery, MONA, during their Dark MoFo Winter Feast in June 2018 to hold a series of cultural evenings focussed on delivering Indigenous wild-catch seafood and the cultural stories from the Aboriginal Tasmanian participants to a broad audience.
- In addition, Indigenous methodologies have been used and valued throughout the project, where Indigenous worldviews have been made core and central to the process of developing

the work. The use of Indigenous methodologies ascribes a space for self-determining outcomes that are led by, and benefit, Aboriginal Tasmanian communities.

## 1.4 Results

This report outlines several key areas that must be considered for establishing a market for cultural fisheries in Tasmania. These include:

- access to marine resources for Aboriginal Tasmanians;
- the governance forms, such as a proposed Indigenous Fisheries Advisory Committee and cultural marine planning unit, to assist in decision-making that provide fairness, equity, transparency and opportunities for Aboriginal Tasmanians to develop cultural fisheries that suit local conditions;
- the models for Indigenous rights to resources and business enterprise that provides a best fit for Aboriginal Tasmanian regional development and fisheries management;
- the research directions that require a multi-disciplinary focus; and
- the types of partnerships that can aid in the establishing a market for cultural fisheries.

The report demonstrates that there is a vast array of good will towards Aboriginal Tasmanian aspirations and a variety of means upon which the direction of fisheries can deliver mutual benefit. Above all, there is a breadth and depth of Aboriginal Tasmanian community expertise to create a new industry based upon ancient traditions.

### Keywords

**Cultural fisheries, Tasmania, Aboriginal activity, regulation, social enterprise, regional development.**

# Introduction

## 1.0 Introduction

This report, *‘Wave to Plate’: establishing a market for cultural fisheries in Tasmania*, has been produced and led by Dr Emma Lee, Aboriginal and Torres Strait Islander Research Fellow, Swinburne University of Technology (SUT). It is divided into three parts: desktop review, Indigenous Fisheries Workshop and trialling of the ‘Wave to Plate’ concept. The ‘Wave to Plate’ project centres on Aboriginal Tasmanian cultural fisheries and current, new policy spaces created in tandem with the Tasmanian Government to reset the relationship with Aboriginal Tasmanians. The project looks at both Tasmanian and Australian Government policies, legislation and regulation for barriers and opportunities to establishing a market for cultural fisheries in Tasmania. However, the focus is on Aboriginal Tasmanian communities’ aspirations, needs and capacity for establishing a market for cultural fisheries.

The aims and objectives of ‘Wave to Plate’ are fourfold:

- Adapt successful terrestrial models developed in Tasmania to marine environments, investigating specific conditions of Tasmanian Government policy relating to Aboriginal Tasmanian peoples;
- Assess cultural fishery extensions within commercial operations and determine best practice for government and industry partners;
- Explore the network chain opportunities for Indigenous involvement in food tourism; and
- Develop postgraduate Indigenous research capacity and broaden scope of marine studies in academia.

This is the first time that an Aboriginal Tasmanian postdoctoral researcher has led a project into Aboriginal Tasmanian interests in marine resources and fisheries in Tasmania. There are multiple potential benefits to creating and investing in cultural fisheries. In devising the equity measures that support Aboriginal Tasmanians in establishing formal cultural fisheries, the Tasmanian Government together with multiple Aboriginal Tasmanian communities can provide the strongest indication that there is a positive future in establishing a market for cultural fisheries.

## 1.2 Methodology

To achieve the aims and objectives, there have been three broad research methodologies used. These include:

- A desktop review to investigate current barriers and opportunities within Tasmanian and Australian Government legislation, policy and regulation to establishing a market for cultural fisheries. Furthermore, the desktop review investigated the components of recent and successful terrestrial models for good governance and how they can be applied to the fisheries sector;
- An Indigenous Fisheries Workshop to draw together Australian and Tasmanian Governments, Aboriginal Tasmanian communities, fisheries industry and marine researchers to investigate the condition-setting required for inclusion, the potential socio-economic growth from establishing a market for cultural fisheries and the range of partnerships and networks that can grow mutual benefits in working together in regional settings; and

- A developmental program to trial the ‘Wave to Plate’ concept and to publicly test the frameworks for establishing cultural fisheries within food tourism. This program involved working with Tasmania’s premier museum and art gallery, MONA, during their Dark MoFo Winter Feast in June 2018 to hold a series of cultural evenings focussed on delivering Indigenous wild-catch seafood and the cultural stories from the Aboriginal Tasmanian participants to a broad audience.
- In addition, Indigenous methodologies have been used and valued throughout the project, where Indigenous worldviews have been made core and central to the process of developing the work. The use of Indigenous methodologies ascribes a space for self-determining outcomes that are led by, and benefit, Aboriginal Tasmanian communities.

The develop effective working relationships for the project, the methodology has been guided by the key rights and stakeholders for Indigenous fisheries. The team has comprised:

- Principal Investigator – Professor Marcus Haward, Oceans & Cryosphere, Institute of Marine and Antarctic Studies (IMAS), University of Tasmania (UTAS) – 2017-2019; previously Co-Investigator 2016-2017.
- Co-Investigator – Dr Emma Lee, Aboriginal and Torres Strait Islander Research Fellow, Centre for Social Impact, Swinburne University of Technology (SUT), and Adjunct Lecturer, Centre for Marine Socioecology (CMS), UTAS.
- Co-Investigator – Professor Stewart Frusher, CMS, UTAS – 2017-2019; previously Principal Investigator 2016-2017.
- Co-Investigator – Professor Ben Richardson, Environmental Law, UTAS.
- Co-Investigator – Mr Mark Sayer, Deputy Secretary, Agrigrowth, Tasmanian Government.

And

- Member organisations and people of TRACA, the Tasmanian Regional Aboriginal Community Alliance, as the consultative body for Indigenous rights.

Members of the research team met regularly, at least every three months in the first year, and then on an as-needs basis during the second year. Updates to members of TRACA were undertaken through personal communication, such as telephone calls and emails, to provide updates to the TRACA meetings held every three months and receive advice and feedback on progress, research outputs and community needs.

# Part One: Desktop Review



## Section A: Introduction and background to cultural fisheries policy

### 1.0 Introduction

Across Australia, Indigenous peoples rights to fisheries is a policy space in need of repair (Schnierer et al 2018). There are great disparities across Australian Government jurisdictions, where the majority of investment for Indigenous rights to land and seas is skewed towards Northern Australia (Metcalf & Bui 2016). For example, over \$14m has been directed to the Northern Territory and Torres Strait Island for licence buybacks and negotiating consensus agreements (Franklin 2008; Scullion 2017). These investments have acknowledged that fisheries for the Northern Territory and Torres Strait Islands are tied to cultural practices and native title legislation, such as exclusive title to waters across much of the Northern Territory (Morphy 2009).

Yet at the same time, investment in buyback of licences in New South Wales, such as a \$5m fund for the New South Wales Aboriginal Land Council announced in 2017 (NSW ALC 2017), has not resulted in equity in fisheries, such that in the south coast of NSW Indigenous peoples and communities are experiencing increased compliance and custodial sentences (Adcock 2016). In Tasmania, fisheries for Indigenous peoples has been based on increasing compliance and denial of native title rights (Lee 2016) and a lack of legislative interest or investment similar to other states.

Cultural fisheries requires greater characterisation that centres Indigenous worldviews, practices and rights as distinct from other forms of knowledge. For example, the Western regimes of management of fisheries is distinct from marine conservation, although there is a great overlap between the two (Erisman et al 2017). By this, marine protected areas are being increasingly viewed as a tool to manage fisheries, rather than a strict environmental system in isolation from issues such as food security (FAO 2016). However, the turn towards integration between conservation and fisheries is still premised upon western norms and can lead to ‘ocean-grabbing’ that leads to the loss of Indigenous rights to governance, management and stewardship of marine resources (Bennett, Govan & Satterfield 2015).

For example, Australian land and sea governance has been separated into distinct spheres of influence, which does not reflect Indigenous worldviews that see land and sea as holistic and interrelated. The decoupling of Australian land and sea governance occurred in 1993, where Australian Government marine planning was influenced by an Australian Government report entitled *Resource Assessment Commission Coastal Zone Inquiry* (Altman & Branchut 2008; Resource Assessment Commission 1993). The Inquiry report highlighted innovative Indigenous methods to regional Indigenous and non-Indigenous partnership-building in the community of Kowanyama, Queensland, where the final plan of management became the first time a formal catchment-wide plan was initiated and instigated by Indigenous peoples (Resource Assessment Commission 1993). Yet, even though benefits to lands and waters accrued under Indigenous leadership and methodologies, these distinct planning differences have not translated into greater gains, for example, towards Indigenous self-determination over fishery rights.

An Australian Government intent for Indigenous peoples, knowledges and governance to have greater inclusion in marine planning has been uneven and patchy, thus contributing to the lack of characterisation for Indigenous cultural fisheries. As an example, the Tasmanian Government legislative, regulation and policy landscape is slim in regards to engagement with Indigenous rights, particularly in the fisheries space (Lee 2016). This neglect highlights the poor condition of understanding Indigenous interests in fisheries. However, over the last few years there have been great strides made by the Tasmanian Government to the condition-setting that is required for successful fisheries policy, engagement, investment and research collaborations with Aboriginal

Tasmanian peoples, such as the ‘reset the relationship’ strategy (Department of Premier and Cabinet 2017). This strategy will be discussed in further detail in Section 2.2.

While interest in Indigenous peoples and fisheries had waned in Tasmania since the Resource Assessment Commission Report in 1993, where the policy deflected *what* is cultural fisheries onto the problematic issue of *who* is Indigenous for the purpose of rights (Lee 2016), ‘Wave to Plate’ highlights the important, existing foundations and infrastructure that are underutilised or unconnected, where small shifts in current policy can reframe perspectives, generate innovation and provide wider-ranging benefits for Aboriginal Tasmanians engaged in fisheries, marine and cultural activities. These current supports are found in state, national and international policy frameworks that demonstrate a commitment to Indigenous rights, including marine resources, from the United Nation’s (UN) Sustainable Development Goals (SDGs) to the Tasmanian Government’s reset the relationship strategy. It is *how* they are put together for the benefit of Aboriginal Tasmanians, and against a backdrop of current, positive change in relationships between Aboriginal Tasmanian communities and the government, that is an important aim of this report.

This desktop review is divided into two parts: Section A provides an overview of the policy and legislative environments and drivers to support Aboriginal Tasmanians in fisheries, while Section B is a series of recommendations to build the Tasmanian Government’s capacity to effectively manage new forms of governance with Aboriginal Tasmanian inclusion in fisheries. The desktop review is a result of drawing together peer-reviewed outputs on Indigenous methodologies and general fishery research, local, national and international policy documents and the impacts of Indigenous leadership in Tasmania on social shifts towards Indigenous rights. It also provides the review to assist in meeting the first objective of ‘Wave to Plate’, where successful terrestrial models can be adapted in developing a cultural fisheries framework.

## 2.0 Background and definition of cultural fisheries

Definitions are helpful in developing good management practices. Generally, definitions of Indigenous activities will encompass explanations of a holistic nature and that are usually nested in concepts of country. In Tasmania, a countryman Errol Japanangka West, devised the Japanangka Paradigm that has influenced teaching pedagogy globally, where he locates Indigenous connections to country as one of already knowing the “origin, nature, methods and limits of our knowledge systems” and to “lack the capacity to flaunt that knowledge as a badge of intellect...the secret of our knowledge is the unbreakable connection between the spiritual realm and the physical Earth Mother” (West 2000, p. 237). Therefore, the notion of ‘cultural fisheries’ will often be unclear from a western administrative lens (Noble et al 2016) and a barrier to development and research.

Seafood plays a crucial role in Indigenous diets, where on a global average, consumption is 15 times higher than in non-Indigenous populations (Cisneros-Montemayor 2016). To maintain the level of sustainability required to satisfy dietary intake requires intergenerational and cultural knowledges. Indigenous concepts of sea country, and marine environments, are underpinned by what is known as Traditional Knowledges or Traditional Ecological Knowledges (Nadasdy 2005) or Bio-cultural diversity knowledges (Borrini-Feyerabend et al 2012) or a number of other permutations. I use here Raymond-Yakoubian’s et al (2017, p. 133) definition of Traditional Knowledge, but will substitute for the term ‘Indigenous worldviews’ to be more encompassing, as:

Traditional Knowledge (TK) is a living body of knowledge which pertains to explaining and understanding the universe, and living and acting within it. It is acquired and utilized by indigenous communities and individuals in and through long-term sociocultural, spiritual and environmental engagement. TK is an integral part of the broader knowledge system of indigenous communities, is transmitted intergenerationally, is practically and widely applicable, and integrates personal experience with oral traditions. It provides perspectives applicable to an array of human and non-human

phenomena... This knowledge is part of, and used in, everyday life, and is inextricably intertwined with peoples' identity, cosmology, values, and way of life. Tradition – and TK – does not preclude change, nor does it equal only 'the past'; in fact, it inherently entails change.

Conservation and sustainable use of resources are both driver and outcome for many Indigenous worldviews. However, for Aboriginal Tasmanians, as an island population of longevity since the flooding of Bass Strait over 10,000 years ago, connections to sea country extend beyond a western understanding of conservation and sustainability. Noble et al (2016, p. 22) highlight an aspect of sea country by describing the connection to marine resources, where:

Aquatic animals are often central to human connections to freshwaters by providing an important food source and/or a focal point for culturally significant events, ceremonies, and intergenerational teachings about the natural world... As such, these cultural keystone species (CKS) influence the cultural identity of a group of people via the species role in subsistence, spirituality, and/or Indigenous economies... Maintaining connections to these species through traditional practices is crucial for the social-ecological resilience of Indigenous cultures.

In Victoria, the Fisheries Authority (Victorian Fisheries Authority 2017) define customary fishing as “fishing undertaken by Traditional Owners for the purposes of satisfying their non-commercial personal, domestic and communal needs in accordance with traditional laws”. While in New South Wales (Department of Primary Industries 2017, n.p.) the definition encompasses Victoria's, but also adds “fishing activities and practices carried out for... education or ceremonial purpose”. The definition of cultural fisheries has troubled the Great Barrier Reef Marine Park Authority (GBRMPA), where administrative categories clash with Indigenous worldviews. For example, Nursey-Bray (2011, p. 676) states that while GBRMPA managers record turtle and dugong capture as hunting, for Indigenous communities it is “one form of *customary fishing* activity”.

Therefore, cultural fisheries policy, legislation and regulation in Tasmania may in future take into account that muttonbirds, or *yolla*, may constitute Aboriginal Tasmanian cultural fisheries. Current fisheries policy in Tasmania also makes explicit regard to a cultural keystone species of the *maireener* shell for necklace making (Department of Primary Industries, Parks, Water and Environment 2017), thus non-food species are already recognised as having importance. However, there is a significant difference in policy between Tasmania and other jurisdictions: shell necklace harvest and production are explicitly linked to on-sale of activities, such as DPIPWE's regulation that “Aborigines engaged in aboriginal [sic] activities *may take prescribed fish and manufacture artifacts for sale*. This allows the making of artifacts such as shell necklaces and kelp baskets” (Department of Primary Industries, Parks, Water and Environment 2017, n.p., my emphasis). Other species, such as crayfish and abalone are held to general recreational fisher standards, but licensed separately, of which I will detail in Section 2.1.2.

The heritage of Aboriginal Tasmanian engagement with sea country is also realised in the tangible places of living midden sites. In the northwest Tasmanian coast alone, there are 420 cubic metres of living midden material for every kilometre of coastline and over 78,000 tonnes of remains in total (Cane 2013). It is no metaphor to state that Aboriginal Tasmanian management of sea country has shaped the geography of Tasmania's coastlines, where living midden sites can offer insights into adaptation to sea country under climate change, such as the Bass Strait flooding and change in shellfish species. Cultural fisheries take in more than just practices, but millennia of knowledges regarding subtle and seismic shifts of sea country.

The tension reflected in Tasmanian Government policy that calls for non-commercial cultural activity, but actively supports sale of shell necklaces, is a friction of integration. Altman (2010, p. 263) would view the Tasmanian Government's grappling with the issue as one of understanding a cultural “hybrid economy”, that is a “framework that adds the customary sector... to the standard two-sector economic model”. I prefer the term ‘cultural economies’, which I define as *historical transactions occurring in new environments*. By this, Indigenous trade and exchange – a cultural economy – was recognised by

Marx (1976) as being affected by, but not subject to, the powers of alienation through capital because exchanges were scaffolded by reciprocity.

A trade is not just a trade when processes of kinship, reciprocity and Indigenous worldviews are incorporated into the exchange (*tebrakunna* country, Lee & Tran 2016b). This Indigenous worldview accommodates more than just a product for money, but the basis for a relationship. These actions are a core part of Indigenous identity and are brought to negotiations and agreement-making in a range of settings including fisheries. A cultural economy, then, provides the Tasmanian Government and Aboriginal Tasmanian communities the opportunity to introduce innovation and new economic models to derive wider community benefit. A cultural economy is not confined by historical, pre-colonial or 'traditional' activities, but looks towards contributing towards growth through the addition of Indigenous worldviews and methodologies to add vitality and new points of knowledge production.

In light of this short summary 'Cultural fisheries', then, is defined here as:

as an Aboriginal Tasmanian person, families, communities and/or organisations who engage in any fishery activity, such as aquaculture development to living midden maintenance, for any purpose, including economic, social, cultural and environmental. However, there must be a connection to Indigenous worldviews, sea country and cultural economies, as much as meeting Tasmanian Government Aboriginal eligibility requirements. This may mean, for example, the application of conservation knowledges to a non-Indigenous developmental fisheries research project; or benefits derived from cultural arts and food tourism knowledge extensions; or that sea country connections form the basis of, or underpin, private enterprise agreements; or family and community health and wellbeing is advanced through engaging in the customary procurement, maintenance and sharing of sea country resources with family, ceremonially or as a wider community educational process.

In the Tasmanian or Australian context, cultural fisheries may often be interchangeable with Indigenous fisheries. The FRDC (2014) put it simply, where their webpage states that Indigenous fisheries by "Aboriginal and Torres Strait Islander people covers the full spectrum of fishing practices: customary, recreational and commercial". However, it cannot be stressed enough that cultural fisheries are *not* the same as recreational fisheries (Leon 2001). Cultural fisheries are more than recreational fisheries, encompassing longevity of customary practice, contributions to broad-scale land/seascape changes and spiritual dimensions connected to sea country.

In conjunction with a definition of cultural fisheries, it is prudent to define the use of the term 'management' which is used throughout the report. Management can variously be defined as all-encompassing or targeted towards goals and objectives. For this report, I use management as a targeted definition revolving around the concept of 'joint management'. Joint management can be used as a means to address colonising injustices and broaden the rights of Indigenous peoples to be involved in decision-making. Joint management is a means of "power-sharing" (Pomeroy & Berkes 1997, p. 466). At its simplest, joint management is a "process of dialogue and action-research" (Borrini-Feyerabend et al. 2004, p. 36) in managing relationships above resources (Natcher, Davis & Hickey 2005). Joint management is also a new form of governance that allows responsibilities to be devolved to Indigenous peoples.

The FRDC have long investigated the process and outcomes of joint management and have as their definition an "arrangement in which responsibilities and obligations for sustainable fisheries management are negotiated, shared and delegated between government, fishers, and other interest groups and stakeholders" (Neville 2008, p. 1). Many fisheries in Australia are managed through 'consultative' joint management, which a South Australian Government policy document describes as government administering fisheries legislation and where decision-making is guided by input from interested stakeholders, such as commercial or recreational interests (PIRSA 2013). However, there are localised fisheries whereby joint management morphs into complete devolution of responsibility to a non-government group, such as the case for South Australia's Spencer Gulf prawn fisheries which is entirely managed by industry and where government intervention is minimal (Hollamby et al 2010).

In this manner, fisheries management requires the inputs, responsibilities, obligations, definitions and rights of Indigenous peoples, cultural knowledges and customary forms of management and governance to be considered genuinely inclusive. Indigenous forms of management, as a means of sharing power, may be anchored in self-determining rights or a vehicle for expressing cultural strengths and assets for conservation or innovation. For Aboriginal Tasmanians, joint management is an articulation of the rights to share in decision-making and mutual benefits that shapes the future Aboriginal Tasmanian participation and engagement within fisheries. Management is also about the quality and vitality of the relationships between Aboriginal Tasmanians and fisheries rights or stakeholders to improve livelihoods and conserve marine environments.

In the next section I introduce the background and national, historical influences on Tasmanian cultural fisheries policy environments.

## 2.1 Locating cultural fisheries in policy and legislative change

### 2.1.1 National and historical context

Indigenous rights to fisheries have generally derived from legislation regarding land rights, such as native title and Indigenous protected areas (IPA). For example, the first sea country IPA, Dhimirru IPA, has been an extension of the land-based IPA of the same name, located in the Northern Territory, and is acknowledged for its distinctive joint management frameworks with marine government agencies and resources users (Smyth & Isherwood 2016). Fishery rights have lagged behind land rights, where the first test case for land rights in the modern era occurred in the Northern Territory in 1970 to test Yolngu claims of sovereign rights against a mineral resource extraction company (Hill 1995; Kerr 1991).

While the case went against Yolngu, partial reasoning rested with Justice Blackburn addressing the issue as one of ‘proprietary interests’ (Tehan 1996). Blackburn had no comparison to, or experience of, Indigenous worldviews, including tenure, thus his decision was predicated upon his belief that Indigenous land rights could not be exclusionary or enjoyed (Tehan 1996). Furthermore, in Blackburn’s review of Yolngu connections to country, he weighted in favour the spiritual significance of cultural obligations, however these factors were not evidentiary for “any significant economic relationship” (Blackburn J cited in Tehan 1996, p. 273).

The Aboriginal Land Rights Commission (‘Woodward’s Royal Commission’) into land rights was launched soon after, in response to the public and political sympathy for Yolngu’s position, and resulted in two reports in 1973 and 1974 that predicated the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (Aboriginal Land Rights Commission 1973, 1974). Woodward also introduced the term ‘joint management’ to Australia’s judicial and resource management lexicon (Aboriginal Land Rights Commission 1974) to denote the devolution of land management responsibilities, title ownership and sole or shared government governance to Indigenous peoples. There are five parts to Woodward’s definition of joint management which are shared between the functions of an Indigenous-majority board and balanced against being overwhelmed or manipulated by conservation agendas that accord with western knowledge foundations (Aboriginal Land Rights Commission 1974). Woodward states that “it must not be expected that Aborigines should provide, on their lands, all the conservation areas necessary to placate the conscience of the wider community” (Aboriginal Land Rights Commission 1974, p. 97). Moorcroft (2015) would, 40 years later, find in favour of Woodward’s predictions of embedded Indigenous disadvantage at the expense of conservation agendas.

In 1992 *Mabo* reframed Indigenous engagement in proprietary interests with a High Court of Australia decision that found in favour of Mr Eddie Mabo's inalienable Indigenous right, or his native title, to Torres Strait lands (Howitt 1998). Sutton (2003, p. xvii) states that native title became the site for "translation of customary and traditional rights in country into legal 'rights and interests'". Under Australian common law, Indigenous native title now could sit alongside western forms of tenure (Secher 2007). Anthropological and genealogical evidence has formed the basis of many native title decisions (Sutton 2003) thus the focus on the custom rather than the context i.e. kinship and cultural behaviours over time rather than economic frameworks, has further embedded the distorted view of Indigenous peoples as "competent conservationists" (Corson 2010, p. 580) rather than active cultural economists in country.

Other cases since then have tested native title provisions, including sea and cultural fishery rights. Native title provisions are reflective of Indigenous families and cultures, where the harvesting of resources, such as shell and fin fish, is primarily for the consumption and cultural fishery right among families. In South Australia, it was found native title rights under *Karpany v. Dietman* [2013] HCA 47 were not inconsistent with the taking, for family consumption, of abalone in contravention of the *Fisheries Act 1971* (SA) (Geritz & Warner 2014).

However, it is again in the Torres Strait that a compelling judicial reorganisation around what constitutes native title occurred in 2013. In *Akiba v Queensland [No 3] (2010) 204 FCR 1* the first recognition of commercial rights was made under the largest sea claim to date (Butterly 2013). Justice Finn granted native title cultural fishery rights to "access, use and take resources *for any purpose*" (Butterly 2013, p. 11), including commercial purposes, but subject to existing fisheries legislation. This also included the right to dispose of cultural fisheries in any manner fit, namely the on-sale of cultural catch (Butterly 2013).

Native title decisions from the High Court of Australia have assisted in addressing the imbalance of competing conservation and development environments. While *Karpany* reaffirms the right of native title holders to undertake cultural fisheries for families and communities in contravention of fisheries regulation, *Akiba* loosens the bonds to use native title fishery resources for any purpose, including commercial, so long as disposal is not in contravention of existing regulation.

The December 2016 report from the Productivity Commission, *Marine Fisheries and Aquaculture*, reflects on *Akiba* from a national perspective and suggests that the native title decision will have a larger jurisdictional policy impact. To this end, the Commission (2016, p. 155) acknowledges:

the right of some native title holders to fish for any purpose, including sale, barter and exchange. Consistent with the intent of recognising customary fishing rights, the definition of customary fishing should provide for fishing for such purposes where in accordance with Indigenous laws and customs.

*Akiba* represented a shift towards recognising that Indigenous peoples are cultural economists (Altman 2010; Sahlins 1999) and derive benefits from cultural fisheries beyond the purely social, cultural and ceremonial.

## 2.1.2 Policy contexts

In 2018, the Indigenous-led research by Dr Stephan Schnierer, for the Indigenous Reference Group (IRG) of FRDC, audited the Australian policy landscape for Indigenous inclusion into fisheries. The report compared the seven principles for Indigenous fisheries developed by the National Indigenous Fishing Technical Working Group (NIFTWG) to each of those found or noted within the audit of Australian policy formats and types. The audit found (Schnierer et al 2018, p.4):

669 fisheries related documents including 21 pieces of legislation, 56 fisheries policy documents, 148 fisheries plans and strategies, and 444 fisheries agency Ecologically Sustainable Development (ESD) submissions covering 142 commercial fisheries across all jurisdictions. The audit revealed varying degrees of inclusion of the NIFTWG principles in fisheries legislation, policy, management and strategies across Commonwealth, State and Territory jurisdictions. This inclusion varied from all seven principles being addressed in approximately 4% of documents to none addressed in 53% of documents.

The audit found that there is no national Indigenous fisheries policy, but rather piecemeal approaches found in other policy frameworks. The most dedicated provisions that matched all principles of the NIFTWG were found in the Torres Strait Island for Commonwealth fisheries, such as finfish, lobster and prawn industries (Schneirer et al 2018). Other agreements, such as Traditional Use Marine Resource Agreements (TUMRAs) of Queensland waters, the National Oceans Policy, Indigenous Land Use Agreements (ILUAs) in South Australia and the National Native Title Principle Communique all include plans and processes for joint management or community-based fisheries or provisions for Indigenous rights and access to fishery resources.

Added to this, other national drivers that are useful to consider here, while not exhaustive but aiming for representative and helpful qualities to assist in the Tasmanian context, are:

**FRDC:** The FRDC's RD&E Strategic Plan 2015-2020 is a national strategy to support Australian fisheries. One of five core strategic actions relates to Indigenous inclusion, where "more Indigenous people will derive benefit from fishing and aquaculture activities and will play a greater role in the stewardship of fisheries resources" (Fisheries Research & Development Corporation 2015, n.p.). To undertake this core action, the FRDC board gives due regard to the Principles of its Indigenous Reference Group (IRG) subcommittee, which has developed a statement of 11 principles that includes primacy for Indigenous peoples; acknowledgement of cultural practices; self-determination and rights to use marine, fisheries and maritime assets and resources; economic development opportunities; and capacity-building is enhanced (Calogeras et al 2015).

**Productivity Commission:** The December 2016 Australian Government's Productivity Commission report, *Marine Fisheries and Aquaculture*, considered the value of relationships, effective and coordinated management of fish stocks, and reducing regulatory burden. Of cultural fisheries, the Commission stated that there is a "need to improve engagement between fisheries managers and Indigenous fishers" to move away from current exemption policy status into formal regulatory roles (Productivity Commission 2016, p.155). The report also recommends cultural fishery regulations should reflect customs and practices and that governments should allocate community quota sufficient to maintain cultural fisheries.

**Regional Development:** The Australian Government's Regional Development department has invested \$220 million in the Regional Jobs and Investment Packages (RJIP) to help diversify regional economies, stimulate economic growth and deliver sustainable employment in ten pilot regions, including Tasmania (see <https://www.business.gov.au/assistance/regional-jobs-and-investment-packages/regional-tasmania>). The Tasmanian RJIP is valued at \$22 million and the state's Local Investment Plan includes mention of Aboriginal Tasmanian fishery opportunities (as well as land management).

**CSIRO:** In 2007 CSIRO launched their Reconciliation Action Plan, aiming for greater Indigenous participation in CSIRO programs. The Plan has four areas of focus – scientific opportunities, employment, education and outreach, and cultural learning and development – that draws together Indigenous aspirations and science infrastructure (CSIRO 2007). CSIRO hosts a range of programs, from cadetships to Indigenous STEM education projects, to embed Indigenous participation and benefit within research.

**EPBC Act:** The Environment Protection and Biodiversity Act 1999 (EPBC Act) is Australia's ratification of the UN Convention on Biological Diversity and addresses Indigenous rights, inclusion of Indigenous worldviews and use of biological resources for cultural and other purposes.

At the international level, there are several drivers for Indigenous fishery rights that are in recognition of dispossession harms and the multi-jurisdictional efforts towards equity in rights, security of land and sea tenure, and participation (see for example Colchester 2014). These rights stem from UN initiatives such as:

- The UN's Sustainable Development Goals incorporate *Objective 14: Oceans*, where one target is to 'provide access for small-scale artisanal fishers to marine resources and markets'. This target is inclusive of Indigenous peoples. Objective 14 refers to policy linkages with other UN agencies, such as the Food and Agriculture Organization (FAO). The FAO has a Committee on Fisheries (COFI), which in 2014, after years of negotiation with small-scale and artisanal fishers including Indigenous peoples, adopted the *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication* which looks to a community-based rights approach in managing marine resources (Transnational Institute 2016).
- The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) which make strong reference to rights associated with resources (see Schnierer et al 2018).
- UN Convention on Biological Diversity which addresses conservation, sustainable use and equitable benefit sharing and acknowledges Indigenous rights to TEK and use of biological resources (see Schnierer et al 2018).

In the next section I will look specifically at the current cultural fisheries and marine management policy landscape and drivers for Aboriginal Tasmanians.

### 2.1.3 Tasmanian context

Tasmania has been influenced by both international and national policy histories and drivers. However, Tasmania is a particular case where native title will never be found to benefit Aboriginal Tasmanians due, mainly, to colonial government policies to irrevocably remove all peoples from lands (through genocide and other means) and exile to an island prison (Lee 2016). Continuity of being on country is a necessary component of native title and thus Aboriginal Tasmanians are not able to benefit directly from native title, although there is benefit in precedence being applied to other settings, such as the creation of the *Aboriginal Lands Act 1995* and return of 12 parcels of land in recognition of historical and cultural connection to place (Lee 2016).

Tasmania is also the heart of conservation ideologies, where the Australian political party, The Greens, has its birthright in the Franklin Dam case within the Tasmanian Wilderness World Heritage Area (TWWHA). Narratives of 'wilderness' overwrite Indigenous worldviews and instead conservationists 'speak' to cultural values and objects created by past peoples rather than acknowledge the rights of contemporary Aboriginal Tasmanians to participate (Ross 2017). This is defined as a 'culture of nature', where country becomes void of peoples in favour of the 'disinterested bureaucrat' and 'defender ecologist' (Willems-Braun 1997).

Cultural fisheries in Tasmania are an example of where the impacts of historical and naturalising drivers and influences are felt. The *Living Marine Resources Management Act 1995* defines an Aboriginal activity as both "non-commercial use of the sea and resources" and the "taking of prescribed fish for the manufacture...of artefacts". One lens to view these oppositional statements is the culture of nature, where Aboriginal Tasmanians cannot benefit commercially from participation in marine economies, only through the reproduction of cultural content. Good policy requires clarity away from historical stereotypes.



As noted earlier, cultural fisheries are not recreational fisheries. Aboriginal activities are considered neither commercial nor recreational for legislative purpose and any authorisations under the Act regarding public or private fishing does not “preclude Aborigines from engaging in Aboriginal activities”. Therefore, the Tasmanian Government *recognise* that cultural fisheries are different from other types of fisheries based upon customs and Aboriginal Tasmanian practices (Butterly 2013; Nursey-Bray 2011).

However, this recognition of a special and particular cultural status under the Act has not translated well to policy and regulation settings. For example, the public information on DPIPWE’s website regarding Aboriginal activities, exemptions and licences is categorised under ‘Recreational Fishing’ (Department of Primary Industries, Parks, Water and Environment 2017). The website states that the “rules for non-commercial fishing apply to both recreational fishers and Aboriginal engaged in aboriginal [sic] activities” (Department of Primary Industries, Parks, Water and Environment 2017, n.p.). Details of fishery compliance for cultural activities, such as limitations of bag sizes, seasonal closures and rules for keystone species, such as lobster and abalone, are found within the *Recreational Sea Fishing Guide*, available to all recreational fishers, from DPIPWE.

The compliance and policy frameworks for recreational and cultural fisheries are similar, however the differences that highlight Aboriginal activities are found in licencing and artefacts for sale. If a Tasmanian Aboriginal person applies for an Indigenous Unique Identifying Code (UIC), and is approved under the government’s Aboriginal eligibility policy, then a recreational licence is not required although regulations still apply. Partnering the *Living Marine Resources Act 1995*, the *Fisheries (General and Fees) Regulations 2016* prescribes additional exemptions available for shell necklaces and other arts. Of the *Regulations*, Schedule 5: Prescribed fish for definition of Aboriginal activity, allow for the taking of seaweeds and kelps, which are contrary to existing recreational fisher provisions.

While the fisheries statutory environment does make provision towards Aboriginal activities, it is the lack of recognition that opposed the only Tasmanian Aboriginal sea country native title claim made in 1998<sup>1</sup>. In *Dillon v. Davies* [1998] TASSC 60 a native title claim for fishing rights was submitted in regards to the possession of abalone for family consumption. While the *Dillon* case was lost, the judgement rested upon the fact that *Dillon* has not proved the ‘nature of the custom’ (see Lee 2016), not whether his native title right existed. A poorly prepared case seems to have prevented *Dillon* translating the custom into a legal right.

The uncertainty left in wake of *Dillon*’s administrative decision – as to what then does constitute a cultural activity or custom – would have been an opportune time for the Tasmanian Government to investigate those conditions and behaviours. However, instead of defining the custom, the Tasmanian Government then, as it does now, deflected the question as to *who* is Aboriginal Tasmanian for the purpose of eligibility for cultural fishery exemptions, not *what* is the cultural activity (Department of Primary Industries, Parks, Water and Environment 2017).

For over a decade since the introduction of the Aboriginal activity regulations the government and others have let systemic problems languish, which are a barrier to good working relationships between the government and Aboriginal Tasmanian families and communities. Aside from DPIPWE’s investment in the project, there is little hands-on engagement beyond rubberstamping or denying Aboriginal activity or UIC permits, permit exemptions and permit inquiries. There are no dedicated Aboriginal Tasmanian staff, unit or funding resources within the government to house a broader investment, such as research, in cultural fisheries. A compliance-based relationship alone is not conducive to understanding the requirements of good governance between partners, let alone good management, policy and planning outcomes.

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<sup>1</sup> Other native title claims have been unsuccessfully made in Tasmania over land tenure, but only one for marine rights (Lee 2016).

A contributing factor to the lack of characterisation of cultural fisheries is the absence of baseline data, research outputs and policy initiatives to derive benefits from collaborations and partnerships with Aboriginal Tasmanians across a range of portfolios, such as tourism, education and justice<sup>2</sup>. Change management must be undertaken with a range of information sources, however the options for Tasmanian Aboriginal data collection are limited to low-hanging fruits, such as shell necklaces or muttonbird harvesting. What is required is an engagement with a range of worldviews, interpretations and practices that continue to shape cultural fisheries but are prevented from opening up partnerships, research and regional development growth.

Currently, there are only a few policy drivers in Tasmania to open up the space for cultural fisheries. These include:

**IMAS/DPIPWE:** A collaboration between the Institute of Marine and Antarctic Studies (IMAS) and DPIPWE has resulted in a formal funding and policy agreement, the *Sustainable Marine Research Collaboration Strategic Plan (2017-2021)*. There is a two-fold purpose to the agreement: to support a world class Tasmanian seafood sector and inform sustainable management and development of wild fisheries and marine aquaculture. Neither of these purposes can be balanced, fair or transparent without inclusion of Aboriginal Tasmanian fisheries and engagement. While the Plan makes no direct mention of Aboriginal Tasmanians, there is room for Indigenous-led research when paired with the University of Tasmania's *Strategic Plan for Aboriginal Engagement 2017-2020*. This is particularly important as integration of Indigenous worldviews with science, technology, engineering and mathematics is an area of increasing need (Inspiring Australia 2013).

**Centre for Marine Socioecology, University of Tasmania:** The CMS is a collaborative hub with CSIRO and the Australian Antarctic Division for knowledge production in complex, multidisciplinary marine management issues. In essence, how people interact with marine environments raises important research questions, such as the governance of cultural fisheries. CMS is currently generating opportunities to integrate Indigenous worldviews in other projects, drawing together Indigenous networks and knowledges with researchers in broad fields of law, sociology, economics, biology and governance. CMS aims to build a stronger Indigenous research culture within the University and build pathways for increased Indigenous access to PhD and postdoctoral opportunities.

**Department of Premier and Cabinet:** The Office of Aboriginal Affairs sits within this department. In 2016, the Tasmanian Government announced a new policy framework, called 'reset the relationship', in which Aboriginal Tasmanian leadership has assisted in shaping new ways of participation and engagement in socio-economic reforms. The reset the relationship strategy is managed by the Office in collaboration with other divisions of the Department of Premier and Cabinet. There are five key parts to the reset the relationship strategy (Department of Premier and Cabinet 2017), including:

- A new approach to Aboriginal eligibility that is more inclusive and aligns with Australian Government processes;
- Focus and high quality delivery of Tasmanian Aboriginal history and culture within education curriculum;
- Constitutional recognition of Tasmania's First Peoples;
- Exploring joint management arrangements and review other land models; and

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<sup>2</sup> A national project to improving data on Aboriginal and Torres Strait Islander marine resource use to inform decision-making is currently being undertaken by the IRG, which Tasmania is participating in through DPIPWE and will assist in developing Tasmanian cultural fisheries (see <http://www.frdc.com.au/project/2018-016>).

- Increase the efforts to Close the Gap and work with the Council of Australian Government policy initiatives.

For this desktop review, the joint management arrangement is critical to establishing a market for cultural fisheries. In the next section I look at the success of creating the first joint management plan in Tasmania and how this framework can aid in future directions of cultural fisheries.

## 2.2 New Tasmanian policy initiatives

In early 2014 a change in Tasmanian Government leadership occurred, which provided a catalyst to make sweeping reforms to Aboriginal affairs and implement equity in dealings with the diverse Aboriginal communities. At the same time, the first plan of management for Tasmanian Wilderness World Heritage Area, or TWWHA country, had expired and a new draft plan was being created by a specialist planning team in DPIPWE. These two events brought an opportunity to reinvigorate and inject vitality into the relationships between Aboriginal Tasmanians and the government.

During the course of 2014, Emma Lee, an Aboriginal Liaison Officer and several female Elders led consultation efforts that restructured the framework and outcomes for Aboriginal Tasmanian engagement. This framework became one of joint management for TWWHA country rather than the sole government-managed model that previously existed. Joint management includes the addition of a new form of governance - that of Indigenous governance - to help steer future management practices (Department of Primary Industries, Parks, Water and Environment 2016). The new plan of management was commended by the World Heritage Committee in 2016 for the globally high standards of consultation and input achieved (United Nations Educational, Scientific and Cultural Organization 2016a). The level and quality of outreach and adherence to free, prior and informed consent ethical processes meant that some 5000 Aboriginal Tasmanians had engagement with the plan, from knowing that a process of a new draft was occurring to providing in-depth comment and review (*tebrakunna* country and Lee 2017),

The first joint management agreement in Tasmania over a protected area (that of TWWHA country) occurred in the complex, international and multiple approvals of a World Heritage Area. TWWHA country is one of only two World Heritage Areas in Australia that the Australian Government co-fund (Department of Primary Industries, Parks, Water and Environment 2016), which also adds complexity of gaining approval for a statutory document. In Tasmania, the plan and its desired outcomes had to meet state requirements, such as DPIPWE and the Tasmanian Planning Commission, as much as gaining social approvals through the public comment phase beginning in January 2015.

For the Australian Government, the plan had to meet standards of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), to discharge obligations to UN conventions, like the *World Heritage Convention*. The Australian Government Minister responsible for the environment also had to approve the plan document. At the international level the TWWHA country plan was scrutinised by the International Union for Conservation of Nature (IUCN) and International Council on Monuments and Sites (ICOMOS) and discussed at the annual World Heritage Committee meetings in 2014 and 2015 (United Nations Educational, Scientific and Cultural Organization 2016b) with countries offered the opportunity to comment.

In seeking to improve governance relationships, the agreement-making between the Tasmanian Government and Aboriginal Tasmanians over TWWHA country was conducted under full international transparency and with critical inspection at home. With the Tasmanian Government gaining final approval for the plan in December 2016, there could be no better validation for the process of working together and building successful foundations to apply in other areas. To have the legitimate approval from each level of multi-jurisdictional governance and accord for the joint

management framework, negotiated under collegial conditions and in less than two years, is not an everyday occurrence.

Therefore, the Premier of Tasmania, Will Hodgman (at the time Minister for Aboriginal Affairs) was able to have confidence in the underpins of the strategy to reset the relationship with Aboriginal Tasmanians on a range of issues, based upon conduct regarded by the World Heritage Committee as the highest global standard. For his Australia Day Addresses in January 2015 and 2016, the Premier presented the reset the relationship strategy to the Tasmanian public: the 2016 Address was dedicated in its entirety to addressing Indigenous reforms (Hodgman 2016).

The process and models of establishing joint management influenced the shape and aims of the reset the relationship strategy. By this, the manner in which the government and Aboriginal Tasmanians came together to work with common interests and create a platform for equity through TWWHA country resulted in a framework to continue the benefit stream. One area that reset the relationship can be applied to is cultural fisheries.

The aims that have already been achieved under the reset strategy include constitutional recognition amendments in December 2016; policy changes to eligibility processes in July 2016; statutory approvals for the new plan of management for TWWHA country in December 2016 and approximately \$24m in additional funding for programs over 4 years (Lee & Richardson 2018; *tebrakunna* country and Lee 2019). The reset the relationship strategy is a success for the condition-setting that it has enabled – the strategy has attacked structural barriers to Aboriginal Tasmanian engagement and participation in government programs and replaced with pathways to development of collaborative and productive partnerships.

The new plan of management for TWWHA country, then, has become an important document to depict the nature and potential of tangible outcomes that begin to close the disadvantage gap that Indigenous peoples are subject to. It also provided the foundations for the reset the relationship strategy. Therefore, in re-visioning cultural fisheries and governance, agreements, policy, legislation and regulation, and diverse communities benefit, there is merit in investigating how the successful elements of the TWWHA country plan may be implemented within cultural fisheries and marine research. The next section, then, analyses the components of the TWWHA country plan for application to the marine environment.

## 2.3 TWWHA country plan of management successful elements

In arriving at a joint management framework for TWWHA country, Aboriginal Tasmanians decided the form of governance that is appropriate and useful to guide future management. Joint management involves, among other things, the devolution of management responsibilities to Aboriginal Tasmanian communities, as much as the right to unimpeded access for cultural resources (Department of Primary Industries, Parks, Water and Environment 2016). It is the right of each community to decide their own level of engagement in TWWHA country plan of management and therefore determine their own level of benefit and outcomes.

However, during the consultation phases to arrive at the 2016 formal TWWHA country plan of management, there were several Key Desired Outcomes that were agreed upon by Aboriginal Tasmanian participants. These management actions assist in devolving duties to communities as well as integrate the cultural Outstanding Universal Values of TWWHA country into planning. There are nine Key Desired Outcomes of the plan that form the core of Aboriginal Tasmanian joint management objectives. They cover areas of people, planning, governance, research, funding and access and include:

- 4.1: Management of Aboriginal cultural values in the TWWHA is undertaken through a joint management governance arrangement that is supported by a dedicated unit within DPIPWE;
- 4.2: There is an ongoing adaptive and systematic program of identification, inventory, assessment, mapping and documentation of World Heritage and other Aboriginal cultural values to support the cultural values management;
- 4.3: All DPIPWE staff who have responsibility for and/or undertake regular management activities in the TWWHA have an appropriate level of knowledge and understanding of the area's Aboriginal cultural values;
- 4.4: Aboriginal cultural heritage sites at greatest risk are identified, protected and monitored;
- 4.5: Aboriginal cultural values are adequately accounted for in fire planning in the TWWHA;
- 4.6: Interpretation and presentation of the TWWHA's Aboriginal cultural values are determined by Aboriginal people;
- 4.7: A range of opportunities is provided for Aboriginal people to access the TWWHA and its resources, to pursue cultural activities and to actively participate in management of the area;
- 4.8: The TWWHA is assessed as an outstanding Aboriginal Cultural Landscape under the World Heritage Convention; and
- 4.9: Baseline funding for the management of Aboriginal cultural values in the TWWHA is sufficient to implement the measures provided by the Management Plan (Department of Primary Industries, Parks, Water and Environment 2016, pp. 106-107).

The Key Desired Outcomes are aimed at rebuilding the capacity to manage the cultural values of TWWHA country, both of the government and diverse communities, but also provide an entry point for Aboriginal Tasmanian engagement in joint management. These outcomes begin to characterise what constitutes customs and practices of cultural values of TWWHA country. Therefore, objectives such as interpretation and presentation of values can reflect those customs and practices as they become embedded within the joint management process. Building a reservoir of cultural data alongside the relationship is also an important thread of the TWWHA country management plan. This approach avoids the unfinished business that the native title claim of *Dillon* left unresolved in the translation of a practice into a legal right. It also aids the development of government policy towards regulation, compliance and engagement of cultural practices with a view to forwarding rights on a factual basis.

There are two of the nine outcomes here that are particularly relevant. The Key Desired Outcomes 4.1 and 4.7 are aimed at the infrastructure supports for joint management with the creation of a 'cultural management group' (Department of Primary Industries, Parks, Water and Environment 2016). The cultural management group will act as a nexus between the natural and cultural heritage of TWWHA country and Aboriginal Tasmanians. The cultural management group's main functions will be:

- providing advice to the Director about the management of Aboriginal cultural values in the TWWHA;
- policy development and planning in the TWWHA;
- facilitating research, monitoring and evaluation in the TWWHA;
- coordinating and facilitating engagement with Aboriginal people, and advancing of joint management arrangements;

- *facilitating a Reconnection to Country program and interpreting and promoting cultural tourism in the TWWHA; and*
- *implementing the relevant actions and policies in the Management Plan, in consultation with Aboriginal people, including a biennial review and report on progress towards KDOs (Department of Primary Industries, Parks, Water and Environment 2016, p. 96).*

As Tasmanian Aboriginals engaged in the TWWHA country planning process under free, prior and informed consent conditions and led a cultural approach of developing relationships, the cultural management group represents the means upon which to continue positive engagement. By this, individuals and family members were engaged with and consulted over the TWWHA country plan (Department of Primary Industries, Parks, Water and Environment 2016), thus the reciprocity of the Tasmanian Government is to support diverse individuals and families in their rights to equity. Often organisations are not resourced or equipped to support their members in projects or developing networks with non-Aboriginal partners, therefore DPIPWE can auspice that role for TWWHA country through the cultural management group.

The focus on supporting all members of the diverse Aboriginal communities is much more inclusive and therefore the cultural approach becomes grounded in responsibility and aspiration. The government aspire to reset the relationship and are responsible to continue the good governance processes of joint management developed for TWWHA country. For Aboriginal Tasmanians the responsibility of promoting, interpreting, managing and planning the cultural values of TWWHA country then falls to the individuals and families and organisations that choose their level of participation and connection. Therefore, aspirations from Aboriginal peoples represent a genuine commitment to recover and strengthen cultural customs and practices that have been weakened through the ‘culture of nature’ management regimes.

The cultural management group was envisioned to assist Aboriginal Tasmanians through government regulatory approval pathways to, for example, establish a tourism business; bolster DPIPWE as an employer of choice; provide access for further consultation, such as legislative and regulatory amendments; develop research themes; as well as embrace a flexible policy environment to build on developed capacity when business or other partnerships are negotiated and implemented. In this manner, cultural values, customs and practices of peoples in TWWHA country are built into the fabric of administering TWWHA country business.

The TWWHA country plan of management and its key outcomes, the process of negotiating a joint management framework with government, and the development of a long-term relationship between Aboriginal peoples and the government will extend beyond the life of the plan. It is these qualities that are eminently portable from the TWWHA country plan and applicable to establishing a cultural fisheries setting of equity and working together. The next section, then, delves into existing fishery and marine networks, frameworks and policy streams that can all be leveraged in implementing a similar structure and intent to cultural fisheries and regulatory reform for the Tasmanian Government.

### 3.0 Potential for a cultural marine management unit within Tasmanian Government

The previous sections have revealed that the lack of characterisation of cultural fisheries in Tasmania diminishes the capacity of the government and Aboriginal Tasmanians to find innovative ways to stimulate cultural economies and legitimise Indigenous worldviews. This report has identified several issues that are barriers to Aboriginal Tasmanian participation in cultural fisheries and include:

- The ill-fit of cultural fisheries regulations that are similar, but not identical to, recreational fisheries;
- Lack of clarity over definitions of cultural fisheries;
- Uncertainty over the definition and application of non-commercial purposes;
- A bureaucratic and environmental lens to Aboriginal Tasmanian culture and participation;
- Little data collection and research outputs;
- Lack of networks with other government portfolios;
- Poorly integrated planning and outcomes; and
- Low quality engagement and investment in Aboriginal Tasmanian communities.

To characterise cultural fisheries requires committed, long-term and useful planning and infrastructure. It also requires an Aboriginal Tasmanian visibility, or presence, within the government, such as DPIPWE, to have carriage in developing administrative capacity and integrating Indigenous worldviews with other fisheries and marine divisions. There is great potential for benefits, such as innovation in planning; convergence of knowledge systems and re-framing of issues to be more inclusive; and establishing a transparent, fair and equitable division that improves fishery governance and contributes to outcomes under reset the relationship strategy, such as employing Aboriginal Tasmanians and supporting Indigenous-led research.

In this manner, it is *recommended that a cultural marine management unit be established* to address the gaps already identified, but to also invest in future growth opportunities for cultural fisheries. The themes of people, planning, governance, research, funding and access that were pertinent in TWWHA country planning are equally germane within fisheries management structures of DPIPWE. The ability to provide linkages between TWWHA country and other outcomes is increased when similar structures are implemented. The holistic nature of reset the relationship strategy requires a whole-of-government approach in addressing disadvantage, therefore a low cost mechanism is to incorporate the successful, ethical and transparent elements of TWWHA country planning into cultural fisheries in the Tasmanian Government.

These elements from TWWHA country have already been determined and agreed upon by Aboriginal Tasmanians under free, prior and informed consent conditions, thus a further low cost can be achieved when aligning Key Desired Outcomes across multiple government agencies. Targeted consultation with the multiple and diverse Aboriginal communities can then focus on the important issues of how to future govern shared fishery and marine resources. A lower level of conflict should also be achieved as Aboriginal Tasmanians had already approved the TWWHA country plan, thus cultural fishery negotiations can continue within trusted, culturally safe relationships already developed with the government.

Through using the UN World Heritage Area framework for engagement with Aboriginal Tasmanians is appropriate to apply in developing cultural fisheries in Tasmania. The establishment of a cultural marine management unit, akin to TWWHA country's cultural management group, can aid in the integration of knowledges and contribute to Tasmanian regional development and sea country conservation, as much as lead innovative research themes. In terms of return of investment, the premier Western European artisanal fisheries research institute, AZTI Tecnalia, and based in the Basque Autonomous Region, north-west Spain, reports that for every one Euro they spend on research and development, 7 Euro and 15 Euro is returned respectively for fisheries and food industry sectors (AZTI 2017). These are aspirations that can be supported by the Tasmanian Government and linked to research institutes of IMAS, CSIRO and UTAS to begin to characterise and regulate cultural fisheries in Tasmania.

In the next section I outline the framework and purpose for establishing a cultural marine management unit within government.

## Section B: Planning and pathways for cultural fisheries

The Tasmanian Government would not be alone in establishing a cultural marine management unit, or similarly named and intended division, as the Victorian Fisheries Authority *Aboriginal Fishing Strategy* has set a target of Aboriginal employment to 5 per cent and a vision for greater acknowledgment of customary rights, better economic opportunities and sustainable marine resources (Victorian Fisheries Authority 2017). The Northern Territory also has similar targets and equity programs, such as Aboriginal coastal licences to fish (which are a separate category from commercial licences), Indigenous fisheries inspectors and an Indigenous community marine ranger program (Department of Primary Industry and Resources 2018). The next sections investigate how terrestrial joint management and governance can be applied to cultural fisheries.

### 4.0 How would a cultural marine management unit operate?

Cultural economies are vitally important to Aboriginal Tasmanian peoples for the retention of customs and practices, but also the integration with modern market economies. However, for a cultural economy to survive it requires access to resources.

These resources may include quota, research, access to policy-makers, places to enact cultural practices and capacity-building. While these types of resources are diverse, the planning around Aboriginal Tasmanian engagement in sea country and marine management need not be complex. The role of the Tasmanian Government is to remove barriers to engagement and foster Aboriginal Tasmanian entrepreneurship in developing collaborative networks. Therefore, the role of a cultural marine management unit within, for example, DPIPWE would be to develop an internal culture of practice that encourages community participation in a collegial atmosphere. After all, a simple Key Desired Outcome of the TWWHA country plan of management was that all staff who have regular contact with Aboriginal Tasmanian policy and peoples must have an appropriate level of knowledge of Aboriginal values (Department of Primary Industries, Parks, Water and Environment 2016). This outcome is easily transferrable to any cultural marine management unit objective and is a good starting point to reset the cultural fisheries relationship with Aboriginal Tasmanians.

A proposed cultural marine management unit should have concurrent roles of a) delivering equity to cultural fishery and sea country resources, such as quota, and b) beginning to characterise cultural fisheries through research, Aboriginal Tasmanian engagement and effective policy outcomes. The principles, practices, models and processes of joint management are a useful and appropriate framework to apply to Aboriginal Tasmanian cultural fisheries.

#### **Recommendation:**

- Joint management frameworks would suit the application to cultural fisheries for future governance processes.



## 4.1 Access to resources

The Australian Government's Productivity Commission report, *Marine Fisheries and Aquaculture*, of December 2016 is important here. The Commission's review highlighted three main concerns regarding customary fisheries including lack of clarity on rights and responsibilities, no explicit allocation or quota and slow reforms since the issue was first investigated in 1986. In terms of access to resources, the Commission has a preferred approach for investment in cultural fisheries. The Commission (2016, p. 175) proposes that:

governments set aside a level of catch for customary fishers before making allocations to other sectors. This would, in practice, accord priority to Indigenous customary fishers. The level of catch set aside should be sufficient for local Indigenous communities to maintain their customs. It should be informed by advice from the relevant communities and data collected on customary practices and use.

Customary fishing, as for other sectors, should be subject to overarching fishery management goals, including the sustainable utilisation of fish stocks. As such, allocations to the Indigenous customary sector should be binding and not exceed the limits required to meet policy aims. Sustainable use of the resource will, of course, help to secure customary activities over time.

Under this preferred approach the Commission is cognisant that for high value and cultural keystone species, such as abalone and lobster, concerns will be raised from the fisheries sector. Therefore, the Commission recommend a collaborative approach to the division of resources, where industry, Indigenous communities, government and research interests work together to create sustainable, equitable and clear policy and regulatory frameworks for cultural fisheries, sea country and marine environments.

In support of the Commission's preferred approach, the *Living Marine Resources Management Act 1995* already has a section that allows for allocation of quota. Section 96 of the *Act*, Allocation of total allowable catch, states that "a management plan that incorporates a total allowable catch... may provide for that catch to be allocated among any or any combination of the following...(d) Aborigines engaging in Aboriginal activity". However, while allocation of quota is legally permissible, it is equally important that the management framework is fit for cultural fisheries purpose.

In Tasmania, an example of how allocation of resources may be considered is through the process of joint management. Given that the earlier section outlined a model to apply to fisheries based upon the ethical and free, prior and informed consent conditions of establishing a cultural management group in TWWHA country, then the concept of joint management should also be portable to fisheries and the marine environment. The joint management plan in TWWHA country is premised upon shared governance, collaborative processes and mutually agreed benefits and outcomes, therefore meeting the Productivity Commission's test for a preferred approach in allocating fishery resources.

In demonstrating how joint management of a fisheries allocation could occur, the example of abalone quota is used. The Tasmanian Government currently hold the rights to 40 quota units out of a total of 3,500 quota units offered to abalone fisheries (Department of Primary Industries, Parks, Water and Environment 2015). To jointly manage those 40 quota units with Tasmanian Aboriginal communities could reduce potential conflict over high value resources, but more importantly provide the equity platform for communities to develop capacity-building and support for cultural economic processes. The meshing of economies and regulatory environments builds diversity and resilience across multiple sectors, including tourism and the arts, education, employment, conservation and marine research. A cultural marine management unit could then be established upon the premise of efforts directed towards jointly managing public fishery assets and cultural economies.

These assets of, for example, 40 quota units can be quarantined for Aboriginal Tasmanian sole use, but managed and regulated under joint management models and processes, including procurement. By this, the tender processes currently in place to manage the 40 quota units could still be enforced,

but with unique cultural qualifiers that stem from research beginning to characterise cultural fisheries. In this manner tenders can operate as the transparent method to distribute community quota that sustains cultural economies, rather than privatised rights that benefit only the individual (Pinkerton 2017).

Therefore, and following on from the TWWHA country plan of management model, a cultural marine management group can enhance and value add to that quota by requiring, for example, research and business partnerships as part of those tender requirements. Currently, the allocation of quota does not require extension benefits such as regional development or adherence to human rights. However, by shifting the management responsibility to one of shared governance, the quota is automatically infused with Aboriginal Tasmanian cultural practices that benefit whole of communities and look towards sustainable cultural economies.

**Recommendation:**

- Joint management of government-owned quota units can serve as an equity measure towards cultural fisheries and reduce potential sector conflict.

## 4.2 Clarity of cultural fisheries policy, regulation and governance

Both the FRDC and Productivity Commission call for primacy of Indigenous cultural fisheries. A standalone unit will bring innovation to policy planning and regulatory compliance when Aboriginal Tasmanian cultural fisheries are core and central. Research partnerships, such as with the CMS and Centre for Social Impact, can begin to draw formal attention to priorities, gaps and analyses that can support the government, communities, industry and other sectors to work towards a balance of rights that joint management principles underpin. Regulation, particularly compliance, can then be reframed as an Aboriginal Tasmanian community-driven process rather than the imposed constraints that currently exist.

A clarity over definitions and activities will assist in determining the regulatory changes required to implement equity in cultural fisheries. It is not clear in the legislation, regulation or policy what constitutes or defines an Aboriginal activity or cultural fishery beyond exemptions for shell necklaces or a non-commercial purpose. It is also not clear the mechanisms of where and how Aboriginal Tasmanians can engage with management plans for total allowable catch to be set aside community quota for cultural activities under Section 96. of the Act.

Prescriptions for Aboriginal activities, such as Schedule 5 of the *Fisheries (General and Fees) Regulations 2016* that allows for exemptions on shells, have tended to be amendments to extant legislation. There is one advantage, however, in piecemeal amendments in that statutory sections are not required to be repealed in order to dismantle barriers. Rather, additional Schedules may be introduced that ensure the smooth flow of the regulation act in its entirety, while continuing to build equity to resources and allocation.

A mechanism to encourage Aboriginal Tasmanian participation and engagement is required to ensure that new forms of governance, such as joint management, can be enacted and measured. The Tasmanian Government's success in accommodating new frameworks for land management had a grounding in the expression of governance, therefore, for example, an Indigenous Fisheries Advisory Committee may need to be established to act as a focal point for engagement.

### Recommendation:

- Clarifying the definition of cultural fisheries will aid in clearer policy, regulation, roles and responsibilities, and provide governance foundations.

However, one priority in gaining clarity in cultural fisheries is to create certainty over the conditions of commercial and non-commercial activities. While muttonbirds and shell necklaces, for example, are actively supported as commercial activities by Tasmanian Government policies, on-sale of other cultural keystone species, such as abalone and lobster, are not. This policy confusion is a barrier to social inclusion, equity and regional development growth.

For example, *melythina tiakana warrana* Aboriginal Corporation has instigated Mannalargenna Day, held at Cape Portland in the north-east, for the first Saturday in December each year. The Governor of Tasmania, Her Excellency Professor Kate Warner, is a patron of Mannalargenna Day, where the vision of the day is to bring together Aboriginal and other Tasmanians to celebrate the revered man and experience Aboriginal connections to country, both sea and land, in the form of food, cultural activities and connecting to people (*melythina tiakana warrana* Aboriginal Corporation 2016). The program of free activities offers a lunch of “serving cultural foods” (*melythina tiakana warrana* Aboriginal Corporation 2016), or “cultural nibbles” (Geale 2016), including abalone.

The abalone supply is applied for, and granted, under a cultural activity licence. However, the regulation of a cultural activity does not allow the on-sale of catch and therefore cultural foods must be given away. While this report makes very clear that *melythina tiakana warrana* Aboriginal Corporation do not want to sell, or have any intention of selling, their product during a free community event (Cameron pers. comm. 2017), the option is not there to do so. Even to ask for a donation towards cost recovery may constitute a breach of cultural fishery conditions.

However, to engage in Aboriginal Tasmanian cultural economies, caring for sea country and creating regional development simultaneously also prevents wider economic growth. By this, cultural practices that may lead to tourism development, such that a small surplus of cultural catch for family and ceremonial consumption could be on-sold to a local food producer or sold at a cultural food festival, are prohibited under current regulation. Australian and Tasmanian Government policies, such as the Regional Jobs Package and reset the relationship, explicitly encourages retention of Indigenous cultural practices as a lever out of poverty and disadvantage, however there are distinct regulatory barriers to doing.

Prohibitions on the sale of cultural catch also effects the utility of joint management over government-owned quota, for example. The definition of an Aboriginal activity under the *Marine Resources Management Act 1995* requires activities to be non-commercial, with exception of shells and kelp, thus joint management of quota would be limited in the benefits towards whole of communities.

Allowing the on-sale of cultural fisheries, under the ordinary regulation of DPIPW and continuing reappraisal of new governance structures under joint management, is the simplest and effective way for Aboriginal Tasmanians to engage in mainstream economies. It follows on from the Productivity Commission (2016) report on definition of cultural fisheries as well. **The right to on-sell cultural catch is required to give legitimacy and carriage to the right of joint management over quota and enshrine free, prior and informed consent for cultural fishery agreements.**

### Recommendation:

- Allow the commercial sale of cultural activity catch under prescribed conditions.

## 4.3 Characterisation of cultural fisheries and data collection

Cultural economies and cultural fisheries are yet to be understood for their economic, social and environmental characteristics for policy creation. In making agreements between the Tasmanian Government and Aboriginal communities regarding the rights of primacy, access to resources and cultural activities, there must be a responsibility to improve data collection and collation. (DPIPWE are now a partner, through an IRG project, in a national project to improving data on Aboriginal and Torres Strait Islander marine resource use to inform decision-making <http://www.frdc.com.au/project/2018-016>).

Research is a critical component for the success or failure of joint management over fishery and marine resources as it provides the foundations for good policy-making. Research allows Aboriginal Tasmanian communities to devise means and methods to improve capacity to manage resources and derive benefit. It also allows the Tasmanian Government to make informed cultural fishery policy decisions that will have effect on other sectors, such as the seafood industry.

In this manner, some regulations that apply to commercial fisheries may also apply to cultural fisheries, such as log books or recording apps. The recording of data for catch, gear, landing, etc. required from commercial fishers can equally apply to cultural fisheries with the proviso that it is culturally appropriate and sensitively divulged. Research centres such as the CMS, for example, can develop the frameworks in tandem with a cultural marine management unit and align with other policy and research outcomes that determine such things as setting total allowable catch or introducing seasonal bans for fish stock recovery.

Social, economic and other research of Aboriginal Tasmanian cultural fisheries is also required to provide the spaces for Indigenous worldviews to integrate, lead or align Tasmanian Government policy and regulation with other mainstream fisheries management and governance. If a cultural marine management unit can lead the collaborations required for agreement-making between government, industry and communities over Aboriginal Tasmanian resource allocation then potential conflict between sectors can be adequately risk managed, even negated (such as the TWWHA country plan of management). However, research is required to verify choices regarding allocation and inform rights holders of marine best practice.

The requirement for research should infuse the policy directions that the Tasmanian Government choose for management of cultural fisheries. By creating and implementing a research program that is aimed at repairing a knowledge gap, a cultural marine management unit can ensure an integrity to the government's decisions and strengthen capacity to build enduring partnerships and agreements.

### **Recommendation:**

- Research be made integral to characterising cultural fisheries and designing effective policy and regulation.

## 4.4 Zoning equity in cultural fisheries

The role of a cultural marine management unit would also include mapping engagement, activities and zones for cultural fishery regulation. For example, under the TWWHA country plan of management, Aboriginal Tasmanians have access to resources across all categories of protected area (from conservation areas to wilderness), but must abide by ordinary regulations, such as a prohibition on harvesting endangered species (Department of Primary Industries, Parks, Water and Environment 2016). There are six categories of protected areas and four corresponding types of governance that

have been decided upon by the IUCN in managing the frameworks for global databases on conservation (Dudley 2008). These categories of protected areas range from broad-scale landscapes such as national parks to individual natural monuments, while the governance matrix is a continuum from sole government to Indigenous governance under joint management (Dudley 2008).

In Australia, marine protected areas are subject to the same categories and governance for proclamation as their terrestrial counterparts (Australian Government 2017a). The *National Parks and Reserves Management Act 2002* is the Tasmanian Government's Act that legislates for protected areas, including marine, and encourages joint management with Aboriginal Tasmanians as part of the local objectives for each protected area category. As of 2017, there are 135,100 hectares of marine protected areas in Tasmania where almost 82,000 hectares of the total is bound within the Macquarie Island proclamation (Tasmanian Parks & Wildlife Service 2017).

However, even though the remainder of the reserve system is reduced to isolated pockets in the south, east and north-east of Tasmania, these are vital sea country places where Indigenous worldviews are at their most potent and active for connections to sea country. Places such as Ninepin Point Marine Reserve are central and pivotal to many Aboriginal Tasmanians for connections to sea country and the basic right to supply families with food, both ceremonial and daily intake (see ABC Open Southern Tasmania 2016). Therefore, marine protected areas could be zoned for cultural fisheries, as aligned to IUCN prescriptions for activities, and a means to increase equity to resource allocation.

Cultural fisheries in sea country needs to be visible to derive additional benefits from the activity beyond family or ceremonial health and wellbeing. Aboriginal Tasmanian communities must have a physical presence as cultural fishers to benefit from, for example, tourism and the arts, as much as continuing the role of sea country stewards, such as under a Ranger program or biosecurity activities. Therefore, promoting cultural fisheries in marine protected areas aligns with the intent of the IUCN's guidelines for Indigenous engagement with resource allocation in protected areas (Dudley 2008). It also aligns with the Tasmanian Premier's 2016 Australia Day address, and reset the relationship strategy, where he states that the Tasmanian Government will:

recognise and we will promote and protect Tasmanian Aboriginals' deep and continuous historical connection to the land and sea of Tasmania...[and] [t]o continue and to protect this, the Government will progress more opportunities for joint land management with the Aboriginal people (Hodgman 2016).

Joint management of marine protected areas can be zoned for under current conservation legislation. The framework of joint management allows Aboriginal Tasmanians to derive benefit from undertaking cultural practices and continue conservation aims.

#### **Recommendation:**

- Marine protected areas can be zoned for joint management to increase employment and access to resources.

## 4.5 Staffing and resourcing

One of the aims of TWWHA country joint management is to provide access to employment opportunities that make the Tasmanian Government an employer of choice for Aboriginal Tasmanians. There is a need for legitimacy in the implementing of equity, whereby employing Aboriginal Tasmanians to assist in the governance of cultural fisheries and marine environments can act as a commitment towards positive change.

While a research centre such as CMS can act as a conduit to link institutions, organisations, projects, communities and researchers, facilitating research partnerships is only as good as the policy environment they are received in. Free, prior and informed consent for participation in governing cultural fisheries under joint management requires an Indigenous engagement specialist and project manager. For example, a proposal may want to institute Indigenous apprenticeships or cadetships in fisheries management. Therefore, an engagement specialist can act as a bridge between Aboriginal Tasmanian communities, government and industry to create culturally safe pathways for training and employment.

Under the TWWHA country plan of management, a Key Desired Outcome is the provision of baseline funding commensurate to implementing objectives and aims (Department of Primary Industries, Parks, Water and Environment 2016). This included creating positions for Aboriginal cultural heritage experts to staff the cultural management group, provide advice to DPIWPE and implement the TWWHA country plan. A similar structure could be applied to cultural fisheries, where Aboriginal Tasmanian staff work with communities to ensure that free, prior and informed consent is a standard principle for agreement making, particularly with fishery industries. However, budget lines need to be set aside to staff and resource a cultural marine management unit.

**Recommendation:**

- A cultural marine management unit be provisioned with staff and funding resources.

## 5.0 Conclusion

This report functions as a desktop review of Tasmanian Government policy in regards to Aboriginal Tasmanian cultural fisheries. It has found several gaps, barriers and ill-fit within the current regulatory and policy structure largely summed up here as a lack of characterisation of Aboriginal Tasmanian cultural fisheries.

In response to these shortcomings, a framework for establishing cultural fisheries is proposed here. This model is premised upon the processes of the first terrestrial joint management plan for a protected area in Tasmania, in which the integrity of the consultation and desired outcomes were tested through multi-jurisdictional approvals of government and Aboriginal Tasmanian communities to arrive at a model of good governance.

Good governance is key to transparency, effectiveness and fairness, among other qualities (Lockwood 2010), which provide the legitimacy for Aboriginal Tasmanians to engage and participate in establishing cultural fisheries. In this manner, the terrestrial joint management model as a recent, successful process that government and communities have invested in to devise a broader strategy to ‘reset the relationship’ is an appropriate framework to extend to the management and governance of cultural fisheries.

However, adaptation is required to meet the first objective of the project to establish cultural fisheries in Tasmania. By this, for example, joint management over quota held by the Tasmanian Government is a new initiative that is not found elsewhere across Australia and requires careful implementation, such as how broader Aboriginal Tasmanian communities can participate in the benefits of commercial operations rather than restricting entitlements to a few Aboriginal organisations. Yet the joint management model has high application to cultural fisheries within MPAs, where the cultural aspects of fishing can provide benefits to individuals in re-connecting, or strengthening connections, to sea country. Therefore, a pragmatic approach to using existing joint management frameworks for cultural fisheries, while requiring further work to adapt, can aid in continuing successful, Indigenous-led approaches to inclusion and mutual gains.

# Part Two: Indigenous Fisheries Workshop

## 1.0 Introduction to Part Two

To deliver the findings of the desktop review and proceed with determining how Aboriginal Tasmanians may wish to develop cultural fisheries according to strengths, assets, regions and aspirations, a Workshop was proposed. The Workshop is aimed at achieving a second objective of the ‘Wave to Plate’ project, where the network chain of Indigenous wild-catch is examined for barriers and opportunities to establish a market for cultural fisheries. In late 2017, an Indigenous Fisheries Workshop was devised that would accomplish three major considerations and objectives for ‘Wave to Plate’. These objectives are:

- Presenting the findings of the desktop review for broader consideration;
- Assist the diverse Aboriginal Tasmanian communities and DPIPW in assessing, clarifying and improving the regulatory environment for partnership development in fisheries and marine research; and
- Investigate the network chain of cultural catch into a commercial venue.

Therefore, the desktop review has framed the intent of the Workshop as much as provide impetus for government and research action towards equity for Aboriginal Tasmanians and cultural fisheries. In this manner, a Workshop can begin to envisage what a cultural fisheries industry looks like, particularly fisheries food tourism, and the issues of management and governance that are critical in establishing the market.

## 1.1 Methodology

This next stage of the ‘Wave to Plate’ project looked to expanding the policy condition-setting required to establish a market for cultural fisheries and demonstrate the intent of Aboriginal Tasmanian engagement and participation in cultural economies. There are three parts to the methodology here:

- Testing the current policy framework for Aboriginal activity permits to find barriers and opportunities to establishing a market for cultural fisheries through network chains (Section 2);
- Holding a Workshop to draw together industry, government, research and Aboriginal Tasmanian communities to look at potential partnerships and collaborations for establishing a market for cultural fisheries (Section 3); and
- Reflecting on the types of models that will service the ‘Wave to Plate’ concept within current legislative and industry frameworks and that match Aboriginal Tasmanian aspirations (Section 4).

All work was primarily undertaken by the Co-Investigator Dr Emma Lee with assistance from other Co-Investigators to devise the Workshop and its aims. Telephone calls were the means to engage with potential Workshop attendees and presenters with emails to follow-up with date, time and Workshop presentations. Attendees and presenters (Section 3) were considered on the basis of previous engagement with Aboriginal Tasmanians under the ‘reset the relationship’ strategy, such as DPIPW, Department of Premier and Cabinet, Aboriginal Education Services and members of TRACA.



Other presenters and attendees, such as The Oyster Province, Regional Development Australia and University of Tasmania researchers, were included on the basis of previous engagement with Dr Emma Lee. By this, the initial media release on the launch of the ‘Wave to Plate’ project (<https://www.imas.utas.edu.au/news/news-items/tasmanias-indigenous-fisheries-in-the-spotlight>) attracted attention from local industry suppliers, such as The Oyster Province, who were both encouraging towards the aims and outcomes and wished to participate to support the objectives. The inclusion of Regional Development Australia was as outcome of Dr Emma Lee having been hand-picked by the Australian Government Senator Nigel Scullion, Minister for Indigenous Affairs, to sit on the Tasmanian Regional Jobs and Investment Package Committee (2017) to deliver \$25m in funding pilot programs.

Others such as researchers from UTAS were included as Co-Investigators on the project and their wide-ranging, global expertise in marine and fishery research. Researchers outside of CMS and IMAS, but within UTAS, included tourism, science and history professors who could aid in expanding the scope of the outcomes and provide unique perspectives on the issue of cultural fisheries. At the time, Dr Emma Lee was a sitting member on the FRDC Tasmanian Research Advisory Committee (2017-2018) and an invite was sent to all members to attend, with members of the Tasmanian Seafood Industry Council and Recreational Fisheries who were able to participate as attendees.

Other attendees were invited on the basis of their expression of interest due to the publicising of the event through a Tasmanian newspaper, the *Mercury*, in January 2018, where over 20 people from the public wished to attend, although only places were available for three people. A total of 40 places were made available to attend the Workshop as the capacity of the venue could not be expanded beyond that.

## 1.2 Location and purpose of the Workshop

The Workshop location was an important consideration and decided by Co-Investigators Mr Mark Sayer and Dr Emma Lee that a regional setting would highlight a key link between Aboriginal Tasmanians, cultural fisheries and regional development. The Aboriginal Tasmanian communities who were invited to the Workshop are members of the Tasmanian Regional Aboriginal Community Alliance (TRACA) and whose organisations and corporations are located within populations outside of the city centres of Hobart and Launceston. TRACA is composed of six Aboriginal Corporations and two unincorporated community organisations. Therefore, the setting of the Workshop had to reflect the conditions of Aboriginal Tasmanians and their local communities.

The Workshop venue chosen was the Lufra Hotel, Eaglehawk Neck, on the Tasman Peninsula and a 50-minute drive east of Hobart. This venue is an independently owned and managed hotel and listed on the Register of the National Estate (Tasmanian Parks & Wildlife Service 2007). Eaglehawk Neck is also a known location for Aboriginal heritage, particularly living midden sites of the Pydairrme peoples that date to 6,000 years ago (Tasmanian Parks & Wildlife Service 2007). These factors were important to facilitate the potential outcomes and vision of how cultural fisheries can operate to support local businesses and highlight Indigenous stewardship of marine resources.

The purpose of the Indigenous Fisheries Workshop was to:

- present the desktop review findings;
- test the conditions and support for joint management of government-owned quota among Australian and Tasmanian government agencies;

- provide a venue for Aboriginal Tasmanians to articulate aspirations, needs and supports required to establish cultural fisheries;
- map potential networks and collaborations between Aboriginal Tasmanians and Australian and Tasmanian Governments, research, industry and other stakeholders and interested groups;
- pilot a program of Indigenous wild-catch, caught under an Aboriginal activity permit, to be served in a commercial venue; and
- support DPIPWE in assessing, clarifying and improving the regulatory environment for partnership development in fisheries and marine research.

The Workshop invite and proceedings (Appendix A) outlines the purpose of the day's event. There were 40 people who attended the Workshop and ranged from Australian and Tasmanian Government agencies including DPIPWE, Prime Minister and Cabinet, Regional Development Australia, University of Tasmania professors in history, tourism, STEM and marine research, industry representatives, such as the Oyster Province and Tasmanian Seafood Industry Council, and Aboriginal Tasmanian communities who constitute TRACA members.



**Plate 1. Participants of the Indigenous Fisheries Workshop (©SamAdamsMedia).**

### 1.3 Workshop planning

In October 2017, planning for the Workshop commenced with the application of a \$15,000 grant to cover the costs associated with the day's events. An Indigenous Student Success Program (ISSP) was advertised through UTAS to auspice activities that advance Indigenous peoples enrolling, progressing and completing higher education at the same rate as, or better than the non-Indigenous rate. The grant application made clear that Indigenous-led marine research was important to promote future enrolments, but also that the Workshop can aid in setting the research agendas that will lead to greater enrolment within marine social and other sciences.

In November 2017, a wishlist of speakers was circulated to governments, researchers, industry and Aboriginal Tasmanian communities to gauge speaker availability and support for the Workshop initiatives. A final list of speakers was tallied and the Workshop invite was sent via email and other networks in early January for circulation. The immense interest in the topic of supporting and establishing Aboriginal cultural fisheries and food tourism led to a revised list of speakers to include three additional presenters and re-circulated a week before the Workshop.

In January 2018, a DPIPWE permit for Aboriginal activity to collect Indigenous wild-catch, namely abalone and warrener (periwinkle), was applied for. The permit outlined the intent to serve Indigenous wild-catch at lunch during the Workshop. The lunch was intended as a tangible output to what cultural fisheries would look like as a partnership between Aboriginal Tasmanians, local hotel venues and the Tasmanian Government, but also to investigate the administrative activities and potential barriers and opportunities that need to be addressed under an emerging industry of cultural food tourism. The issues of the permit will be discussed in Section 2.2.

## 2.0 Workshop proceedings

‘Wave to Plate’ is aimed at establishing a market for cultural fisheries in Tasmania. To establish a market must preclude support, first and foremost, from Aboriginal Tasmanian communities who will act as suppliers of cultural capacity, such as branding Indigenous wild-catch or interpreting fisheries cultural heritage, as much as become the workforce to manage and extract the seafood products as cultural and commercial operators.

In this manner, the Workshop served dual purposes of being a pilot program to place Indigenous wild-catch in a commercial venue and to investigate the future barriers and opportunities of continuing to do so. The next section of the report outlines:

- the current policy settings for Aboriginal activities under the *Living Marine Resources Management Act 1995* and the barriers and opportunities for progressing the establishment of cultural fisheries;
- the process of applying for an Aboriginal activity permit to supply Indigenous wild-catch to the Workshop; and
- the findings of the network chain and procedures currently available to Aboriginal Tasmanians to engage in cultural fisheries.

## 2.1 Network chain in delivering Indigenous wild-catch

The *Living Marine Resources Management Act 1995* (‘Act’) is the Tasmanian Government legislation that fisheries is governed and managed by. Under the Act there are three options in which Aboriginal Tasmanians can participate in Tasmanian fisheries and include recreational, commercial and Aboriginal activity. The ‘Wave to Plate’ project does not investigate recreational fisheries as a means of engaging Aboriginal Tasmanians in establishing a market for cultural fisheries. While there is nothing under recreational fisheries to prevent Aboriginal Tasmanians from enjoying the same rights as all other Tasmanians to fish, under the legislation, however, the definition of recreational fisheries does not allow for any type of commercial or Aboriginal activities and thus are excluded from the models and processes presented in section 4.0.

Commercial activities under the Act do not distinguish between Aboriginal Tasmanians and any other group of people. Commercial activities are primarily driven by the regulations upon which seafood and other marine resource businesses can engage with the Tasmanian Government to lawfully undertake fishery activities. Private rights to hold licences, such as abalone quota units, are the prime mechanism by which commercial activities are regulated. There is no class of Indigenous licensing which would allow commercial-scale cultural fisheries, however this does not preclude Aboriginal Tasmanians from infusing cultural activities within their commercial operations, so long as the Act requirements are abided by.

Aboriginal activity is recognised within the Act and has two parts (Figure 1): non-commercial activity relating to cultural and ceremonial use of marine resources and commercial activity allowing goods to be manufactured for sale:

Aboriginal activity means –

- (a) the non-commercial use of the sea and its resources by Aborigines; and
- (b) the taking of prescribed fish by Aborigines for the manufacture, by Aborigines, of artefacts for sale; and
- (c) manufacturing of the kind referred to in paragraph (b);

**Figure 1. Aboriginal Activity defined under the *Living Marine Resources Management Act 1995*.**

The Workshop was a place designed to test the limits of Aboriginal activity in establishing a cultural fisheries. It stands to reason that Indigenous wild-catch, as an Aboriginal activity, is essentially a cultural action that depends upon Aboriginal Tasmanian sea country knowledge and connections. These connections can build a brand that highlights its marketing difference, namely a cultural process that forms the core of a cultural fisheries and Indigenous food tourism.

A central proposition of the Workshop was to ask why manufacture of artefacts for sale is allowed, but the harvesting of seafood is not. There is a barrier to establishing cultural fisheries in, for example, being able to demonstrate the production of an Aboriginal shell necklace as a commercial cultural activity (for the purposes of establishing a cultural heritage tourism) and then being unable to locate that manufacturing activity in the wider range of cultural fisheries, such as selling companion cultural foods.

While shells for shell necklaces are allowed to be collected without licence, due to a lack of evidence to suggest that the activity should be regulated, there is an obvious pressure on wild fisheries, such as abalone, that does require regulation. Yet there is a gap in the legislation that puts these two activities together. By this, Aboriginal activities are crammed into a single section that does not have linkages to broader fisheries and nuance is missing between what is cultural and what is commercial under an Aboriginal Tasmanian lens. However, the pilot program to deliver cultural fishery products to a commercial restaurant venue has been an essential task in demonstrating the unevenness of the Act definitions and where opportunities for employment, research and engagement may be found.

## 2.2 Aboriginal activity permit

### 2.2.1 Applying for an Aboriginal activity permit

The first step in demonstrating the benefits of cultural fisheries to a wide range of stakeholders, such as government, industry, research, tourism and the broader community, is to enact a pilot program that provides tangible outcomes and the framing of a vision as to what cultural fisheries could look like. In this manner, a Workshop lunch was devised as a means of demonstrating how Aboriginal Tasmanian cultural fisheries can operate and under what conditions.

To provide an Indigenous wild-catch lunch to the Workshop, the first step was to apply for an Aboriginal activity permit. The permit application form issued by DPIPWE is a generic form that allows a range of activities to be undertaken that are otherwise prohibited for under the Act (Appendix B). These activities include areas such as scientific research, the development of fisheries and fishing technology, educational and community awareness programs, the collection, keeping, breeding, hatching or cultivating of rare or endangered fish, Aboriginal cultural and ceremonial activities, the development of marine farming, law enforcement, environmental monitoring, and bioprospecting.

The permit form submitted under Dr Emma Lee's name outlined the nature of the activity (to take 20 abalone and 2kg warrener shellfish by hand); the persons involved (two Aboriginal Tasmanian women including Dr Lee); the purpose (to provide a lunch at the Indigenous Fisheries Workshop at the Lufra Hotel); and the area of activity (south-west Tasmanian waters) (Appendix C). Furthermore, the permit form stated that the Lufra Hotel would engage in the cultural activity by hosting the lunch. In addition, the permit form may require further information, such as proof of Aboriginal eligibility to undertake an Aboriginal activity. The permit form is submitted to the Director of Marine Resources, DPIPWE, for approval.

The Aboriginal activity permit allows for cultural fishing over and above the recreational limits, for example in Tasmania 10 abalone per day. It is essential to have a permit to avoid negative conditions, such as in NSW, where Indigenous peoples are at greater risk of justice interventions and have resulted in 500 prosecutions since 2009 (Kennett et al 2016). In Tasmania, reporting data is hard to come by, such as the number of Tasmanian prosecutions (if any) and the number of Aboriginal activities permits granted. Given that the relationship between the Tasmanian Government and Aboriginal Tasmanian communities is based upon compliance, there is limited scope to use data for positive grounds, such as encouraging research or developmental fisheries or linking use to regional development programs.

**Barriers:** Aboriginal Tasmanian communities may not be aware of their responsibilities to apply for permits that allow greater catch outside of recreational limits. Furthermore, there are limited opportunities to develop educational programs or investigate developmental industries, with research support, to expand engagement and participation in cultural fisheries when permits are directed towards cultural activity only.

**Opportunities:** Employment for Aboriginal Tasmanians can be increased in DPIPWE through the creation of an Aboriginal cultural management group or liaison officer. These roles can promote the benefits of cultural activity permits, manage the permit application and approvals (especially sensitive when proof of Aboriginality is required), provide regular reporting, reduce justice interventions and develop networks and collaborations between communities and research, industry and government in terms of, for example, education and developmental fishery potential.

### 2.2.2 Enacting the permit

The Aboriginal activity occurred over two collecting events, where the abalone and warreners were processed separately. Abalone is not as abundant today, due to having a high commercial value such that one Tasmanian company advertises its green lip abalone at \$225 per kilogram (<https://tasliveabalone.com.au/product/medium-frozen-green-lip-abalone/>), and therefore requires planning effort to find stocks of a regulation size.

One method that was employed by the two female collectors was to travel to areas where living midden sites are known and have abalone shell as part of their construction. Areas were chosen along

the Huon Channel and followed known sites that Dr Lee had previously had contact with in her role as an archaeologist. Monitoring of living midden sites and kelp beds also occurred alongside collection of the abalone. To continue sea country knowledges it is imperative that engagement in marine stewardship opportunities can be provided – one method is to engage in cultural fisheries and food tourism.

In demonstrating the potential of cultural fisheries with extensions such as food tourism, Dr Lee shelled one abalone with stone tools made on site to replicate the heritage processes of Aboriginal activities. This process is also a matter of cultural recovery of knowledges that have been silent since the time of colonisation and a means to instil not only a pride in Aboriginal Tasmanian culture, but to differentiate a product in the market and value add.



**Plate 2. Collecting abalone without mechanical equipment (author supplied).**



**Plate 3. Stone tools manufactured on site (author supplied).**



**Plate 4. Removing abalone meat from the shell (author supplied).**

Some of the warrener were opportunistically collected during the abalone activity. However, the vast majority of the 2kg allowed were collected at Eaglehawk Neck the night before the Workshop and lunch. The warrener collection was a purposeful activity to demonstrate the links between place and sea country knowledges, the cultural core of producing direct to a restaurant venue and the ability to provide the freshest product possible.

In this instance, the majority of the warrener were collected from Eaglehawk Neck in view of the dining room window of the Lufra Hotel. For customers of the Lufra Hotel, they can engage in a 'Wave to Plate' experience where the product marketing can pinpoint location, cultural form and provenance of collection and instil a choice of responsible consumption ethic for both clients and chef. Mr Peter Derkley, manager of the Lufra Hotel, spoke to ABC Country Hour radio and stated that 'there is something rewarding in saying to our customers when they are sitting down at the table...'Guess where this came from? Just out there...' (ABC radio, 26<sup>th</sup> February 2018).



**Plate 5. View from Lufra Hotel dining room to collection area for warrener (author supplied).**



**Plate 6. Warrener collected for the Workshop lunch (author supplied).**

Dr Lee delivered both the abalone and the warrener to the chef at the Lufra Hotel, Mr Nick Derkley. The abalone had to be double-handled as freezing and storing the product was required – the distance and time between catching and processing the wild-catch meant that immediate delivery could not be made. The warrener at Eaglehawk Neck was handled in a single operation of collection to delivery and fresh throughout.

However, the Aboriginal activity permit and the Lufra Hotel food handling and licensing conditions clashed. The manager of the Lufra Hotel, Mr Peter Derkley, had to be part of the Workshop proceedings, such as a short presentation of tourism benefits, to be considered an agent under the permit conditions to allow for handling, storing and preparing of the Indigenous wild-catch. The DPIPWE regulations of fisheries extend to commercial venues such that a commercial venue can only sell commercially caught seafood (Derkeley, pers. comm. 01/2018). The conditions of the Aboriginal



activity permit expressly states that the agent ‘must not sell or use for commercial purposes any fish taken under the authority of this permit’.

**Barriers:** There are four major barriers in establishing a cultural fishery by Aboriginal activity permit. The first barrier is the most obvious with health and safety regulations and delivering the product to a restaurant table. The collecting, storing and freezing of the product should require some level of certification and reportable activity to DPIPWE. Issues such as in-shore collection of shellfish, which are subject to bio-toxin notifications, also need to be managed.

The second issue is the ad hoc nature of the permit application and approvals. It is not clear from DPIPWE whether permits can be rejected and under what conditions. It is also not clear whether repeated permits for the same activities, such as food production that complements cultural heritage tourism businesses, can or should be granted. Furthermore, commercial restaurant venues may not wish to invest in Aboriginal activity and cultural fisheries if permits are not clear on the rights of Aboriginal Tasmanians or the commercial venue licensing conditions.

The third barrier relates to the different requirements of an Aboriginal activity permit and a commercial restaurant operating licences. A commercial premise cannot legally engage with Indigenous wild-catch caught under an Aboriginal activity permit, thus restricting the nature of commerce and local business development. Moreover, the Indigenous wild-catch cannot be sold to the restaurant venue to be considered commercial for the purpose of their licensing conditions.

The final barrier is the lack of research and stock assessments for Indigenous wild-catch and Aboriginal Tasmanian use and harvest of species, together with potential marketing and promotional opportunities. Section 3.1 goes into this in more detail, however there are currently no means to gauge what is a sustainable catch for Aboriginal Tasmanians, how much is currently being harvested and for what species in particular areas and why Indigenous branding may be a valuable marketing tool. For example, warrener harvests are guided by total allowable catch and management plans that have improved stock conditions, however the research also shows no distinction between Indigenous and non-Indigenous harvesting or marketing strategies, nor the aspirations of Aboriginal Tasmanians to manage the industry given the low number of commercial divers who engage in warrener harvests (Keane et al 2014). Without understanding how Aboriginal Tasmanians interact with wild-catch on a cultural basis, such as culturally-sustainable catch limits, there is a risk that stocks may be over-harvested when Indigenous peoples are excluded from research frameworks and subject to compliance that damages the relationship with sea country.

**Opportunities:** There are both cultural and employment opportunities available under Aboriginal activity permit conditions. The first opportunity is the re-establishment of cultural practices, such as women diving for seafood (see Taylor 2007), that provides an authenticity to the experience of selling and engaging in cultural fisheries. To promote the recovery and engagement in cultural practices has on-going positive benefits back to Aboriginal Tasmanian communities, such as healthy, functional families, as well as greater awareness in the broader community of Indigenous fisheries and sea country management. The benefits to monitoring both living midden sites and sea country can aid in the development and recovery of traditional knowledges and cultural heritage conservation.

Secondly, employment opportunities extend to both the activities that source the Indigenous wild-catch and the extensions surrounding food tourism. Aboriginal Tasmanians can be employed in a range of settings, such as sea country rangers or cultural collection divers, which build community development in cultural heritage conservation and fishery activities. Other employment and training opportunities revolve around food tourism and commercial ventures, such as chefs, professional wait staff, hotel managers, fishery marketing experts, food handling trainers and compliance/licensing officers.

A third opportunity is the potential relationship-building between Aboriginal Tasmanians and other people to share in the regional development growth that comes from working together. By this, the sharing of stories of harvest, cultural practices, traditions and knowledges that accompany Indigenous connections to sea country and resources can aid in the development of new market and promotional opportunities for Tasmanian seafood. There is also the means by which Aboriginal Tasmanians can learn from industry people, from chefs to hotel owners, as to how to successfully own or manage businesses dedicated to food and regional tourism. These issues are more closely investigated in Part 3 of the report, trialling the ‘Wave to Plate’ concept in partnership with Dark Mofo Winter Feast 2018.

### 2.2.3 Complying with the permit

The lunch provided during the Workshop was billed as a historic moment in that the Aboriginal activity permit would allow Indigenous wild-catch to be served in a commercial venue for the first time in Tasmania. The major barriers of commercial venue licensing and sale of commercially caught seafood, together with permit conditions that do not allow for Aboriginal activity seafood to be sold, were overcome through judicious use of the permit conditions to include the Lufra Hotel within the activities.

At no stage was the permit agent, Dr Lee, paid for the Indigenous wild-catch of abalone and warrener by the Lufra Hotel or any form of commercial exchange made in regards to supplying the hotel with cultural foods. However, a commercial venue must be able to recoup its costs in hosting the first event of its kind to serve Indigenous wild-catch. The ISSP grant, gained through the University of Tasmania, covered the costs of hosting the lunch, primarily the wage component of staff and hiring of the venue.

In this manner, Aboriginal Tasmanians paid a commercial venue to store, prepare and serve Indigenous wild-catch to participants of the Indigenous Fisheries Workshop. This is not an ideal situation for Aboriginal Tasmanians to establish a cultural fishery and food tourism industry and, in theory, should be the other way around where peoples are instead paid for their product, time, cultural knowledges and costs. However, in complying with the permit the lunch was able to be served and participants of the Workshop were able to eat abalone and warrener, for some their first occasion of doing so. The goal of hosting a lunch as a visual, tangible aid to demonstrate what Aboriginal Tasmanian cultural fisheries might look like, can be measured as a successful compliance of the permit conditions.



**Plate 7. Menu of the Workshop lunch including Indigenous wild-catch abalone and warrener (periwinkle) (author supplied).**



**Plate 8. Presentation of warrener for Workshop lunch (©Hilary Burden ABC).**



**Plate 9. The main course of local wallaby to compliment Indigenous wild-catch seafood (©SamAdamsMedia).**

**Barriers:** The major barrier to establishing a cultural fisheries market through Aboriginal activity permits is the prohibition on selling or using for a commercial purpose Indigenous wild-catch seafood.

**Opportunities:** There is an ability within Aboriginal Tasmanian communities to provide the Indigenous wild-catch for commercial venues and abide by permit conditions to do so. The menu and production of the lunch is testament to commercial venues that are seeking a differential in their marketing and sourcing of seafood. Opportunities for community and regional development can be found with Aboriginal Tasmanians developing partnerships and business agreements with commercial restaurant venues to provide Indigenous wild-catch. However, capacity such as the economic viability, governance arrangements and indicators for development for cultural fisheries require assessment before investment.

### 3.0 Engaging with Aboriginal Tasmanian communities through Workshop proceedings

The next two sections are dedicated to summarising the presentations made during the Workshop. While not expansive, the summaries are designed to highlight the core issues that each presenter brought to the issue of establishing cultural fisheries. These issues range from the historical loss of rights through colonisation to the potential for Aboriginal Tasmanians to develop native oyster leases.

The speakers include:

- Ms Judith MacDonald for the Welcome to Country introduction;
- The Governor of Tasmania, Her Excellency Professor Kate Warner;
- Ms Tracey Dillon, CEO of South Eastern Tasmanian Aboriginal Corporation;
- Mr John Clarke, chairperson of Flinders Island Aboriginal Association;
- Professor Stewart Frusher, CMS;
- Dr Ingrid Van Putten, CSIRO;

- Mr Bryan Denny, IRG/FRDC;
- Professor Marcus Haward, IMAS;
- Dr Emma Lee, SUT;
- Steve Leslie and Yvonne Young, The Oyster Province;
- Mr Peter Derkley, Lufra Hotel;
- Ms Liz Bennett, Regional Development Australia;
- Ms Kate Kent, Department of Premier and Cabinet;
- Ms Colleen Hallmond, Department of Prime Minister and Cabinet;
- Mr Todd Sculthorpe and Ms Nikki Brannigan, Aboriginal Education Services; and
- Mr Grant Pullen and Mr Mark Sayer, DPIPWE.

The Workshop participants were given a Welcome to Country in language by traditional owner, Judith MacDonald, with the formal opening of the proceedings undertaken by the Governor of Tasmania, Her Excellency Professor Kate Warner. Her Excellency stated that ‘the current project is a new way of engaging relationships with Aboriginal people’ and that she was inspired by ‘developing a new cultural fisheries industry with opportunities for Aboriginal engagement’ (ABC radio, 26<sup>th</sup> February 2018).



**Plate 10. Welcoming the Governor of Tasmania to the Workshop. Peter Derkley, manager Lufra Hotel; Judith MacDonald, traditional owner; Her Excellency Professor Kate Warner; Emma Lee (©SamAdamsMedia).**

A statement of support for the Workshop from the Australian Government Minister for Indigenous Affairs, Senator Nigel Scullion, was shared with the participants. Of interest, Senator Scullion stated that:

*Just last week, the Prime Minister and I announced another major step in this regard – with legislation to be introduced shortly to expand the remit of the Indigenous Land Corporation (ILC) to include water. In consultations held across the country last year we heard clearly that First Australians do not consider their country to end at the low water mark and therefore the remit of the ILC to acquire country for dispossessed First Australians should extend to water and sea country. We have accepted this advice and subject to passage of this legislation the ILC will soon be able to acquire water rights on behalf of Aboriginal and Torres Strait Islander Australians.*

Senator Scullion also outlined that in the past five years the Australian Government have supported the buy-back of fishery licences and provided assistance in developing Indigenous fishery industries for sustainable benefit.

Ms Tracey Dillon, CEO of South Eastern Tasmanian Aboriginal Corporation (on behalf of Rodney Dillon, an Aboriginal Tasmanian Elder), and John Clarke, Aboriginal Tasmanian Elder and chairperson of Flinders Island Aboriginal Association, delivered two addresses in the morning session. Ms Dillon's address spoke to the condition of Indigenous peoples loss of resources, such as fishing rights, through colonisation and leading to current poor outcomes for community health, wealth and wellbeing. However, if granted access to fishing resources and rights, Aboriginal Tasmanians can participate in industry development, build wealth and regain pride in cultural activities.

Mr Clarke spoke to the powers of social currency on Flinders Island in providing outlets for young people to develop skills and professional outlooks. By engaging in sports, such as bike riding and gun clubs, young people were exposed to community expectations of good behaviour and healthy lifestyles. These forms of social currency translate into participation in economic development, such that Flinders Island Aboriginal Association now own a bakery, farm and tavern and staffed with local Aboriginal Tasmanians. Economic development in the last two decades has seen Flinders Island Aboriginal Association employment rise from 3 to 59 people today. However, these figures came at a cost of the loss of fishery industries, where changes to commercial licensing saw 36 people lose their jobs in the crayfish industry. Overall, Mr Clarke demonstrated that to close the gap, economic development is a generational process, not a short funding cycle, and is made successful through self-determination and empowerment. If communities are not being directly consulted with and devise their own strategies, then policy failure is an inevitable consequence.



**Plate 11. Tracey Dillon, CEO South Eastern Tasmanian Aboriginal Corporation, and Kate Kent, Executive Director, Communities, Sport & Recreation, Department of Premier and Cabinet (©SamAdamsMedia).**



**Plate 12. Bryan Denny, Indigenous Reference Group, FRDC; Emma Lee; John Clarke, Chairperson, Flinders Island Aboriginal Association (©SamAdamsMedia).**

Fisheries research was a strong component of the Workshop proceedings. With Australia having the world's third largest marine exclusive economic zone, Professor Stewart Frusher (UTAS) tabled that there is great scope for inclusion of Indigenous peoples and knowledges to strengthen multi-disciplinary research and improve resilience in marine resource management. With an increasing emphasis on the 'Blue Economy' both nationally and internationally, Indigenous engagement and research opportunities need to be developed as a burgeoning field of interest and investment.

However, recent national research from CSIRO has demonstrated there is a gap in engagement between marine scientists and Indigenous communities, where almost half of the science interview respondents could not see a clear connection to Indigenous knowledges and unsure as to whether consultation is even necessary or required. Dr Ingrid Van Putten (CSIRO) concluded that, for researchers, it is basic questions of where to begin in discussions and with whom, and what effective engagement looks like, that is both a barrier and opportunity for expanding research partnerships.

On the flip side, as Mr Bryan Denny presented, for the past few years the Indigenous Reference Group of the Fisheries Research and Development Corporation (FRDC) have developed key priorities and strategies, research aims and projects that focus solely on Indigenous benefit, development, engagement and participation, and which have been adopted by the FRDC board for broader strategic outcomes. For example, the Workshop is part of an FRDC project to investigate the barriers and opportunities to establishing Indigenous fishery markets, with particular reference to Tasmania. By highlighting Indigenous researchers leading Indigenous research, the FRDC have committed to bridging knowledge gaps between the sciences and Indigenous communities for wider benefit.



**Plate 13. Professor Marcus Haward and Professor Stewart Frusher, University of Tasmania (©SamAdamsMedia).**

To this end, research progress and gaps suggests that governance is a major theme of marine environments. Professor Marcus Haward (UTAS) discussed that since the 1990s governance has become an important entity for transparency and accountability over our common marine resources, such as fisheries. While conflicts and challenges over use are unlikely to cease, innovative approaches are required to involve Indigenous peoples. For example, co-management of fisheries is becoming more popular. The example of prawn fisheries in South Australia demonstrate a softer government oversight, where governance is a framework of jointly managing the resource to include Indigenous peoples and now rests with non-government partners, such as industry bodies, Indigenous communities, researchers and others to provide on-going opportunities.

A model of good governance through joint management was highlighted by Dr Emma Lee and the results of the desktop study were shared with participants. In this process, the fishery resources, such as abalone quota held by the Tasmanian Government, can be jointly managed for multiple benefits, such as Aboriginal Tasmanian economic development and new methods of marine stewardship. The example of the first terrestrial protected area in Tasmania under joint management, the Tasmanian Wilderness World Heritage Area, demonstrated that the plan of management underwent a process of gaining state, national and international approvals that incorporated free, prior and informed consent conditions at the highest international standards for Indigenous peoples. Furthermore, the key indicators, outcomes and planning for shared governance were portable features that could be transposed to fisheries. These included developing a cultural management unit to increase employment and provide advice to government, as well as mechanisms to restore cultural practices and reconnecting to country programs to make inclusive governance a central feature of future plans.

Inclusive governance can aid in building partnerships and economic development for Indigenous peoples. For example, The Oyster Province is a locally-owned and operated native oyster business in south-east Tasmania. The angasi oyster was a mainstay of Aboriginal Tasmanian diets pre-colonisation, but the majority of beds have been destroyed with only one still existing in St Helens, east coast Tasmania. The Oyster Province highlight that the native oyster is organically grown and filter water themselves, and where the angasi reefs are an important habitat for juvenile fish populations. Furthermore, with the world's majority oyster being the Pacific oyster, the angasi can provide a resilience to species types, marketing differential and an opportunity to increase marine stewardship. There is a huge opportunity for Aboriginal Tasmanian communities to develop marine farms and harvesting, where value-adding comes in the cultural and heritage connections of angasi oysters for the market.





**Plate 14. Steve Leslie and Yvonne Young, The Oyster Province, with angasi oysters (©SamAdamsMedia).**

Yet to undertake investments, such as developmental industries of native oysters, economic and policy support is required for Aboriginal Tasmanian communities. Ms Colleen Hallmond, Department of Prime Minister and Cabinet, outlined how Closing the Gap is a national policy that has a focus on economic and social prosperity which does not necessarily rely on cultural values alone, but rather enterprises that may revolve around pure commerce, or commercial and cultural activities combined. Funding for Indigenous Protected Areas and Working on Country have ensured that Indigenous organisations have directed support for conservation outcomes, but also business enterprise. A recent initiative is the Indigenous Business Sector Strategy targeted towards establishing city-based hubs designed to act as a one-stop shop for advice and mentoring on entrepreneurship, microfinancing, joint ventures and funding to improve Supply Nation, the body that supports Indigenous engagement in, for example, government procurement policies.

Indigenous regional development is also an important part of the economic development equation. Ms Liz Bennett, Regional Development Australia, directed attention to a Regional Development national program that proactively works with broader communities to build economies, such as fisheries. The Regional Development program will establish 52 committees across Australia to determine economic and social priorities according to local need; Indigenous engagement is crucial to each of these committees. These committees can work to include Indigenous fisheries within local plans. For example, in 2017 the Australian Government committed \$225 million to 10 pilot program areas (including Tasmania) to determine a Regional Jobs and Investment Package. The Co-Investigator, Dr Emma Lee, was a member of the Tasmanian committee and was able to include ““Aboriginal Tasmanians’ land and fisheries management [to] help Aboriginal people to connect to country, while building economic opportunities” (Australian Government 2017b, p. 17) within the local plan.

The inclusion of Aboriginal Tasmanians with the local regional development investment plan came about through a renewal of Tasmanian Government interest in Aboriginal affairs. The Tasmanian Government policy and funding initiatives are part of the ‘reset the relationship’ strategy. Ms Kate Kent, Executive Director, Communities, Sport & Recreation, Department of Premier and Cabinet, advised the Workshop participants on four key objectives from the strategy that look to broadening access to programs and services; acknowledging past injustices and present day inequalities through improving the educational curriculum; strengthening connections to country and culture through building economic and job opportunities in land management; and reduce the disparity in outcomes, such as education, health and employment. One area of improvement is the Aboriginal Employment Strategy, to be released in May 2018, to support a three per cent public service-wide employment

target, while another is to foster housing and essential services independence on Flinders and Cape Barren Islands over a ten-year period.

The Aboriginal Education Services of the Tasmanian Department of Education auspices the ‘reset the relationship’ improvements to the curriculum. Perhaps key in aiding increases in Indigenous research, leadership, policy and funding uptake, fishery management and governance, regional development and equity in government programs is to develop shared futures and knowledge of the past through education. Mr Todd Sculthorpe and Ms Nikki Brannigan presented a sneak preview of the new Aboriginal education platform that will be rolled out to all Tasmanian schools, called The Orb (<https://www.theorb.tas.gov.au/>). The platform is a web-based initiative that includes multi-media vignettes of Aboriginal Tasmanian cultural practices, methods, resources, knowledges and communities on a range of subjects, beginning with ochre, stone tools, dance and connection to country. There is now a mandate for all teachers to engage in Aboriginal Tasmanian history and cultures and a connection of content to, for example, science where simplified resources are now accessible globally through the initiative.



**Plate 15. Todd Sculthorpe and Nikki Brannigan, Aboriginal Education Services, Department of Education (©SamAdamsMedia).**

It is these positive attributes - from a web-based educational resource to harvesting native oysters to inclusive research, policy and governance - that is informing a new approach to gaining rights and access to marine resources for Aboriginal Tasmanians. The demonstration of goodwill and understanding the benefits of establishing a market for cultural fisheries was demonstrated through both the presentations and the historic lunch of Indigenous wild-catch to set a consensus and collegial mode for negotiating those rights through the Tasmanian fisheries legislation, regulation and policy. It is now up to Aboriginal Tasmanians to decide upon the pathways to inhabit and occupy those rights for communities’ benefits and working together to boost regional development and sea country stewardship.

Where the rubber hits the road now rests with working with the Tasmanian Government, specifically DPIPWE, to articulate the barriers and opportunities, benefits and pathways of Aboriginal Tasmanian cultural fisheries. The Workshop session from DPIPWE was vitally important and informs the remainder of this section. The DPIPWE representatives who presented are Mr Mark Sayer, Deputy Secretary for Agrigrowth, and Mr Grant Pullen, Acting Director, Marine Resources.

### 3.1 DPIPWE Workshop presentation

In his opening address Mark Sayer stated that there was a shared understanding across sectors and Aboriginal Tasmanians regarding the conundrum of how to improve the access to seafood for tourists and a local market. One immediate difficulty is that high-premium value seafood, such as abalone and rock lobster, is structured for export and in 2015-16 total exports were valued at \$189 million to 21 countries (DPIPWE n.d.). A further issue is one of total allowable catch; there is not enough product, particularly wild-catch, to satisfy all aspirations.

Wild-catch is under stress from several areas including commercial activity, increasing recreational fisheries, technological advances, climate change and increased tourism visitation. This stress collides with the fact that total allowable catch does not increase in line with these pressures, therefore competing interests and conflicts must be managed within the existing resources and legislative requirements. All legislative interests regarding fisheries is conducted under, and in line with the objectives of, the *Living Marine Resources Management Act 1995* ('Act').



**Plate 16. Grant Pullen and Mark Sayer, DPIPWE; Mr Mark Sayer (©SamAdamsMedia).**

Under the Act, there are three major parts of the total allowable catch that fishery resources can be extracted from – commercial, recreational and cultural (Figure 2). The total allowable catch ‘pie’ is not divided evenly, where commercial and recreational activities are granted larger slices of the pie.

## LIVING MARINE RESOURCES MANAGEMENT ACT 1995 - SECT 96

### 96. Allocation of total allowable catch

#### LIVING MARINE RESOURCES MANAGEMENT ACT 1995 - SECT 96

##### 96. Allocation of total allowable catch

A management plan that incorporates a total allowable catch for a species or class of fish may provide for that catch to be allocated among any or any combination of the following:

- (a) persons holding a licence to take fish of that species or class;
- (b) persons holding another kind of licence;
- (c) persons engaging in recreational fishing;
- (d) Aborigines engaging in Aboriginal activities.

**Figure 2. The allocation of total allowable catch under the *Living Marine Resources Management Act 1995*.**

Currently, under the existing management plans for cultural keystone species, such as abalone and rock lobster, which should allocate a percentage of total allowable catch to Aboriginal activities, none of these plans have set aside a quota for Aboriginal activities. The bodies who are responsible for developing and approving the management plans have not seen fit to incorporate a portion of catch towards Aboriginal activities. No data is available as to why this has occurred, nor does there seem to be a driver for Indigenous inclusion, such as having Aboriginal Tasmanian members sit on the committees for each of the high-value species. This is a major governance failure to ensure equity for Aboriginal Tasmanians to participate in management of culturally important species.

However, under Schedule 3A of the Act there are exemptions for Aboriginal Tasmanians for prescribed fish for the definition of an Aboriginal activity. Unfortunately, high-value wild-catch such as abalone and rock lobster are not included; the list relates only to shells that can be used in the manufacture and sale of shell necklaces. Although all species of seagrass, seaweed and other aquatic vascular plants are also included within the Schedule.

Both Grant Pullen and Mark Sayer made clear that the Act is part of the Westminster system of government that allows for changes and public consultation. Mechanisms for reviews of the Act exist and through publication consultation an understanding of community expectation can occur. Figure 3 outlines the objectives of the Act, where parts (c) and (d) relate to community needs and interests.

## LIVING MARINE RESOURCES MANAGEMENT ACT 1995 - SECT 7 7. Purpose and objectives

### LIVING MARINE RESOURCES MANAGEMENT ACT 1995 - SECT 7

#### 7. Purpose and objectives

(1) The purpose of this Act is to achieve sustainable development of living marine resources having regard to the need to –

- (a) increase the community's understanding of the integrity of the ecosystem upon which fisheries depend; and
- (b) provide and maintain sustainability of living marine resources; and
- (ba) take account of a corresponding law; and
- (c) take account of the community's needs in respect of living marine resources; and
- (d) take account of the community's interests in living marine resources.

#### **Figure 3. Objectives of the *Living Marine Resources Management Act 1995*.**

Community interests and needs also include Aboriginal Tasmanians and should have an avenue to make recommendations for the Minister to consider. The Act allows for Ministerial decisions and other government policy, such as 'reset the relationship' or Closing the Gap, when making fisheries decisions. However, the case must be made that any changes to the Act or division of the total allowable catch must have benefit to fisheries, communities and marine environments.

Both Grant Pullen and Mark Sayer discussed the opportunities that the 'pie' represents to Aboriginal Tasmanians. It is necessary that the claims for Aboriginal Tasmanian engagement in fisheries are clarified as to whether the Aboriginal activities are purely cultural or a combination of commercial and cultural. Commercial activities are an opportunity to invest in Aboriginal Tasmanian social

capital, however, when tied to cultural activities there is a greater imperative that the returns on investment are directed towards community economic development and benefit.

The government, however, is not yet in a position to accommodate participation by Aboriginal Tasmanian communities under a commercial interest that includes cultural activities. This is one area that requires improvement and understanding. An example of some of the structural issues for government to grapple with was given by Mark Sayer. In 2016 Dr Emma Lee, alongside *melythina tiakana warrana* Aboriginal Corporation, submitted a tender for three abalone quota units as part of the annual call for tenders. The tender was aimed at building economic development for the Corporation, incorporated research aims and cultural activities, and framed as an act of jointly managing the resource in conjunction with the government. The tender price reflected these aims and was submitted for \$1 for each unit.

The Aboriginal Tasmanian tender was rejected in favour of a private entity who purchased the units on offer for \$800,000 and where those monies were then distributed to the government's consolidated funds. In this manner, the government were constrained by instructions from the Treasury department that does not allow for the lowest dollar price, even though the social capital aims of the Corporation's tender were in line with the objects of the Act. Government planning for this eventuality of Indigenous engagement may have resulted in a different outcome that benefited Aboriginal Tasmanian communities.

In response to this example, Ms Tracey Dillon, CEO of South Eastern Tasmanian Aboriginal Corporation, stated that measures in the health and aged sectors accommodate lower pricing tenders for equity and in recognition of disadvantage. These measures have occurred for the past 25 years and could act as a model to be adopted for fishery quota.

Other questions were directed at trying to understand how there seems to be community goodwill towards Aboriginal Tasmanian cultural fisheries, however there are blockages in moving forward. In response, comments were made in how to manage vested interests already occupying the total allowable catch and proposals to incorporate changes and Aboriginal Tasmanian engagement have not been tested before and may bring unforeseen implications. In answering further questions about the government and broader community conversations regarding how often and by whom the issue of Aboriginal Tasmanian fisheries is forwarded, the response was given that pathways and opportunities to investigate the legislative barriers hardly ever arises in the current policy environment and formats. What is required is a body, such as an Indigenous Fishery Advisory Committee, to make visible and articulate the issues, benefits and structures that will aid Aboriginal Tasmanians in furthering access to the resources. The Act would allow for the establishment of an Indigenous Fishery Advisory Committee under Section 27 (Figure 4).

## LIVING MARINE RESOURCES MANAGEMENT ACT 1995 - SECT 27

### 27. Advisory committees

#### LIVING MARINE RESOURCES MANAGEMENT ACT 1995 - SECT 27

##### 27. Advisory committees

- (1) The Minister may establish advisory committees to provide information and advice to the Minister on matters related to the administration of this Act.
- (2) The Minister may appoint any person as a member of an advisory committee on any terms and conditions the Minister determines.
- (3) The Minister may abolish an advisory committee at any time.

**Figure 4. Section 27 to establish an advisory committee under the *Living Marine Resources Management Act 1995*.**

Other participant responses made to the presentation included giving examples of fishery rights from Canada and New Zealand. In Nome, Alaska, Indigenous fisheries were at risk of job losses through legislative changes. To acknowledge the cultural quota system of localised fisheries, the Alaskan Government allocated a portion of quota that came with processing conditions (<https://www.npfmc.org/community-development-program/>). The use of the cultural quota was limited to processing the product in local Indigenous fishing processing plants, thus increasing employment resilience and other cultural opportunities. In New Zealand, Māori peoples have been active commercial producers for the last two decades and were able to leverage their Treaty process as a means to gain equity. However, Māori peoples had to buy commercial quota that became available rather than the government allocating quota from other sources (see this section 4.2). Therefore, Māori peoples had options to follow a purely commercial venture or to introduce cultural activity into a commercial process for community benefit.

## 3.2 Important issues from Workshop proceedings

The Workshop brought together experts in research, policy, community development, Indigenous affairs, governance and industry to demonstrate an overall goodwill for establishing cultural fisheries. However, some immediate issues will need to be addressed before cultural fisheries can be developed further.

### **Barriers:**

- All catch derived from Aboriginal activity is outside of, and in addition to, current total allowable catch. As no management plan has quota set aside for Aboriginal activity, current permits for Aboriginal activity are contributing to stress on fishery resources. Furthermore, single Aboriginal activity permit conditions do not provide a robustness to developing a cultural food tourism industry, where conditions do not allow for on-selling of cultural catch.
- There is no mechanism enacted under the Act or within government administration for communities to be directly consulted over fishery aspirations. There is no Indigenous employment, specifically for fisheries and community development, within the Tasmanian Government or a fisheries advisory committee. Therefore, communities are frustrated that their plans, participation and solutions are unlikely to prevail in the face of other broader community interests.
- Current legislative requirements preclude Aboriginal Tasmanians from being successful in tender processes for fisheries quota, particularly at a lower cost offering for quota units in exchange for high value community development and cultural investment. Aboriginal Tasmanian communities are unlikely to have the wealth and resources to invest in government quota.
- There are poor linkages between broader policy environments, departments and Aboriginal Tasmanian communities. Cultural fisheries and fishery rights have generally been restricted to within fishery matters. Presentations from participants demonstrated that fisheries may be regarded as, for example, a regional development issue or a research issue or a social currency issue for youth participation.
- Research has highlighted a lack of entry points to engaging Indigenous Australians, particularly the conditions of when, how and with whom it is appropriate to engage with in marine scientists and other research interests. However, there are multiple avenues for engagement and opportunities to expand marine research beyond, for example, fish biology and consider multi-disciplinary areas of governance, law, traditional knowledges, etc.

## Opportunities:

- The Act has several sections that support Aboriginal Tasmanian equity, such as Section 27 that allows for a fisheries advisory committee as well as Section 96 that which is concerned with allocation of quota within management plans. It is necessarily a matter of enacting these provisions to provide an opportunity for Aboriginal Tasmanian access to resources and managed through transparent consultation.
- There is ample policy and programs from Australian and Tasmanian governments that can promote cultural fisheries and Indigenous wild-catch markets. It is a matter of the lens through which engagement and participation is viewed from, such that Aboriginal Tasmanian communities want healthy, functional and developed communities where fisheries is a component of overall planning and economic functions. It is also a matter of having investment from those governments to ensure that targeted support and knowledge is available for community planning.
- Education is crucial to growing future communities who work together for mutual benefit. The investment by the Tasmanian Government into early stage education is matched by the appetite of research to be inclusive and broaden knowledge productions away from Aboriginal Tasmanians only being an object of investigation and into leadership for multi-disciplinary outcomes.
- The upcoming expansion of the Indigenous Land Corporation remit to include rights to waters will be of benefit to Aboriginal Tasmanians to engage in buyback of quota and licences for community development. The model of buybacks does not put pressure on the current quota system and mimics the changes that occurred in New Zealand to benefit Māori peoples.
- There is goodwill from DPIPWE towards inclusion of Aboriginal Tasmanians in cultural fisheries and marine management. A positive attitude, paired with clear advice, as to what is required from Aboriginal Tasmanian advocacy to make changes could see DPIPWE taking a leadership role in populating local policy strategies, such as ‘reset the relationship’.

The next section, then, is an appraisal of the types of models and processes that can be applied to the Tasmanian context to address questions of how Aboriginal Tasmanians are engaged, and included, in future fisheries management and governance to overcome barriers and promote opportunities.

## 4.0 Models and processes for future Aboriginal Tasmanian engagement in marine resources and policy

### 4.1 Processes of Aboriginal Tasmanian engagement in cultural fisheries

#### *Background:*

There are three recommendations made here to address the issues of establishing a committee for Indigenous fisheries.

**Recommendation:**

- Establish an Indigenous Fisheries Advisory Committee to provide advice to DPIPWE and empower Aboriginal Tasmanians to forward community development through cultural fisheries.

In the Workshop interview with ABC Country Hour radio, Mr Peter Derkley of the Lufra Hotel asked the question of whether Indigenous wild-catch is more about the:

local connection, it's about empowering [Aboriginal Tasmanian] people. That's the outcome; it's almost like the fish don't matter. It's really about what we do to achieve out of this as a local community (ABC radio, 26<sup>th</sup> February 2018).

The shared experience of putting Aboriginal activity cultural catch onto a commercial venue table revealed that there are multiple opportunities for community economic development in fisheries and food tourism. However, the Workshop also revealed there are immediate barriers and planning issues to address before equity can be promoted. One of the problems is a lack of good research models and processes from which the Tasmanian Government can make decisions, particularly those emanating from Aboriginal Tasmanian communities and researchers.

In the first instance, condition-setting is necessary to make good decisions. By this, for Aboriginal Tasmanians to participate in cultural fisheries and food tourism an accountable venue for decision-making is required, populated by a diverse range of Aboriginal Tasmanians and with an evidence-based approach to articulating rights. Under the Westminster system that governs fisheries legislation, community interests and needs must be taken into Ministerial account. Therefore, conflict must be managed when new interests and needs, such as Aboriginal Tasmanian access to resources, become apparent and collide with existing private and public rights, such as existing commercial enterprises and quota.

Indigenous participants and presentations at the Workshop all highlighted that it is the right of local communities to be consulted with and make decisions that are for local community benefit, such as economic development. In this manner, the Minister can establish an advisory committee under the Act as a matter of condition-setting to furnish DPIPWE with the advice and aspirations for Aboriginal Tasmanian access to resources. The process of establishing the venue, in the form of an advisory committee, for Aboriginal Tasmanians to engage in policy and regulation work can provide evidence for community development, cultural activity and models for business enterprise that underpin resource access, such as quota.

**Recommendation:**

- An Indigenous Fisheries Advisory Committee, once established, should be tasked with strategically planning research, such as prioritising key areas of research and build development opportunities and guidelines. DPIPWE should encourage and compliment a Committee with the infrastructure to undertake research and forward an agenda of future research needs.

An Indigenous Fishery Advisory Committee can also draw together or direct the research needs to further business opportunities and social enterprises. The poor linkages between, for example, Australian Government policy and community awareness have resulted in only two Indigenous



businesses in Tasmania registered for Supply Nation out of a possible 600 sole trader and other business or social enterprise that are currently listed as Indigenous in Tasmania (Hallmond, Workshop proceedings, 21 Feb 2018). The lack of knowledge, networks and collaborations between Aboriginal Tasmanian communities and policy benefits prevents good business planning for engagement and outcomes of cultural fisheries.

Furthermore, uptake of opportunities that stem from FRDC research and similar or the opportunity to begin to advocate for research needs in Tasmania is also lacking. A dedicated Indigenous Fishery Advisory Committee can begin to fill those gaps in research that support localised traditional knowledges and management of marine resources. Given that shells for shell necklaces are explicitly regulated for Aboriginal Tasmanian production, there is little formal monitoring research of the resource. The same can be said for the lack of research around Aboriginal Tasmanian governance and sea country stewardship of resources that are captured under Aboriginal activity. The process of engaging in research to articulate the bridging of traditional knowledges and western sciences have yet to be taken advantage of, particularly where Aboriginal Tasmanians can assist in supporting export industries by providing local Indigenous wild-catch for the tourism market.

Research can also provide the models for Aboriginal Tasmanian allocation that best suit Tasmanian sustainability of resources. The process of engaging Aboriginal Tasmanians with research expertise, specifically to assist an Indigenous Fishery Advisory Committee, can provide the evidence-based assessments that the Minister requires to make decisions. Research can also provide the means upon which communities can develop business plans that flesh out projections, figures and outcomes.

DPIPWE already seeks scientific advice and research outputs from the IMAS to support policy decisions for seafood production and marine environments, therefore issues of Aboriginal Tasmanian quota allocations for cultural and commercial activities should have baseline evidence and models for sustainability and use. The current model of government-supported research can easily be adopted to assist an Indigenous Fishery Advisory Committee for good governance and better connections to evidence-based outcomes.

There is precedence in other Australian jurisdictions for the establishment of a dedicated advisory committee. In NSW, an Aboriginal Fishing Advisory Council has been established under Section 229 of their *Fisheries Management Act 1994* to provide strategic advice to the Minister for Primary Industries on issues affecting Aboriginal fishing (<https://www.dpi.nsw.gov.au/fishing/aboriginal-fishing/afac>). The Torres Strait Protected Zone (TSPZ) is an outcomes of the Torres Strait Treaty for maritime boundaries between the Torres Strait and Papua New Guinea, where the Torres Strait Regional Authority have also had an Indigenous Fisheries Advisory Committee establishes since 2010 ([http://www.tsra.gov.au/\\_data/assets/pdf\\_file/0020/8741/TSRA-Fisheries-Brochure\\_EMAIL\\_SPREAD.pdf](http://www.tsra.gov.au/_data/assets/pdf_file/0020/8741/TSRA-Fisheries-Brochure_EMAIL_SPREAD.pdf)).

### **Recommendation:**

- A review of the definition of cultural catch and Aboriginal activities needs to occur in light of progressing Aboriginal Tasmanian rights and access to marine resources. This process will aid in clarifying Aboriginal Tasmanian economic development plans for commercial operations as well as provide the individual user greater support in complying with Aboriginal activity permit conditions.

The definition of cultural catch and Aboriginal activities may need to be redefined under the guidance of an Indigenous Fishery Advisory Committee. At present, besides the manufacture of artefacts for sale, such as shell necklaces, the definition of what constitutes Aboriginal activities is not clear. While there is benefit to Aboriginal Tasmanian communities that onerous definitions are not applied

to Aboriginal activities and allow scope for developmental industries, some oversight would be helpful to manage marine resources. For example, the *Nature Conservation Act 2002* allows for hunting, fishing and gathering, such as the taking of seals, on Aboriginal lands for personal use based upon cultural customs generationally transmitted. However, these provisions are not included under the *Living Marine Resources Management Act 1995*.

Furthermore, the fishing rights under the *Nature Conservation Act* may be more appropriately linked to the *Living Marine Resources Management Act 1995*. Cultural catch activities may be broader than just marine resources and take in species such as muttonbirds and seals. The definition of cultural activity under fisheries, then, may be expanded to hunting and gathering activities, rather than purely fishery activities.

Moreover, cultural catch may need to be redefined under co-mingling of commercial and cultural activities. Where purely commercial activities are occurring under community economic development activities, this does not preclude the activity being immersed or defined by the cultural inputs. Therefore cultural catch and cultural practices that underpin Aboriginal activities may be more than individuals engaging in rights and may reflect the thematic of fisheries management under commercial operations.

## 4.2 Models of Aboriginal Tasmanian engagement in cultural fisheries

This section presents three types of models that can be considered by the Minister in conjunction with an Indigenous Fisheries Advisory Committee to provide equity to Aboriginal Tasmanians in gaining access to marine resources. Each of these models can exist in isolation or a combination, such that joint management (Model 3) may lead to handback (Model 1) or buyback (Model 2) of fishery quota. What is envisaged here is a staged approach of testing and sorting the models that are most appropriate for ‘fit’ to initial aspirations of Aboriginal Tasmanian communities and then building on initial gains, where, for example, joint management does not lock-in particular methods of fishery rights, but may lead to their eventuality, such as handback.

### **Model 1 – handback:**

This model would replicate the intent of the *Aboriginal Lands Act 1995*, where a straight agreement to return assets and titles to Aboriginal Tasmanians would occur. The *Aboriginal Lands Act 1995* was created to ‘promote reconciliation with the Tasmanian Aboriginal community by granting Aboriginal people certain parcels of land of historic or cultural significance’ and 12 parcels of land were handed back to communities upon commencement of the Act (Lee 2016). Under this model, reconciliation is the main intent to promote understanding of past injustices and present day inequalities. The handback of commercial fishery assets would include quota units for high-value species, such as lobster and abalone. For example, there are currently 40 quota units for abalone held by the Tasmanian Government and tendered each year for private company leasing. These units, commonly known as the ‘Furneaux group’, can encompass the bulk of an agreement between the Tasmanian Government and Aboriginal Tasmanian communities to handback assets as an act of reconciliation.

Currently, all handback of assets and titles are held in trust by the Aboriginal Land Council of Tasmania (ALCT), the administrative body with statutory responsibilities to discharge and manage the *Aboriginal Lands Act 1995*. The ALCT is then meant to devolve management responsibility to the nearest Aboriginal community or group to that title parcel. The majority of land parcels are now held as Indigenous Protected Areas, where conservation is the key focus of the asset. Yet these only

return small-scale benefits back to the smallest number of communities, due to the lack of funding and partnership diversity, remote and small size, and low infrastructure, such as tourism facilities (Lee 2016).

However, major reform to the Act, especially the governance body of ALCT, is required and a review has begun by the Tasmanian Government under the ‘reset the relationship’ strategy (Kate Kent, Workshop proceedings, February 2018). At present there is no requirement from ALCT to make public their annual reports or provide to government advice on activities undertaken. Furthermore, the requirement of ALCT to act as a representative voice for Aboriginal Tasmanians has not translated into high volume membership of the organisation, where in 2015 ALCT had restricted membership to just 537 voting members (Tasmanian Electoral Commission, pers. comm. January 2015). The majority of the ALCT members belong to an organisation called the Tasmanian Aboriginal Corporation which has consistently denied membership or identity to other Aboriginal Tasmanians (Marks 2013). Therefore, there would be deep community concern about the ability, transparency and accountability of the ALCT to manage diverse and broad Aboriginal communities benefit if a handback were to occur without policy and legislative reform to the *Aboriginal Lands Act 1995*. However, the theme of recognition and reconciliation that infuses the *Aboriginal Lands Act 1995* is appropriate to apply to fishery equity.

## **Model 2 – buyback:**

This model would see the purchase of existing quota through buyback to Indigenous communities, generally funded by government grants. For example, in June 2017 the Australian Government provided a \$5 million grant to the New South Wales Aboriginal Land Council for the purchase of fishing licences, both freshwater and saltwater (NSWALC 2017). These licences will assist Indigenous communities to engage in a variety of activities relating to commercial and cultural fisheries for economic development. Buy-back of fishing quota for high-value species, such as lobster, has also occurred in the Torres Strait over the past 10 years (Lalancette 2017) and has aided in providing a basis for continuing cultural economies, although further funding and resource investment in supporting the Indigenous fleet is needed to maximise these gains (Hutton et al 2016).

The Australian Government announced during the Workshop that the remit for the Indigenous Land Corporation (ILC) would be expanded to include sea rights. The ILC is an Australian Government statutory body that holds funds for land purchases to communities that would not otherwise be eligible for native title. The introduction of legislation in 2018 to the Australian Parliament to expand the scope of the ILC for incorporating sea country rights will allow the purchase of quota and fishing licences. This will benefit Aboriginal Tasmanian communities as native title is unlikely to occur, given the historical events of round-ups that saw populations being removed to Flinders Island in the 1830s (Lee 2016). Furthermore, any ILC purchase on behalf of communities comes with a caveat that prohibits the on-sale of assets. With a moratorium on selling assets, an ILC purchase for the buyback of commercial licences and quota will aid long-term planning and the building of economic wealth for local communities.

A well-known example of large-scale buybacks and government grants to support purchase of quota is found in New Zealand. In 1986, New Zealand fisheries transformed under new management into a Quota Management System, similar to Australia’s, for high-value species. At the time, the models for quota did not include Māori rights and access to the resource. An inquiry and negotiation led to an agreement in 1989 that saw the government buyback ten per cent of all fishery quota, at a cost of \$NZ42.2 million to be provided to Māori peoples (Sissenwine & Mace 1992). This scheme also included twenty per cent of quota for any species not yet added to quota management, a cash settlement of \$NZD10 million and a corporation structure to manage the licences (Hale & Rude 2017; Sissenwine & Mace 1992).

Further agreements in 2002 saw the government invest another \$NZD20 million and a greater increase of quota to be directly held by iwi (the structure for Indigenous community governance) (Hale & Rude 2017), where, at the time, the allocation of fisheries was valued in the region of \$NZ800 million (Newth 2001). Māori peoples now own between 30 and 50 per cent of all total quota units available and the share dividends and company profits of the Moana New Zealand Limited Corporation, jointly owned by 58 iwi organisations, and Sealord Limited was valued in 2016 as key assets worth \$NZD425 million (Hale & Rude 2017, p. 123-24).

For this model, buybacks could occur as both an inalienable title, where ILC purchases or government grants are made, and can include freehold rights to on-sell, lease or asset manage the licences according to community socio-economic planning. The benefits of a purely commercial manner in dealing with fishing rights, such as the Māori model, has ‘served to boost institutional development of iwi...and enabled funding of culturally important activities’ (Hale & Rude 2017, p. 28). Therefore, commercial investment has allowed unfettered cultural strengths and reconnections to country as important outcomes of regional development. More so, the rights of each iwi to negotiate and expend funding to their local needs is a consensus model of self-determination and socio-economic activity.

### **Model 3 – joint management:**

Joint management is a highly regarded model by Co-Investigator, Dr Emma Lee, to manage Aboriginal Tasmanian cultural and commercial fisheries. In Part One of ‘Wave to Plate’ and the desktop review, joint management was positively reviewed where the experience of sharing governance over resources is already a Tasmanian Government priority for terrestrial protected areas under ‘Reset the Relationship’. Furthermore, the first joint management plan in 2016 for the Tasmanian Wilderness World Heritage Area (TWWHA) had been reviewed through three levels of approval, including state, national and international governing bodies, and exceeded international best practice for consultation and free, prior and informed consent conditions for Indigenous peoples (UNESCO 2016).

During the Workshop, Dr Lee’s presentation included an overview of governance strengths for the TWWHA plan that are portable to potential fisheries joint management. These include key desired outcomes from the Plan of Management (DPIPWE 2016, pp. 106-107) that can be applied to future plans of joint management over quota and licences:

- *4.1: Management of Aboriginal cultural values...is undertaken through a joint management governance arrangement that is supported by a dedicated unit within DPIPWE;*
- *4.7: A range of opportunities is provided for Aboriginal people to access...resources, to pursue cultural activities and to actively participate in management of the area;*
- *4.9: Baseline funding for the management of Aboriginal cultural values...is sufficient to implement the measures provided by the Management Plan.*

Furthermore, the governance of joint management would be held within a fisheries management group, board or council of DPIPWE that works to:

- provide advice about the management of Tasmanian Aboriginal sea country values;
- policy development and planning;
- facilitating research, monitoring and evaluation;

- coordinating and facilitating engagement with Tasmanian Aboriginal people, and advancing of joint management arrangements; and
- implementing the relevant actions and policies in any management plan for Aboriginal Tasmanian cultural fisheries, including reviews and reports on progress of achievements and future needs.

Joint management of fisheries is the preferred governance structure for Inuvialuit First Nations People of Canada, where a joint management board is shared between community members, government representatives and an independent chair (Ayles et al 2016). The joint management agreement limits large-scale commercial operations in favour of Inuvialuit cultural rights, where the goals are to conserve Inuvialuit culture and values, enable equity in socio-economic development and protect Arctic environment and sustainability (Ayles et al 2016). Furthermore, the joint management arrangement acts as bridging mechanism between science and politics, researchers and resource users, and is a cooperative arrangement that promotes knowledge-sharing, Indigenous leadership and low-conflict negotiation processes (Ayles et al 2016). In this manner, joint management recognises the rights of Inuvialuit, but does not dispossess other users, stakeholders and interests from enjoining the process of managing fisheries.

In Okinawa, Japan, a similar process of the social functions of joint management exist between customary and migrant fishers. Sugimoto (2016, p. 8) defines the process of ‘*kousai*’ as relationship based trade activities in fisheries and is characterised by reciprocity and a “good, continuous social relationship”, which, when a “social relationship breaks, *kousai* stops as well”. Thus joint management and relationship-driven functions offers opportunities beyond sole commercial gain.

In this manner, the Furneaux group of abalone quota would be the asset that can be jointly managed by Aboriginal Tasmanians, the Tasmanian Government and other partners that are decided upon by Aboriginal Tasmanians. The framework for joint management can be forwarded by the Indigenous Fisheries Advisory Committee and derive working models by engaging in research and broader community interests in investing in conservation of sea country, sustainability of resources and community economic development.

Joint management may also be viewed as a staged approach towards handback or buybacks. By this, joint management can act as the mechanism and framework for condition-setting, providing the means of testing models for community development and benefits, integrating knowledge networks and collaborations with partners, and implementing access to resources in the first instance. The opportunity to begin with the Furneaux Group abalone quota to develop the framework for joint management is a desirable entity that can demonstrate the breadth of Aboriginal Tasmanian leadership to promote sea country stewardship while establishing social enterprises dedicated to cultural fisheries and extensions, such as food tourism.

### 4.3 Overview of models and processes for fishery management

The process of forming a proposed Indigenous Fisheries Advisory Committee establishes the intent of the Tasmanian Government to work in a collegial manner with Aboriginal Tasmanians to promote and furnish access to marine resources. Furthermore, a proposed Committee is able to address governance issues of transparency, accountability, fairness and effective management of a resource by having broad and diverse representation of Aboriginal Tasmanian communities and their members. The Minister is then able to take into account community needs and interests when making decisions and be assured the process of engagement and consultation is undertaken in an equitable manner. The Committee can also direct research areas to provide the members with evidence-based assessments regarding access to resources and community economic development benefit. Research results,

together with an expanding right to articulate Aboriginal Tasmanian fishery and marine aspirations, may provide a deeper understanding and a new clarity over the definition of cultural and commercial fisheries, specifically as they relate to Aboriginal activities.

An Indigenous Fisheries Advisory Committee can also debate the merits of particular models for the access to resources. Three types of models are listed here – handback, buyback and joint management – and each have their own merits. However, there may be other models that are applicable and appropriate to the Tasmanian setting that have not been investigated here and which would be the purview of the Committee to settle upon. Each of these models have implicitly put forward a mode of community-held quota or licence. This is an important distinction and mode of addressing past injustice and present-day inequality. The benefits of a community-owned process mean the investment flows back to community-driven engagement, cultural practice, economic development and marine stewardship. It is the right of localised communities to make decisions in their collective best interest and where self-determining processes can occur, particularly in long-term socio-economic development programs and outputs. While a community-held quota or licence does not preclude individual Aboriginal Tasmanians from purchasing their own commercial quota as an individual business or social enterprise, this is a different matter from a community-owned asset.

Under the joint management model the two parts of good governance come together: an Indigenous Fisheries Advisory Committee to provide oversight and advice and a management group within DPIPWE to prepare plans, facilitate consultation and engagement, and implement key development outcomes. If changes are to be made to fisheries regulation and access, then new principles are required to guide good decision-making. Where management then becomes transformed into governance, such that individual quotas become a community-owned quota, tools are required for success (Berkes 2012). These tools may include adaptive management, inclusive and integrated approaches, and the role of traditional knowledges in bridging gaps (Mustonen et al 2013). Joint management and good governance functions can be the arena to develop these tools and principles to address change and develop robust processes that ensure the health and sustainability of communities and their resources.

## 5.0 Conclusion

This second stage of ‘Wave to Plate’ has outlined the processes and outcomes of holding an Indigenous Fisheries Workshop. There have been three broad areas of material reporting: the barriers and opportunities of network chains in supplying Indigenous wild-catch into commercial venues, the Workshop outcomes, and models and processes of forwarding Aboriginal Tasmanian engagement and access to fishery resources.

An objective of ‘Wave to Plate’ was to investigate the network chain for supplying Indigenous wild-catch to a commercial venue. This objective was managed through the holding of an Indigenous Fisheries Workshop, where a historic first – serving abalone through an Aboriginal activity permit that prohibits on-sale of product – demonstrated the barriers and opportunities of current fisheries regulation and policy.

The historic occasion of the Indigenous wild-catch being served under an Aboriginal activity permit for the Workshop lunch demonstrated how network chains can provide opportunities to improve employment and business acumen together with increasing pride in recovery, or continuance, of cultural practices. While there are barriers to building cultural fishery and food tourism enterprise under the current regulatory environment of Aboriginal activities, there is nothing insurmountable that cannot be accounted for under good evidence-based approaches for change. Much of the *Living Marine Resources Management Act 1995* has provisions to make these changes, such as setting aside quota for Aboriginal activities under management plans for all quota managed fisheries. In this

manner, total allowable catch under Aboriginal activity can begin to be regulated, rather than operating outside of current quota.

Another objective for ‘Wave to Plate’ was the testing of successful Tasmanian terrestrial models to the application of cultural fisheries. The Workshop highlighted many of the same aspirations and models for good governance that is reflected in the new Tasmanian Government policy, that of ‘reset the relationship’, in which Aboriginal Tasmanians have the right to negotiate outcomes for their local communities and to participate in regional development according to self-determining needs. The two objectives of creating good governance for establishing a market for cultural fisheries and the investigation of network chains link to specific project findings, such as the call for a proposed advisory body and the types of models for engagement in cultural fisheries.

The process of establishing a proposed Indigenous Fisheries Advisory Committee is critical to forwarding an Aboriginal Tasmanian politic directed at community benefit and premised upon good working relationships with the Tasmanian Government and other stakeholders. Research is also recommended as a function of any Committee to provide the members with appropriate advice upon which to make decisions. These good decision-making processes in turn aid the Minister to make clear directions for future engagement in including Aboriginal Tasmanians within fishery management and governance outcomes.

The brief overview of three types of models to begin the process of a genuine commitment from government to Aboriginal Tasmanian communities’ participation in cultural fisheries demonstrates that a range of options can be called upon to decide future directions. In the end, it will be up to the members of a proposed Indigenous Fisheries Advisory Committee to consult with their own communities and provide a consensus-driven model that determines the best model, or models, that should be adopted. However, it is an imperative that models are framed by community-owned or managed quota to provide the greatest source of shared benefit for localised socio-economic development tied to cultural outcomes.

It is apparent that the Workshop and attendant outcomes have provided a new impetus to work together to maintain a sustainable fisheries industry in Tasmania. What remains to be seen is whether the initial, positive impressions can hold in the long-term while the details of engagement and participation are organised. If Aboriginal Tasmanians can hold fast while others, such as the Tasmanian Government and industry bodies, accommodate new community needs and interests then the basis for a trusting, reciprocal and mutually beneficial relationship will have been developed.

# Part Three: Trialling 'Wave to Plate' concept



## 1.0 Introduction to Part Three

This section introduces the third objective of ‘Wave to Plate’, which is to assess cultural fishery extensions within commercial operations and determine best practice for government and industry partners. The previous sections outlined a desktop report for good governance in establishing a market for cultural fisheries in Tasmania and was delivered to partners and other interested stakeholders at an Indigenous Fisheries Workshop held in February 2018 to explore the network chain opportunities for Aboriginal Tasmanian involvement in food tourism. The aim of the objective is to trial the ‘Wave to Plate’ concept with commercial partners and test a public appetite for cultural fisheries. The outcomes of the trial will help determine best practice and examine the issues raised for future establishment of cultural fishery markets in Tasmania.

### 1.1 Methodology

The methodology for this section starts with an invitation from a Workshop attendee, Ms Jo Cook, who is the food curator for the Dark Mofo Winter Feast, part of the Museum of Old and New Art (MONA) brand events, and embed the ‘Wave to Plate’ concept within a wider, more complex setting of the arts, including a food festival. The Workshop achieved an aim of building relationships and networks with potential commercial partners, in which the concept of cultural fisheries was valued for the opportunities to tell different stories about seafood, work with other Tasmanians to learn together and to promote Indigenous-led research.

The methods to formulate the trial were premised upon discussions between Co-Investigator Dr Emma Lee and Ms Jo Cook to create an arena for broad-scale involvement from Aboriginal Tasmanian communities and undertake a new type of event within the Dark Mofo Winter Feast. While the community member organisations of TRACA have been the prevalent partners, the trial aimed to include other Aboriginal Tasmanians who may not be part of the network. An inclusive framework to draw together as many interested rights holders from Aboriginal Tasmanian communities and families has been a lead thematic in the trial.

An important method was the creation of a new format within the Dark Mofo Winter Feast festival was proposed by Jo Cook to create a safe space for Aboriginal Tasmanian participation, limit the numbers of people to balance the harvest amounts of Indigenous wild-catch and dedicate time to the process of sharing cultural knowledges with paying guests. This methodology also included working closely with non-Indigenous chefs to explore how two-way learning may occur in food tourism and festival settings.

Participants were chosen by Dr Lee and Ms Cook on the basis of prior connection to the ‘Wave to Plate’ project, such as TRACA members engaged with the Workshop, and past experiences with Dark Mofo, such as previous stallholders. In the first instance, phone calls were made to possible participants to gauge interest and availability, with a follow-up email outlining the program of events sent for final confirmation of attendance. At all stages in finding Aboriginal Tasmanians and others to undertake the trial, it was made clear that the Dark Mofo Winter Feast space would be a coming together within a culturally safe space to both teach and learn from cultural practices. Aboriginal Tasmanian participants and the non-Indigenous chefs would be paid for their time to participate, which occurred under grant funding received.

## 1.2 Aims of 'Wave to Plate' trial

The purpose of the trial of the 'Wave to Plate' concept was to:

- present Indigenous wild-catch to a broader audience of paying guests, including national and international visitors;
- test the conditions and support for intensive and large-scale culturally-based food tourism and community development;
- provide a venue for Aboriginal Tasmanians to articulate aspirations, needs and supports required to maintain and strengthen cultural fisheries;
- scale up the issues surrounding Indigenous wild-catch, caught under an Aboriginal activity permit, to be served within a major food festival;
- pilot a program of Aboriginal Tasmanians working with non-Indigenous peoples, such as chefs and Winter Feast organisers, within a setting of private industry; and
- develop the relationships and networks that allow the continuation of Aboriginal Tasmanian engagement with Dark Mofo's Winter Feast, and by extension, MONA.

## 2.0 MONA, Dark Mofo and festival work

The institution that is MONA has its roots in a Hobart vineyard that David Walsh, MONA owner, bought in 1996 (Lehman & Leighton 2010). The Moorilla Estate winery comprised vineyards, a restaurant and pavilions, which became the home of the newly designed MONA building, opened in 2011, and associated with the MONA that is world renowned today (Lehman & Leighton 2010). MONA has developed a series of brands tied to art, food, wine, music and festivals, where the first – MONA FOMA – was a music festival launched in January 2009 as an annual event (Arts Tasmania 2009). A partner festival, Dark Mofo, was developed in 2013 as an arts, music and food festival to take advantage of the winter solstice and held in June each year in Hobart (Cuthbertson 2013). A core part of Dark Mofo is the Winter Feast, dedicated to stalls, local and invited chefs and a focus on Tasmanian fare (Rout 2015). In 2017, the Winter Feast attracted 10,000 people per night over seven nights of the food festival (Young 2017).

MONA is a big deal. It is a cultural institution that regularly rates as the world's best museum and art gallery (Gill 2015). It is a giving behemoth that, with its tourism draw, contributes hundreds of millions of dollars annually to Tasmania's economy (Bearup 2017). It is a collaboration enterprise that works with tourism industries, government sponsorship and private enterprise to create new platforms for tourism, arts, hospitality and other spin-offs (Ryan 2016). On the flip side, MONA is often criticised for being a soulless and irreverent place (Coslovich 2011), responsible for local art gallery closures (Ryan 2016) and is more hagiographic rather than charitable, particularly to the local and poorer neighbour suburbs (Booth 2018). Yet MONA has shown some sense of grander civic responsibility, such as their support of an Aboriginal Tasmanian precinct at the Macquarie Point redevelopment site that MONA holds events at as part of the Dark Mofo festival (Carlyon 2018).

For Aboriginal Tasmanians, the opportunity to hold an event at the Winter Feast is a means to engage with a broader audience that is derived from local, national and international visitors. It is also an avenue to connect with the networks, collaborations and institutional support that MONA represents. Furthermore, it is a place where legitimacy, or social license, can be derived, embedded and created

for cultural fisheries and food tourism. The support from Dark Mofo for Aboriginal Tasmanian aspirations, such as community development, museum precincts and sharing of culture through food, is a rarely investigated aspect of MONA studies.

Therefore, the invitation to join the Dark Mofo Winter Feast festivities would support several aims: to test the research thus far on establishing a market for cultural fisheries, to build a legitimacy for locally and culturally-based food tourism, to expose Aboriginal Tasmanians to potential food tourism opportunities, and to establish a partnership with Dark Mofo that may endure beyond the initial phase of welcoming Aboriginal Tasmanian engagement in 2018. In this manner, the engagement with Dark Mofo was one of many firsts – *the first time that broad-scale involvement of Aboriginal Tasmanians and organisations had occurred with Dark Mofo and MONA, the first time that a ticketed event was held separately within the Winter Feast operations and the first time that Aboriginal Tasmanian foods were introduced to the Winter Feast* (Cook pers. comm. June 2018).

## 2.1 The MONA brand and expectations

Dark Mofo is part of the MONA brand of events. The MONA brand is of “deliberately trying to be shocking and provocative...[and] does not take itself too seriously” (Walker 2016, p. 10, 14). The marketing, the graphics and the curation of the brand is a conscious turn away from prescriptive elements and towards that which is new, dynamic and fun. However, the overall message is that, as a private museum and enterprise, the branding is a part of the intellectual property of the touristic experience that MONA delivers to Hobart.

Indigenous engagement in the Dark Mofo Winter Feast must then meet an established brand and ways of doing things. However, Indigenous tourism is not always of an economic/marketing impetus but a means to “overcoming profound disadvantage” and focused on the “cultural facets of development” (Higgins-Desbiolles, Trevorrow & Sparrow 2014, p. 54). Therefore, dispossession, discrimination and disadvantage are not always playful aspects that can be subsumed to a brand built on cheekiness. Yet, without an experience of seeing the Dark Mofo and MONA brand in action, and participating as a producer of tourism knowledge rather than being the object (Chambers & Buzinde 2015), it is nigh on impossible to judge where the benefits are in belonging to a premier food festival to establish cultural fisheries and food tourism.

In this case, a conscientious decision was made to balance out the benefits and risk manage the engagement of Aboriginal Tasmanians and a cultural product for the Dark Mofo Winter Feast. By this, the decision was made by Dr Emma Lee to allow Dark Mofo to have control over the marketing, administration, logistics and non-Indigenous partners in holding a cultural fisheries event, but allowed Aboriginal Tasmanians to self-select involvement, cultural knowledges to share, Indigenous wild-catch choices, and presentation themes. As Aboriginal Tasmanian communities are exceptionally vulnerable and easily blamed if the event did not succeed, under the above arrangements it is a little harder to place failure solely at the feet of Aboriginal Tasmanians. Furthermore, event organisation of the Dark Mofo magnitude are skills that are not readily found in smaller Aboriginal community organisations. Dark Mofo has teams of professionals to manage a raft of responsibilities and this then allowed Aboriginal Tasmanians, as much as Dr Emma Lee, to learn from the experience of what it takes to create a festival from the ground up.

Another aspect that influenced the choice of participation and engagement was the trust in developing a relationship between Jo Cook and the Aboriginal Tasmanian cultural hosts for the event. The curation of a food festival involves skills that are not readily available in Aboriginal Tasmanian communities, such as promotional and marketing expertise or high-level chef/restaurant experience, and therefore participation in a new event must have a sense of guidance from already proven experts. The trust within the relationship means that feedback to improve the event, from both the cultural

production and the event organisation, can be freely shared and meaningful. A further consideration was that working together is an important characteristic of establishing cultural fisheries and food tourism. If greater social qualities of reconciliation and mutual benefit are an essential form of establishing markets for Aboriginal Tasmanians, then the process must begin by working together, trusting each other and building a means to create a social licence or legitimacy that is located in sharing and reciprocal actions between Indigenous and other Tasmanians.

## 2.2 Other supports for engagement in Dark Mofo

Part of the project underpins a commitment to broadening networks, collaborations and mutual benefits to create engagement in shifting the terms of cultural fisheries, and food tourism into market economies, regional development and multidisciplinary research approaches. Dark Mofo expected that the costs would be around \$21,500 to hold a dedicated Aboriginal Tasmanian cultural fisheries and food tourism event, with about half those costs recouped in ticket sales. However, whether successful or not, Dr Emma Lee did not want to create a situation where debt would be incurred to Dark Mofo in the process of supporting a research opportunity for gaining rights to accessing marine resources and attendant regulatory changes. By this, if Aboriginal Tasmanians could demonstrate an ability to match funds for an inaugural event and acquit a self-belief that success is possible, this attitude would create a greater equity in the process of building stronger relationships between Dark Mofo, MONA and Aboriginal Tasmanians.

Dr Emma Lee approached the Indigenous Affairs Network - Vic/Tas, Indigenous Affairs Group, Department of Prime Minister and Cabinet to assist funding of the Dark Mofo engagement through their Regional Managers Discretionary Fund – Direct Approach program. She also approached the Moondani Toombadool Centre, Swinburne University of Technology, under their Indigenous Research Funding Grant programme. Together, these bodies were able to assist in funding travel, employment costs and cultural activities to a total of \$10,000. This funding matched Dark Mofo's shortfall costs and ensured that Aboriginal Tasmanians participated from a position of strength, bringing financial assets to the event and assuming a leadership role in the organising of culturally-based tourism products.

## 2.3 Organisation of Aboriginal Tasmanian Dark Mofo event – Palawa Fire Pit

Dark Mofo's Winter Feast is a ticketed event into a series of food stalls and food experiences. A nominal fee allows entry into the Winter Feast where patrons can then purchase food and wine from the individual stallholders or guest chefs. Chefs and stallholders must have enough produce to provide seven nights of the Winter Feast, ranging across two weekends in June, and ideally serve hundreds, if not thousands, of people per night.

The inclusion of Aboriginal Tasmanians cultural fisheries, as an inaugural event and fraught with some regulatory hangovers regarding the care in ensuring that cultural catch was not on-sold, meant that Dark Mofo plumped for a smaller, more intimate event which would be more appropriate to test conditions. These conditions include creating an atmosphere for social license, ability to harvest Indigenous wild-catch, provide a culturally safe environment for Aboriginal Tasmanian cultural hosts and engage with research to lessen regulatory burdens in establishing markets for cultural fisheries and food tourism. Furthermore, Dark Mofo was unsure as to the viability of a separate ticketed event,

the uncertainty of what a cultural evening looks like and the risks managing unforeseen elements of feedback regarding a focus on Aboriginal culture.

From an Aboriginal Tasmanian perspective, a small ticketed event meant that cultural hosts could engage deeply with guests in developing confidence, skills, tourism productions and culturally appropriate means of delivering kinship, reciprocity and an enjoyment in learning histories, aspirations and culture. Feedback as to what non-Indigenous peoples are looking for in a cultural food event is more closely attended to (see Section 3.0) and an openness in sharing with a smaller crowd is attained. More so, the types of Indigenous wild-catch could be served at a sustainable level and represent the cultural message of caring for sea country by not taking too much.

Dark Mofa created an extra category within their marketing for the Aboriginal Tasmanian event. The general Winter Feast webpage advertised 'Guest chefs', 'stallholders' and 'experiences', of which the latter included the sole event of the 'Palawa Fire Pit' (see <https://darkmofa.net.au/program/dark-mofa-plus-city-of-hobart-winter-feast/>). The name 'Palawa' was used to make reference to the Aboriginal Tasmanian creation story of how the first human came to reside on the lands of Tasmania. The 'Fire Pit' represented the tangible aspect of the evening and linked to the Winter Feast branding of cooking with fire out in the open with guests then partaking in a degustation menu.

The advertising of the Palawa Fire Pit, as an experience and separate ticketed event, occurred at the same time as the general advertising of the Winter Feast. *Within two weeks of advertising, the ticketed event was sold out.* The web page then advertised that the event was sold out and a waiting list was created in the event people cancelled. Each night of the Palawa Fire Pit allowed for 25 paying guests and 5 complimentary tickets that were optioned to the cultural hosts to invite family, friends or others; where the cultural hosts did not use the full complement of tickets, the remainder were used as prizes and distributed to others, such as MONA staff.

Program

← DARK MOFO + CITY OF HOBART WINTER FEAST

# PALAWA FIRE PIT

15–17, 21–23 June

Add

Waiting list

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Program

Nightly, fireside gatherings of people and stories. Discover the traditional names of the island's bounty and tales of the catch from your Indigenous Tasmanian hosts while eating fresh seafood straight from the shell and other traditional fare made with native ingredients. Prepared by Huon Valley chefs Asher Gilding and Franca Zingler, the menu will change each night according to the hosts' recommendations. Gatherings are limited to 25 people per night. (While the menu won't cater for vegetarians and vegans, you're more than welcome to join the gathering.)

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Friday 15–Sunday 17 June, 4–5.30pm  
Thursday 21–Saturday 23 June, 4–5.30pm

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Princes Wharf 1

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\$65 + booking fee  
Includes entry to Winter Feast on the respective night

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Waiting list

Add

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Figure 5. Dark Mofo advertising of Palawa Fire Pit.

## 2.4 Supplying Dark Mofo with Indigenous wild-catch

As with the Indigenous Fisheries Workshop in February 2018, the centrepiece of the degustation menu was the Indigenous wild-catch. Three Aboriginal activity permits from DPIPWE were applied

for and two were used. Two young Aboriginal Tasmanian divers were tasked with the harvesting of the Indigenous wild-catch and a third permit was in store for an Elder who was able to step in if the young people were not able to satisfy the requirements. The young divers ably and quickly managed the permit conditions and harvest requirements of abalone and warrener, satisfying the permit requests for seafood amounts that could cover the tasting menu for up to 180 people. The third permit for the Elder was not used.

The permit holder was Dr Emma Lee by which responsibility for applying, reporting and implementing the permit conditions rested with her. The application for the permit continued to provide the research and evidence-based assessments regarding the barriers and opportunities for establishing a market for cultural fisheries in Tasmania. A continuity of research purpose has been demonstrated in the application of the permits (the Workshop and Dark Mofu permits have both been applied for by Dr Emma Lee), together with a consistent process of reporting the outcomes and findings to DPIPWE as part of the permit requirements.

The process of supplying the chefs with the wild-catch is important here for future food tourism markets. The divers delivered the wild-catch to the chefs on the days of harvest, which were then stored in commercial refrigerators. A copy of the permit conditions were also given to the chefs to ensure their security in processing, storing and preparing the wild-catch outside of regulatory interventions. Safe handling of foods is an issue associated with Indigenous wild-catch, where training and certification needs to be considered part of the process of shifting regulatory barriers to allow Aboriginal Tasmanians to engage with regional development, cultural fisheries and food tourism.

To ensure that Dark Mofu, chefs, cultural hosts and Dr Emma Lee were not at risk of justice interventions over the supply of Aboriginal activity cultural catch, great pains were taken by Dark Mofu and the cultural hosts to advertise the event as a cultural evening where the seafood was provided for free. The on-sale of cultural catch is prohibited under the *Living Marine Resources Management Act*, however a fine reading of the Act does not prohibit the sharing of Indigenous wild-catch with non-Indigenous people. Therefore, the cultural purpose of the non-commercial clauses regarding wild-catch, such that wild-catch must be for cultural, ceremonial or ritual purposes, were enhanced by the nesting of the food within a cultural evening. This allowed the cultural hosts to focus on the cultural aspects of sharing, food and family and strengthened knowledges regarding Indigenous practices.

### 3.0 Palawa Fire Pit – the success story

There were nine cultural hosts across six nights that the Palawa Fire Pit event was held. The majority of cultural hosts were drawn from TRACA membership, although other Aboriginal Tasmanians were invited and took part in the event. Two Elders participated in two nights of hosting, while the other cultural hosts undertook single evenings. The mainstays across all six nights were Dr Emma Lee, Mr Jamie Graham and two non-Indigenous chefs, Asher Gilding and Franca Zingler. Dr Emma Lee introduced the concept of the Palawa Fire Pit event, spoke about the research that initiated it, narrated cultural stories, and oversaw the event timing. Mr Jamie Graham, a young Aboriginal Tasmanian marine science undergraduate, supported the cultural hosts, chefs and developed public speaking skills through sharing culture and science knowledges of keystone species, such as abalone and crayfish, as well as discussing the bush tucker components of the degustation menu.

The two chefs were brought to the Palawa Fire Pit through their connection with Jo Cook. Based in Cygnet, they have their own catering company and had participated in Winter Feasts previously through running their own stall. Both chefs had also worked with Nita Education, an Aboriginal Tasmanian business that delivers cross-cultural training in schools and consultancy services, and who

were present to act as cultural hosts for one evening. As with the lunch at the Indigenous Fisheries Workshop, it was left to the chefs to decide the menu: there is trust developed and gained through respecting their skills, expertise and market-base knowledge of customer palates and food trends. However, the Indigenous wild-catch was central and highlighted through their dish presentations.

Under a straw poll each night, less than a third of paying guests were from Tasmania, with the rest from mainland Australia (for one evening only two guests out of 25 were locals). This was an exceptionally good circumstance to test social license across jurisdictions and draw on the similarities of the national experience regarding non-commercial use of cultural catch. Furthermore, the chefs were producing foods, cooked over an open fire, to sophisticated consumers who had high expectations of the quality of the product, such as what the Winter Feast's reputation is based upon. From the observations made by Dr Emma Lee, the expectations of the Indigenous foods from the cultural evening were not as high: this generally could be regarded as people having less experience with Indigenous people and culture, or Indigenous food tourism, than with general lifestyles of dining out.

The Palawa Fire Pit was a success as an inaugural event. The Dark Mofo Winter Feast 2018 has been a turning point for Aboriginal Tasmanian communities engaged with cultural fisheries and food tourism. Through the case study of engaging a broad range of cultural hosts from TRACA and others, and working with non-Indigenous food and festival specialists, our communities have an anchor point of what successful food tourism looks like to aspire to. We now have the networks and collaborations from the first Winter Feast event to source a wide range of product-testing opportunities, such as restaurant and catering partnerships, for community benefit.

Feedback from participants ranged from a disbelief that Indigenous wild-catch is not yet part of a market economy or that access to the resource is negligible. By this, the understanding of the impacts of colonisation on Aboriginal peoples is still yet to be fully conceived by the wider population. In being able to relate historical circumstances by introducing a novel event, such as the Palawa Fire Pit, and link to access to the fisheries resource, the cultural hosts have been able to introduce an aspect of reconciliation to understanding history.

The small size of the audience meant that real connections could be made. For example, one Elder stated *"for this moment you are all family...we share a meal, we share each other"*. It is doubtful that this statement could be made meaningful to a 100 guests at the one time. Other cultural narratives included sharing creation stories of fisheries, the arts stemming from sea country connections (such as kelp baskets and shell necklaces) and knowledges of sustainability from that law – people walked away feeling that they too had been given a little bit of knowledge to link the wild-catch being served and the creation story they heard.

A sample of the feedback to Dr Emma Lee from the guests include:

*"I was expecting a cultural evening, but I came away with so much more"*.

*"Thank you for serving a Western palate. I did not feel uncomfortable or confronted by unknown foods or cooking styles. I respect Aboriginal food and culture, but I did not want to embarrass people if I did not want to eat it"*.

*"I would like to write to Will Hodgman to support Aboriginal cultural fisheries and food tourism and regional development"*.

*"You could begin a UNESCO Biosphere Program to embed cultural activities with economies"*.

*"Needs more publicity. You should have a plan to get as much publicity as you can"*.

*"Could you please pass on our thanks to the divers and abalone gatherers"*.



*“We will dine out on these stories for years”.*

*“I wanted to know more about the bush tucker and foods”.*

The feedback regarding the presentation of foods in a Western setting was also appreciated. This guest noted that to eat Indigenous foods as traditionally cooked may not be palatable to a western diet or aesthetic; it is important to draw people into an understanding of history through their own frameworks. Therefore, in advising Aboriginal Tasmanians on future cultural fisheries and food tourism, it is important that a business venture is able to maximise its offerings, rather than trying to be overly authentic. The working together thematic of Aboriginal and other Tasmanians in presenting the food experience was also noted as a positive experience.

For the chefs, hearing the feedback regarding the cleverness of serving cultural catch to a western palate was a relief in that their anxieties about perceptions of cultural appropriation were lessened. Their experiences of working with Aboriginal Tasmanians, and for guests to see a relationship of working together, was an integral part of their presentation and production of the foods. This type of feedback gave confidence to the chefs that there is a future in working with Indigenous peoples and foods for mutual and further benefit.

Perhaps the greatest compliment regarding the food was made by Ms Kirsha Kaechele, an artist, curator and wife of David Walsh. Ms Kaechele was a special guest for the last evening of the Palawa Fire Pit and has broad experience with the Winter Feast. She stated to Dr Emma Lee that the food was “some of *the best I have eaten at Winter Feast*”. Ms Kaechele is obviously careful in her comments relating to Dark Mofo and MONA activities, therefore her statement is taken in the highest regard. Besides Ms Kaechele, an arts curator from MONA also attended during the last evening and her feedback has been gratefully received in terms of improvement. Her keen eye for presentation allowed her to think about the process of serving the foods, where the abalone served on the shell could be replicated for other dishes, rather than on paper plates. This would embed a sustainability message, reduce waste and better reflect the cultural connections of marine resources, such as having kelp or slate plates, for serving.

However, the face of cultural fisheries and food tourism is in the immediacy of the product and person. For example, for the divers who procured the Indigenous wild-catch, to be able to point them out and state that they had specifically chosen the food on their plate was an immensely gratifying experience for hosts and guests. One diver later related to Dr Emma Lee that she “*felt like a rock star with people looking in awe*” at her. In understanding that the divers had spent a combined five days in winter waters to find the best locations and ensuring the sustainability of stocks, the guests were able to pinpoint the cultural relevance to the food on the plate.

This experience, perhaps, has been the epitome of the event outcomes, where provenance is exceptionally important. Indeed, feedback from the chefs was that they personally had not seen or been part of such an event where the food procurer was present for the guests to meet and greet, especially within a cultural context of understanding Aboriginal Tasmanian culture and cultural fisheries. Aboriginal Tasmanians have been able to discover a niche element to food tourism and cultural fisheries that is currently not widespread in the south-eastern seaboard, but more well-known among Northern Australian Indigenous communities. This may be the authentic experience of food tourism, rather than a focus on the historical factual knowledge of cultural heritage and Aboriginal Tasmanians. This aligns with the feedback that the focus should be on the food, provenance and their cultural place and history, rather than random elements, such as the introduction of research or histories of colonialism that are not linked to the wild-catch and bush tucker.



**Plate 17. Entrance to Dark Mofo's Winter Feast 2018 (author supplied).**



**Plate 18. Seating arrangement with Tasmanian kangaroo and wallaby skins (author supplied).**



**Plate 19. Fourth evening of Palawa Fire Pit (author supplied).**



**Plate 20. Last evening of Palawa Fire Pit with special invited guest, Ms Kirsha Kaechele (second from left) (author supplied).**



**Plate 21. Indigenous wild-catch abalone on the shell with native herb (author supplied).**



**Plate 22. Scorched scallop, pickled bull kelp and warrigal green (author supplied).**



**Plate 23. Oysters<sup>3</sup> with eucalyptus cream, alpine mint and sea celery (author supplied).**

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<sup>3</sup> The native angasi oyster supplied by The Oyster Province was initially on the menu, however a last minute government health warning for shellfish in south-east waters meant that fresh catch could not be used.



**Plates 24 & 25. Soup of the sea – scallops, warrener, mussel, smoked fish, coastal plants (author supplied).**



**Plate 26. Sample of degustation menus (author supplied).**

### 3.1 ‘Wave to Plate’ concept

The ‘Wave to Plate’ concept is located in establishing a market for cultural fisheries in Tasmania. The pilot program of demonstrating cultural fisheries at Dark Mofo’s Winter Feast is bound within food tourism. While Indigenous tourism is spruiked by the Australian Government as an in-demand and integral part of Australian tourism offerings, research has demonstrated that there is “low awareness, preference and intention to participate in indigenous [sic] tourism experiences in Australia” (Ruhanen, Whitford & McLennan 2015, p. 73).

There are two considerations, then, that are important to embed within the Tasmanian experience that would encourage Aboriginal Tasmanians to invest resources, time and planning in cultural fisheries and food tourism. The first consideration is that to overcome the deficits of awareness, preference and intent, Indigenous food tourism must make networks and collaborations with non-Indigenous experiences, such as Dark Mofo’s Winter Feast, that have huge marketing and outreach to a broader audience. While niche festival experiences, such as a hypothetical seafood festival dedicated to Indigenous foods alone, may have initial interest and participation, the long-term viability may be at risk without major tourism, marketing and other supports.

A second consideration is that Indigenous food tourism cannot act as a stand-alone format, but must be tied to a genuine cultural activity with attendant rights, such as cultural fisheries. By this, cultural fisheries are an industry that have continued in Tasmania for thousands of years: in and of itself, fisheries will always be of great importance (Cane 2013; *tebrakunna* country and Lee 2019). Therefore, Aboriginal Tasmanians can choose to accentuate the opportunities of tourism extensions, or not, but the practice of our fisheries is the core thematic. Cultural fisheries are the central proposition in ‘Wave to Plate’ and the continuation (and recovery) of practices, knowledges and traditions to ensure a sustainability of stock and cultural connection to sea country is paramount. Fisheries can open up multiple opportunities for community development, where food tourism is but one choice. Thus, the focus must be on the rights to resources and equity in regulatory environments for fisheries, rather than a sole investment in tourism (*tebrakunna* country and Lee 2018).

However, food tourism has been marked by the project as the most viable means in which to demonstrate the barriers and opportunities to establishing a market for cultural fisheries in Tasmania and gain social licence to change regulation and access to resources. For the cultural hosts, food tourism at the Winter Feast has been a collegial mechanism to develop relationships with the broader hospitality and festival industry. The exposure to marketing and publicity, high-level chefs, types of consumers, festival activities and organising staff has provided a space for Aboriginal Tasmanian individuals and organisations to build capacity and see potential in building community development in cultural fisheries and food tourism. More importantly, Dark Mofo have invited Aboriginal Tasmanians to participate in the Winter Feast 2019 and continue the cultural fisheries and food tourism thematic (Cook pers. comm. 2018).

### 4.0 Conclusion

The trial of ‘Wave to Plate’ has provided an evidence-based assessment to the furthering of Aboriginal Tasmanian rights to cultural fisheries, particularly access to resources such as abalone. This work underpins the third objective of the project to investigate cultural fishery extensions with commercial partners and has demonstrated that principles of joint management, such as working together or two-way learning between Indigenous and other Tasmanians, can be successful and provide new marketing and promotional opportunities for local food tourism.

The successful trial has also confirmed desktop findings that policy settings around the on-sale of cultural catch, while not circumvented here, are both barrier and opportunity to establishing a market for cultural fisheries. By this, the regulation requirements that Aboriginal activity permits are premised upon cultural, ceremonial or ritual purposes are an asset to the food tourism industry, however the instability that results from patchy implementation regarding the permits may detract investment from industry with Aboriginal Tasmanian partners.

The format of providing the Indigenous wild-catch followed on from the Indigenous Fisheries Workshop from February 2018, where an Aboriginal activity permit was gained to provide the Indigenous wild-catch. The provenancing of the seafood to the Aboriginal Tasmanian diver who harvested the catch was perhaps the most satisfying part of the food experience and opened up a niche food tourism aspect that can be leveraged by communities in search of a cultural fisheries advantage. Furthermore, the stories, knowledges, practices and traditions that were shared with the paying guests by the cultural hosts has framed the view of what cultural fisheries and food tourism can look like.

Indigenous leadership has been a key characteristic of the success of the Palawa Fire Pit cultural event. While the format of food tourism is largely unknown to Aboriginal Tasmanian communities, what is known and drawn upon are the cultural strengths and assets that Elders and others bring to the table as a matter of significance. Many Aboriginal Tasmanian Elders and community members have worked with the broader community to deliver cross-cultural training and similar awareness programs; it has been a matter then of tailoring those knowledges and formats to fit a food tourism enterprise. In this manner, it is the gap in skills, training, networks and collaborations with the wider industry, such as food festivals, restaurants, etc, that has been identified as the opportunity to make cultural fisheries and food tourism an established market in Tasmania.

Following on from the trial, the next section outlines business models that Aboriginal Tasmanian communities may wish to consider to forward the development of independent businesses that establish the market for cultural fisheries.



Part Four:  
Potential  
business models  
for Aboriginal  
Tasmanian  
cultural fisheries

## 1.0 Business models for cultural fisheries and food tourism

‘Wave to Plate’ has been a useful concept in fulfilling project objectives to investigate barriers and opportunities to establishing a market for cultural fisheries in Tasmania. The barriers of regulation and access to resources have elided the opportunities that would create enduring community development, cultural expertise and niche marketing that come from a healthy cultural fisheries industry. However, ‘Wave to Plate’ has made inroads in demonstrating the potential opportunities in one sector, that of food tourism. In many ways, the Palawa Fire Pit has affirmed the social license for Aboriginal Tasmanians to continue the push for fishery rights to engage and participate in regional development and partnerships on the basis of strong cultural connections to sea country and a desire to share knowledges, practices and traditions. What is now required are efforts to consolidate the initial gains and look towards business models that complement rights models, such as joint management, buyback and handback.

In reviewing business models that would be helpful to guide future development of cultural fisheries in Tasmania, it is recognised that many Indigenous organisations, businesses and corporations would fall into a category of ‘social enterprise’. de Souza João, Chiappetta Jabbour and Galina (2018, p. 143-144) define a social enterprise as:

An autonomous organization managed in a participative way and created by and for the community, with a relatively identifiable boundary, that strives to generate social wealth, and for this, produces goods and/or services that guarantee its financial viability and, consequently, its continuity.

Community is at the heart of a social enterprise and Aboriginal Tasmanian organisations and corporations generally have community wellbeing, improvement and support as a guiding vision behind their purpose. A regional development theorist, Phillip Cooke, suggests that ‘community and culture’ are a critical component that sits aside governance, economy and knowledge infrastructures in creating regional development policy frameworks (Cooke 2007). In this manner, a social enterprise that comprises Aboriginal culture and community can act as a driver for regional development. When broader policy platforms envelope the strengths and assets of an Indigenous social enterprise, the benefit flows towards economies, good governance and knowledge co-productions that can create versatile and diverse businesses that suit local conditions.

However, there are some challenges. For Indigenous peoples, a ‘quadruple’ bottom line that incorporates culture as a key indicator for community development and social enterprise is a diversity strength (Sengupta, Vieta & McMurtry 2015). A CSIRO survey from 2005 found that in Australia native foods contributed approximately \$14 million per year to the economy and yet to reach its full potential (Logue et al 2018). Yet, the Australian Government constitutional power for corporations law currently does not recognise social enterprises as a valid, stand-alone enterprise entity, where business is either for-profit or a charity (Barraket, Mason & Blain 2016; Weinert 2014). The middle ground of social enterprises, however, is not a legislative void, but rather a structure of cobbled together existing frameworks that reflect the intent of the enterprise through their internal policies, governance and purpose (Morgan 2018).

While Australian corporation law does not recognise social enterprise as stand-alone entities, an interim model may be found in cooperatives. Cooperatives are businesses owned and managed by its members and emphasise “democracy, community, equality and sustainability” (Wilson 2017, p. 1017) without the focus on shareholder primacy (Healy 2018). Across the globe, cooperatives and associations, with similar aims to social enterprises, are dedicated to Indigenous fisheries. The variety of these models include those supportive of women’s fisheries initiatives in Nigeria (Kolawole, Williamd & Awujola 2010) to territory-encompassing models in Canada (Thompson et al 2014). While some of these are beset by problems that occur in the mainstream, such as low fish prices (Thompson et al 2014), on the whole they are premised upon a cultural model of enterprise that looks

to the health of whole communities and invest cultural strengths and assets to create and keep business.

One of the strengths of Indigenous social enterprises is an ability to engage with ad hoc or impromptu business opportunities. While many Aboriginal Tasmanian enterprises are aimed at particular functions, such as health, employment, reconciliation or cultural heritage, most are called upon to fill social and educational functions that may seem disparate to the enterprise basis. For example, many Aboriginal Tasmanian organisations will be called upon to work with schools or local community groups to expand knowledge of cultural heritage and history or give a Welcome to Country at events. The culture and community aspect of regional development already operates to support other business, enterprise, policy and public function.

In this manner, it was easy for Dr Emma Lee to engage with Aboriginal Tasmanian organisations and individuals to fill the ad hoc nature of hosting a cultural event tied to food tourism. While there are no Aboriginal Tasmanian organisations or corporations solely dedicated to marketing, promoting and engaging with food tourism, it is the cultural strengths and assets of knowledges and practices, cultural heritage, research, histories and community foundations that are called into play. Leveraging off community practice to engage with a wide range of social and business functions means that Aboriginal Tasmanians are highly-skilled in tailoring services and knowledges to events. Social enterprises, then, for Aboriginal Tasmanians are well placed to engage in ad hoc businesses, drawing upon diverse organisational membership and self-selecting for interest in the product, such as food tourism. These experiences are, in turn, shared among the collective membership and provide the means to increase engagement, skill sharing, interest and abilities to take advantage of opportunities and build the social wealth that continues the enterprise. Social enterprises, however, do not preclude the necessity or viability of establishing structured, incorporated businesses that hold assets or deliver straight economic capacity.

Incorporated business structures can aid in the development of a social enterprise, such that an Indigenous registered community group may struggle to attract business partners or gain finance for investment (see Wilson 2017), such as the purchase of fishing infrastructure. While the ad hoc nature of an annual food tourism event, such as Dark Mofo's Winter Feast, has shown that an Aboriginal activity permit is the minimum requirement to participate, an on-going venture to, for example, supply a local restaurant with a continuous supply of Indigenous wild-catch cannot be operated along the same lines. Therefore, cultural fisheries will be established according to need, aspiration, resources and assets, business and social opportunities that are in line with the Aboriginal Tasmanian organisation or corporation's capacity and infrastructure. Some of the larger Aboriginal Tasmanian organisations may want to engage with business ventures that support the social enterprise by holding commercial quota, while others want regulatory barriers cleared to hold community day events or engage in smaller market shares, such as food festivals.

In this manner, a mix of business types are required to spread the benefits for cultural fisheries within regions and ensure that there is equity in the process of gaining access to the resources based upon Aboriginal Tasmanian communities' capacity to engage and aspire. Where collectives have been founded, such as TRACA, and covering all regions across the state, larger organisations may support the smaller ones in sharing resources. However, there is benefit in the positioning of TRACA to be able to advocate on behalf of all their members for access to marine resources and shifting regulatory barriers. Furthermore, the collective can share in the benefits and increase the impact of social enterprises in implementing locally-driven regional development.

In terms of policy and funding supports for business models, and recalling the Indigenous Fisheries Workshop held in February 2018, presentations were made by several Australian and Tasmanian government agencies. The overviews from Regional Development Australia and Prime Minister and Cabinet demonstrated that there are several, directed sources of support for Indigenous business, such as Supply Nation and Indigenous Business Australia, and Indigenous priorities within broader policy remits, such as Regional Development Australia. Within Prime Minister and Cabinet, the Indigenous

Networks arm is dedicated to both providing the policy frameworks for regional development and building capacity to collaborate between agencies and community organisations.

Further research is also critical to build on the capacity of Aboriginal Tasmanian organisations and corporations to develop skills and training and share cultural knowledges and practices of sustainability. Social enterprises and enduring regional development must have the knowledge co-productions to increase economic, environmental, social and cultural benefits of developing cultural fisheries. By this, the access to a resource long denied to Aboriginal Tasmanians, such as quota and licences to high-value species, must be paired with a continual engagement in research that develops best practice, skill-sharing and methodologies for stock sustainability and other multidisciplinary lenses. For example, good fisheries governance depends upon good research that continues the drive to create regulation that fits modern modes of governing resources.

A social enterprise or business venture requires the supports of research and policy initiatives to create linkages, networks and collaborations that provide the conditions for Aboriginal Tasmanians to build social wealth. Business models for Aboriginal Tasmanians to participate in cultural fisheries should have a mix of modes and inputs that suit the capacity of organisations and corporations to continue their aspirations. Working with researchers, industry, government and the broader community should be a basic remit for gaining benefit to deliver a cultural fisheries market to Tasmania.

In this manner, cultural fisheries governance, management and regulation can encompass a diversity or tiered models aimed at servicing the needs of both social enterprise and business venture. Examples are provided of what these models could look like.

## 1.1 Social enterprise model based on ad hoc engagement with cultural fisheries

‘Wave to Plate’ has demonstrated that at the smaller scale, the non-commercial regulations around cultural catch can be managed in conjunction with a cultural event. The Dark Mofo Winter Feast has shown that a ticketed event for a cultural evening can be supplied by Indigenous wild-catch through an Aboriginal activity permit when it is made clear that the food is free with the event. However, this is unsatisfactory, in terms of regulation, as the Indigenous wild-catch is harvested outside of total allowable catch; there is a lack of oversight, for example, for food handling, biotoxin awareness and generating data towards economic development; and the relationship between Aboriginal Tasmanians and partners may be put at risk if the permits are not applied or complied with correctly.

If regulation can shift to allow the on-sale of small-scale Indigenous wild-catch, such as recommended by the Productivity Commission (2016), then greater transparency, accountability and effectiveness of regulation over cultural fisheries can occur. For example, the Winter Feast has demonstrated that an annual event, such as a food festival, or community cultural event, such as NAIDOC Week and the reconciliation purposes around MannaLargenna Day, held in the north-east of Tasmania in December each year, can draw together the wider public in engaging with Aboriginal Tasmanian culture, heritage, knowledges and practices which has great social impact.

The on-sale of Indigenous wild-catch can aid in the social enterprise, such as a local Aboriginal Tasmanian organisation or corporation that is not-for-profit, to build on its educational, reconciliation or support environment, such as transmission of cultural knowledges and practices generationally, and retain the cultural element that is inherent in the current regulation that encourages Aboriginal activity permits based upon cultural, ceremonial or ritual purposes.

The small-scale cultural economy of drawing together the strengths of culture together with market economies can create a foundation for Aboriginal Tasmanian families and organisations to start

investigating, for example, the business plan requirements for up-scaling to involvement in larger enterprises, such as cultural fisheries as a commercial venture. Small-scale cultural events also provide the exposure to young people to look at future careers – anything from science to arts – that cultural fisheries might yield the aspirational basis to, such as engaging in a food festival.

In this manner, cultural fisheries is an extension of the ad hoc supply of cultural heritage and cross-cultural training services that many Aboriginal Tasmanian organisations and corporations provide to the wider community. The small-scale nature of the operations allows stronger relationships between government agencies responsible for compliance, regulation and research and communities that are building social enterprises towards durable regional development aims. Aboriginal Tasmanian organisations and corporations can work with their regional partners to then plan for programs that engage with, for example, environment conservation, education, health, housing and employment, but now they will have a mechanism for celebrating the cultural strengths and assets of the region through participating in cultural fisheries.

## 1.2 Business venture model based on commercial engagement with cultural fisheries

Large-scale business ventures in cultural fisheries cannot rely on the uncertainty of an Aboriginal activity permit to supply industry sectors, such as hospitality and tourism, on a constant basis. Furthermore, Aboriginal activity permits cannot allow a commercial business venture to flourish outside of the supports that regular bodies, such as industry councils, provide to general fishery interests. Nor would a commercial venture be able to operate outside of the broader legislation and regulation that governs quota, licencing and sustainability of fish stocks under an Aboriginal activity permit framework.

A straight business model would allow valuable add-on to the harvest, promotion and consumption of Indigenous wild-catch. By this, the cultural knowledges and traditions that guide Aboriginal Tasmanian harvesting and sustainability practices can produce additional economic value. For example, Indigenous rangers under Working on Country programs have contributed to reductions in illegal fishing, therefore increasing the value of legitimate fisheries (Farr et al 2016), while the production of arts from ghost net waste has created both awareness of marine environments and new cultural arts markets (Butler et al 2013). Furthermore, Indigenous fisheries in NSW were valued in 2006 as estimated to contribute between \$468 to \$1200 per adult per annum to economies (Gray & Altman 2006). Additional value may also be found in establishing innovation within stewardship certification that highlights Indigenous practices under labelling, country of origin and potential for a new type of marketing and promotion to support exports, such as in Indigenous shrimp industries in Canada (Foley, Okyere & Mather 2018).

While a business venture can be nested by the social enterprise of an Aboriginal Tasmanian organisation or corporation for community development, it does require additional emphasis on the broader regulatory framework of corporation legislation, etc., that creates the economic wealth and integrates Australian standards of business practice. Furthermore, the issue of the government-owned quota for high-value species, such as abalone, potentially being handed back to Aboriginal Tasmanian communities requires additional levels of business structure that replicates the process of accountability that the government currently implements.

A business venture is able to leverage greater government policy supports for regional development, such as engagement with Regional Development Australia initiatives, than a small-scale, focused, Indigenous ad hoc enterprise that sits within the realm of Indigenous policy and program funding. A community development project based on cultural fisheries is able to look further than just the cultural

enhancement; rather, a straight business venture can diversify its investments and interests into aquaculture and other licenced fishery products that do not necessarily equate with cultural practices. While cultural knowledges can help build the capacity of, for example, an aquaculture industry, they are not essential to it. However, the spillover is the profit and networks that can further support the social enterprise of an organisation or corporation that does engage with the “cultural” in cultural fisheries. An on-going business venture based upon the profits stemming from owning or jointly managing quota can also provide the room to identify the gaps between community activities and training/skills required to reduce Indigenous unemployment and social disadvantage.

Under a hypothetical condition an Aboriginal Tasmanian business venture, on the basis that access to the government-owned quota occurs, could be tested through the same sorts of tender processes currently used. If a proposed Indigenous Fisheries Advisory Committee would be established under the *Living Marine Resources Management Act*, this body could act as the advisory mechanism to deliver long-term quota to Aboriginal Tasmanian communities, either as a joint management or handback/buyback structure, and with a range of skills from its members, such as business, cultural expertise and fishing interests. It would be incumbent on Aboriginal Tasmanian communities to devise business structures and plans, partnerships, research supports and community aspirations as part of the tendering proceedings to gain advantage in seeking quota. Furthermore, the use of government-owned quota for sole Aboriginal Tasmanian use could be used as a model for procurement of government contracts. The Federal Government’s Supply Nation process has been established to create equity for Indigenous businesses in applying for government contracts. Each state and territory is then meant to shape their own policies and procedures to enhance Indigenous business interests and access to government contracts: cultural fisheries could help fill this gap.

*Potential problems through a commercial business model:* The issue of conflict resolution and appeals would need to be addressed, where communities may wish to raise concerns about a potential tendering process and need an avenue for transparent decision-making. A further issue circles back around to the landing of quota, where there is no distinguishing between Indigenous wild-catch and other commercially caught product within the processing of the harvest.

Possibly the greatest issue is potentially one of protocol inhibiting the process of commercial operations. While aquaculture is place-based, the areas for harvesting of, for example, abalone is government-determined and operators must extract from particular areas at particular times. This process will interfere with the cultural protocols of not extracting resources from another community’s country without permission or agreement.

However, a possible solution is to convert the government-owned quota into a third category of ‘cultural commercial’. By this, particular regulation and rules are created that allows communities to manage the harvesting, landing and processing within their own country. While these actions may perhaps reduce the rate of total overall catch allowed under the quota, it will ensure that Aboriginal Tasmanian sustainability and self-determination over caring for sea country are the leader themes of community development. A new model for ‘cultural commercial’ will ensure that cultural fisheries are just that – the co-mingling of economies with a cultural imperative to conserve resources are the basis upon which the activity of fisheries, occurring over thousands of years, can continue.

## 2.0 Conclusion

Two business models are suggested here to develop the pathways for food tourism – social enterprise through ad hoc means and straight commercial ventures – to speak to the experiences that Aboriginal Tasmanian communities have had and may want in managing cultural fisheries. A diversity of approaches is required to tailor to the experiences and capacity of the communities who want to engage and participate in cultural fisheries and food tourism. However, both models require

regulatory supports of good governance and policy to enable Aboriginal Tasmanian joint management or ownership of quota to continue the success that Dark Mofo's Winter Feast has created for community development.

The outcomes of 'Wave to Plate' have centred the experiences of Aboriginal Tasmanian peoples and communities to develop a cultural fisheries industry. These models have been included in the project outcomes and findings to assist Aboriginal Tasmanians in establishing pathways that deliver regional development opportunities that suit local conditions. Cultural fisheries cannot occur in a planning vacuum and this report is primarily a tool for our communities to take advantage of the opportunities that have opened up as a consequence of participating and engaging in the project methodologies of the Workshop and trial. Therefore, modelling the types of business opportunities and future development of industry-driven innovations and partnerships is a means by which communities can envisage the generational outcomes of connecting to sea country and building socio-economic wealth.

However, there is much to do to ensure that Aboriginal Tasmanian communities have a surviving chance of gaining access to, and benefitting from, marine resources and government, industry and research partnerships. Policy, funding and regulatory resources need to be targeted towards community development in tandem with rights to access. Partnerships need to be investigated and furnished with an eye to greater awareness to the potential of cultural fisheries and food tourism. More experiences to demonstrate the benefits of community development need to occur, such as other food festivals, restaurant settings and community-driven events that are a tie-in with aims of social enterprises, such as reconciliation and cultural awareness. More research is required to understand the nuance of Indigenous governance, connections to sea country and economic benefits from establishing a market for cultural fisheries. However, there is a positive position inherent in all these future needs – the social license to establish a market for cultural fisheries in Tasmania has been proven and can only find itself on an upward trajectory from here on in.

# Part Five: Final conclusions and future research



## 1.0 Final conclusions

The project *‘Wave to Plate’: establishing a market for Tasmanian cultural fisheries* is an investigation into the barriers and opportunities for Aboriginal Tasmanians to enter the fisheries industry. There have been four aims and objectives that underpin the project, including:

- adapting successful terrestrial governance models to marine environments, particularly looking at policy settings;
- assessing cultural fishery extensions with commercial partners;
- exploring the network chain for involvement in fisheries food tourism; and
- developing Indigenous research capacity.

The project methodology has been led by an Aboriginal Tasmanian researcher and has relied on the supports of the community organisations and people that comprise TRACA to develop what cultural fisheries looks like according to cultural strengths and assets. Aboriginal Tasmanians have been core and central to the project, which is a first for any FRDC project in Tasmania.

The Co-Investigator team has drawn together researchers from the University of Tasmania and public servants from DPIPW to devise and implement social outcomes that benefit Aboriginal Tasmanians and contribute to regional development. These outcomes have been premised upon continuing to build healthy relationships and two-way understanding between Aboriginal and other Tasmanians to arrive at a certain knowledge that there should be a public “recognition and honouring of...uses of the marine environment for millennia” (Ogier & MacLeod 2013, p. 11) by Aboriginal Tasmanians.

There have been three stages of the project that have been reported in here.

Firstly, the desktop review has provided an impetus for Aboriginal Tasmanians to understand and know the current conditions of policy, legislation, regulation and governance that concerns fisheries. Building upon prior achievements to transform Tasmanian Government policy into a much more inclusive and fair platform for Aboriginal Tasmanians under the ‘reset the relationship’ strategy, the report has taken the lead on extending the framework for good governance under terrestrial joint management into sea country. There are a number of policy drivers from local to international that support the rights of Indigenous peoples to fisheries governance and management, where these initiatives can all be utilised for benefit by Aboriginal Tasmanians in establishing cultural fisheries.

Secondly, the Indigenous Fisheries Workshop demonstrated that there is exceedingly goodwill from the broader community – governments, researchers and industry – towards Aboriginal Tasmanians in the aspirations to develop a market for cultural fisheries. The historic occasion of serving Indigenous wild-catch under an Aboriginal activity permit within a commercial hotel venue demonstrated the ability of Aboriginal Tasmanians to scaffold the experience with a cultural backstory of thousands of years of caring for sea country. Working together with other Tasmanians to realise an opportunity for mutual economic, social and cultural benefit has given Aboriginal Tasmanians a pathway to envisage and construct the beginnings of a tangible market that can be created from participation in regional development.

Finally, the trialling of ‘Wave to Plate’ concept at Dark Mofos Winter Feast provided the greater social arena to test the public appetite for Aboriginal Tasmanian cultural fisheries and food tourism. This experience demonstrated the benefits and support available when partnerships can be entertained at a larger-scale, particularly when Aboriginal Tasmanian culture is a pivot point of difference in the broader food tourism market. The aspirational quality of cultural fisheries in Tasmania is a new, potential-filled area for research, investment and social enterprise that can deliver far wider benefits to

Aboriginal Tasmanians beyond a sole commercial driver for maximising economic gain. The social, cultural and regional development gains from the Dark Mofa experience represent an innovation spark required to establish the market for cultural fisheries that encapsulate the unique assets that Indigenous knowledges, customs, traditions and practices bring to the marine table.

The barriers to establishing cultural fisheries are not insurmountable, such as policy tweaks to ensure that existing provisions for Aboriginal activity total allowable catch are implemented, while the opportunities appear only to be limited by the capacity and agency for Aboriginal Tasmanians to engage with commercial and other partners to develop new markets for fisheries food tourism.

At the time of writing (Dutton pers. comm., March 2019), the Tasmanian Government has agreed with the main tenets of the report and are currently devising the framework to implement several recommendations, such as access to marine resources that the government hold and the means to ensure good governance and transparency in decision-making. By 2020, there should be a public format by which Aboriginal Tasmanians can engage and participate in cultural fisheries and use cultural strengths and assets to develop new markets, new partnerships and collaborations, new forms of fishery food tourism. The FRDC project has been a vehicle to continue the collegial manner in which new frameworks for rights have been negotiated between the Tasmanian Government and Aboriginal Tasmanians.

## 2.0 Future research

One of the objectives from ‘Wave to Plate’ that has not been fully developed to the satisfaction of Co-Investigator, Dr Emma Lee, is the broadening of Indigenous research capacity for marine environments. While the FRDC project is a huge leap towards valuing and legitimising Indigenous researchers and research, particularly bringing new methodologies into Western research frameworks, the efforts towards making Indigenous-led research a core and central narrative of existing marine research institutions is taking more time than the two years dedicated to ‘Wave to Plate’. What is anecdotal at this stage, is the reflection that aspects of Indigenous research may not belong alone to dedicated marine research institutions. By this, and recalling Mr Peter Derkely’s Indigenous Fisheries Workshop comments regarding regional development, is that research into the governance, community development and the assets and strengths of cultural fisheries is a multi-disciplinary lens for research.

This reflection leads to an insight that the ‘Wave to Plate’ project has not been focussed on Western forms of economic drivers, but rather locating the establishment of a market for cultural fisheries within a regional development lens. Where current mainstream commercial fisheries in Tasmania are managed and governed to produce maximum economic value and sustainability, this is not necessarily the focus of Aboriginal Tasmanian interests in fisheries. Rather, the interest in cultural fisheries for Aboriginal Tasmanians is for the benefit of caring for sea country and the future generations of peoples who may engage and participate in the cultural heritage inputs of food tourism, fisheries management and marine research. In this manner, the research undertaken for ‘Wave to Plate’ has centred upon regional development needs to strengthen engagement with Aboriginal Tasmanian communities and reconnect to sea country.

If regional development or social impact of cultural fisheries is a core goal of establishing a market for Aboriginal Tasmanian community benefit, then two observations can be made: there is a need to develop a new set of indicators for compliance, investment and growth, and that research may not necessarily entail a full focus on the science of fisheries themselves. This is not to say that investment in Indigenous science or Indigenous-led research into science of marine environments is not a research focus; far from it. However, in the trialling of ‘Wave to Plate’ at Dark Mofa the observations that Aboriginal Tasmanian communities may establish a market for cultural fisheries

within a social enterprise framework has shifted slightly the end results of the research focus. By this, a clearer picture begins to emerge that cultural fisheries is co-located within a regional development and marine research frame. Therefore, research into indicators and the development of social enterprises, specifically for Indigenous peoples and communities, is required. If cultural fisheries is not entirely centred upon maximising profit, such as export industries and the focus of current Tasmanian Government policy, then new research directions are called for to determine what the benefits of social enterprise are and how they may operate in tandem under current regulation and legislation.

As the parliamentary bill passed in December 2018 that expands the remit of the Indigenous Land Corporation to take into account sea rights, such as fishery licence buybacks, then a national strategic plan for research over policy, state regulation, governance, marketing, development and rights is required to deal with new types of Indigenous investment, governance and management. Further, if devolution of management responsibilities occur as new forms of shared governance, such as joint management, then research must investigate what kinds of partnerships and collaborations are required for successful ventures. A shift towards redefining what constitutes cultural fisheries, particularly the criteria of non-commercial use of cultural catch, will need to occur to drive new marketing and promotion, and developmental industries, of Indigenous communities and their engagement in fisheries.

Tasmania is a case study of shifting a low-base of interest, policy, regulation and research into an area of high priority reform. The advocacy means by which these shifts have occurred may have lessons for other Indigenous communities and perhaps require an evaluation as to whether the condition-setting is transferable to other jurisdictions and communities. Furthermore, the diverse Aboriginal Tasmanian communities that have participated in the project are engaged with research and this should be noted by the FRDC as a consideration for further research and development interest. Aboriginal Tasmanian communities are likely to implement the research outcomes of 'Wave to Plate' and devise their own social enterprise strategies for continuing the push for access to resources and mutual benefit.

The research requirements in Tasmania may look towards the next stages of establishing the market for cultural fisheries through strategic development of plans to collaborate with existing commercial fishery interests, articulating the types of governance that will suit new compliance frameworks and the development of social enterprise mechanisms for successful ventures. There is also the need to investigate where developmental fisheries may occur, specifically the link between cultural knowledges and sea country conservation practices, that can value add to new markets. New forms of training and qualifications may also be required to consider the cultural component of fisheries and marine environments, together with planning for traditional training, such as health and safety, for communities to engage with developing markets for cultural fisheries. There is also the idea of expanding Indigenous methodologies into mainstream commercial fisheries, as much as investigating how the 'Wave to Plate' successes may be transferred to other Indigenous businesses that are terrestrial in nature.

What is evident, however, is that Tasmanian Aboriginal communities are developing the change that suits local conditions and doing so in ways that minimise cost and conflict. The advocacy is also relationship-based in looking to future partnerships that will enhance mutual benefit outcomes. In building 'Wave to Plate' from the ground up, each stage of the project has taken advantage of the research outcomes and knowledges to create further social, environmental and economic investment opportunities. On these measures, the project should be considered a successful investigation by the FRDC and should be encouraged to continue involvement in the gains already made.

## References

- ABC 2016, 'Tasmanian Aboriginal elder Rodney Dillon goes diving for abalone', *ABC Open Southern Tasmania*, viewed 19 August 2016, < <https://vimeo.com/180261622>>.
- ABC radio 2018, *Indigenous Tasmanians in push for the right to fish and sell their cultural catch*, interview on Tasmanian Country Hour with Tony Briscoe, viewed 4 March, < <http://www.abc.net.au/radio/programs/tas-country-hour/indigenous-workshop/9478432>>.
- Aboriginal Land Rights Commission 1973, *Aboriginal land rights commission*, Commonwealth of Australia, Australian Government Publishing Service, Canberra.
- Aboriginal Land Rights Commission 1974, *Aboriginal land rights commission*, Commonwealth of Australia, Australian Government Publishing Service, Canberra.
- Adcock, B 2016, 'Strangers in our own place': Aboriginal community fights for cultural fishing rights', *ABC Online*, February 2016, viewed 6 August 2017, < <http://www.abc.net.au/radionational/programs/backgroundbriefing/aboriginal-fishers-report-harrasment-fishing-traditional-food/7180326>>.
- Altman, J 2010, 'What future for remote Indigenous Australia? Economic hybridity and the neoliberal turn', in Altman, J and Hinkson, M (ed.), *Culture Crisis: Anthropology and Politics in Aboriginal Australia*, UNSW Press, Sydney, pp. 259-280.
- Altman, J & Branchut, V 2008, *Fresh water in the Maningrida region's hybrid economy: intercultural contestation over values and property rights*, CAEPR Working Paper No. 46/2008, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.
- Arts Tasmania 2009, 'International acts to headline new festival', *Arts Tasmania*, viewed 10 July 2018, < [https://web.archive.org/web/20130127073701/http://www.arts.tas.gov.au/news\\_archive/international\\_acts\\_to\\_headline\\_new\\_festival](https://web.archive.org/web/20130127073701/http://www.arts.tas.gov.au/news_archive/international_acts_to_headline_new_festival)>.
- Australian Government 2017a, 'IUCN categories: Commonwealth marine reserves review', *Department of the Environment and Energy*, viewed 19 August, < <http://www.environment.gov.au/marinereservesreview/iucn-categories>>.
- Australian Government 2017b, *Regional jobs and investment packages: regional Tasmania local investment plan*, Department of Industry, Innovation and Science, Canberra, viewed 11 March, < <https://www.business.gov.au/assistance/regional-jobs-and-investment-packages/regional-tasmania#key-documents>>.
- Ayles, B, Porta, L and Clarke, R McV 2016, 'Development of an integrated fisheries co-management framework for new and emerging commercial fisheries in the Canadian Beaufort Sea', *Marine Policy*, v. 72, pp. 246-254.
- AZTI Tecnalia 2017, 'Homepage', *AZTI Tecnalia*, viewed 8 August 2017, < <http://www.azti.es/>>.
- Barraket, J, Mason, C & Blain, B 2016, *Finding Australia's social enterprise sector 2016: Final Report*, joint initiative of Social Traders and CSI Swinburne, Centre for Social Impact Swinburne.
- Bearup, G 2017, 'The MONA effect', *The Australian Magazine*, July 22, p. 12.

- Berkes, F 2012, 'Implementing ecosystem-based management: evolution or revolution?', *Fish and Fisheries*, vol. 13, pp. 465-476.
- Bennet, NJ, Govan, H & Satterfield, T 2015, 'Ocean grabbing', *Marine Policy*, Vol. 57, pp. 61-68.
- Booth, K 2018, 'Hobart's poorer suburbs are missing out on the 'MONA effect'', *The Conversation*, June 18, viewed 10 July 2018, < <http://theconversation.com/hobarts-poorer-suburbs-are-missing-out-on-the-mona-effect-98003> >.
- Borrini-Feyerabend, G et al. 2012, *Bio-cultural diversity conserved by indigenous peoples and local communities— examples and analysis*, Cenesta for the ICCA Consortium, IUCN, UNDP GEF SGP and GIZ on behalf of BMZ, Tehran.
- Borrini-Feyerabend, G, Pimbert, M, Farvar, T, Kothari, A & Renard, Y 2004, *Sharing power: learning by doing in co-management of natural resources throughout the world*, IIED and IUCN/CEESP/CMWG, Cenesta, Tehran.
- Butler, JRA, Gunn, R, Berry, HL, Wagey, GA, Hardesty, BD & Wilcox, C 2013, 'A Value Chain Analysis of ghost nets in the Arafura Sea: Identifying trans-boundary stakeholders, intervention points and livelihood trade-offs', *Journal of Environmental Management*, vol. 123, pp. 14–25.
- Butterly, L 2013, 'Clear choices in murky waters: Leo Akiba on behalf of the Torres Strait Regional Seas Claim Group v Commonwealth of Australia', *Sydney Law Review*, vol. 35, no. 237, pp. 237-252.
- Calogeras, C, Carne, R, Denny, B, Lovett, D, Ah-Kee, D, Wilson, J, Giles, K, Wright, L, Gilby, M, Torres, P, Lui, S & Schnierer, S 2015, *Facilitation of the FRDC Indigenous Reference Group (IRG) to progress RD&E outcomes*, Final Report FRDC Project No 2010/405.
- Cane, S 2013, *First footprints: the epic story of the First Australians*, Allen and Unwin, Sydney.
- Carylon, P 2018, 'Macquarie Point redevelopment hits nerves as Mofu exits: critics call for direct action', *ABC online*, July 6, viewed 10 July 2018, < <http://www.abc.net.au/news/2018-07-05/macquarie-point-development-questions-over-money-and-future/9936388> >.
- Chambers, D & Buzinde, C 2015, 'Tourism and decolonisation: Locating research and self', *Annals of Tourism Research*, vol. 51, pp. 1–16.
- Cisneros-Montemayor, AM, Pauly, D, Weatherdon, LV, Ota, Y 2016, 'A global estimate of seafood consumption by coastal Indigenous Peoples', *PLOS ONE*, vol. 11, no. 12, e0166681. <https://doi.org/10.1371/journal.pone.0166681>.
- Colchester, M 2014, 'Indigenous peoples and protected areas: towards reconciliation?', in Disko, S & Tugendhat, H (eds.), *World Heritage sites and Indigenous peoples' rights*, IWGIA, Forest Peoples Programme, Gundjeihmi Aboriginal Corporation, Central Books Limited, Europe, pp. 39-54.
- Cooke P 2007, 'To construct regional advantage from innovation systems first build policy platforms', *European Planning Studies*, vol. 15, pp. 124–146.
- Corson, C 2010, 'Shifting environmental governance in a neoliberal world: US AID for conservation', *Antipode*, vol. 42, no. 3, pp. 576-602.
- Coslovich, G 2011, 'You say dyspeptic, I say inspiring: MONA provokes debate', *The Age*, July 11, viewed 10 July 2018, < <https://www.theage.com.au/national/victoria/you-say-dyspeptic-i-say-inspiring-mona-provokes-debate-20110710-1h8us.html>>.
- CSIRO 2017, 'Indigenous engagement', *CSIRO*, viewed 16 August 2017, < <https://www.csiro.au/en/Indigenous-engagement/Indigenous-engagement>>.

Cuthbertson, D 2013, 'Hobart's winter festival shines in the dark', *Sydney Morning Herald*, June 15, viewed 10 July 2018, < <https://www.smh.com.au/entertainment/art-and-design/hobarts-winter-festival-shines-in-the-dark-20130614-2oa0l.html> >.

Department of Premier and Cabinet 2017, *Resetting the relationship with the Tasmanian Aboriginal community*, Office of Aboriginal Affairs, Tasmanian Government, webpage viewed 6 August 2017, <[http://www.dpac.tas.gov.au/divisions/csr/oa/resetting\\_the\\_relationship](http://www.dpac.tas.gov.au/divisions/csr/oa/resetting_the_relationship)>.

Department of Primary Industry 2017, 'Cultural fishing', New South Wales Government, viewed 6 August 2017, < <http://www.dpi.nsw.gov.au/fishing/aboriginal-fishing/cultural-fishing>>.

Department of Primary Industries, Parks, Water and Environment n.d. *Tasmanian agri-food ScoreCard 2015-16*, Department of Primary Industries, Parks, Water and Environment, Hobart, Tasmania.

Department of Primary Industries, Parks, Water and Environment 2016, *Tasmanian Wilderness World Heritage Area (TWWHA) management plan 2016*, Department of Primary Industries, Parks Water and Environment, Hobart, Tasmania.

Department of Primary Industries, Parks, Water and Environment 2015, *Abalone Quota Units Tender: request for tender*, Department of Primary Industries, Parks, Water and Environment, Hobart.

Department of Primary Industries, Parks, Water and Environment 2017, 'Aboriginal fishing', *Department of Primary Industries, Parks, Water and Environment*, viewed 6 August 2017, < <http://dpi.pwe.tas.gov.au/sea-fishing-aquaculture/recreational-fishing/aboriginal-fishing>>.

Department of Primary Industry and Resources 2018, 'Indigenous fishing', Department of Primary Industry and Resources, viewed 24 April 2019, < <https://dpi.rnt.gov.au/fisheries/fisheries-strategies,-projects-and-research/indigenous-fishing> >.

de Souza João, I, Chiappetta Jabbour, CJ, & Galina, SR 2017, 'What Is a Social Enterprise? Revising Old Concepts and Interviewing Social Entrepreneurs', *Journal of Organisational Transformation & Social Change*, vol. 14, no. 2, pp. 127-147.

Dudley, N (ed.), 2008, *Guidelines for applying protected area management categories*, IUCN, Gland, Switzerland, with Stolton, S, Shadie, P & Dudley, N 2013, *IUCN WCPA Best practice guidance on recognising protected areas and assigning management categories and governance types*, Best Practice Protected Area Guidelines Series No. 21, IUCN, Gland, Switzerland.

Erisman, B, Heyman, W, Kobara, S, Ezer, T, Pittman, S, Aburto, OO & Nemeth, RS 2017, 'Fish spawning aggregations: where well-placed management actions can yield big benefits for fisheries and conservation', *Fish & Fisheries*, vol. 18, no. 1, pp. 128-144.

Farr, M., Stoeckl, N, Esparon, M., Grainger, D., & Larson, S 2016, *Economic values and Indigenous protected areas across Northern Australia*. James Cook University, Townsville.

Fisheries Research & Development Corporation 2014, 'Indigenous Fishing', *Fisheries Research & Development Corporation*, viewed 6 August 2017, < [http://frdc.com.au/environment/indigenous\\_fishing/Pages/default.aspx](http://frdc.com.au/environment/indigenous_fishing/Pages/default.aspx)>.

Fisheries Research & Development Corporation 2015, *Knowledge for fishing and aquaculture into the future, the Fisheries Research and Development Corporation's research and development extension plan 2015-20*, FRDC, Canberra, ACT, viewed 8 August 2017, <[http://www.frdc.com.au/research/RDEPlanningandPriorities/RDandE\\_Plan\\_2015-2020/Pages/RDE%20Plan%202015-20.aspx](http://www.frdc.com.au/research/RDEPlanningandPriorities/RDandE_Plan_2015-2020/Pages/RDE%20Plan%202015-20.aspx)>.

FAO 2016, *Report of the “Workshop on impacts of marine protected areas on fisheries yield, fishing communities and ecosystems”*, FAO, Rome. 16–18 June 2015.

Foley, P, Okyere, DA & Mather, C 2018, ‘Alternative environmentalities: recasting the assessment of Canada’s first Marine Stewardship Council-certified fishery in social terms’, *Ecology and Society* 23(3):37. <https://doi.org/10.5751/ES-10382-230337>

Franklin, A 2008, ‘\$7m nets return of fishing rights’, *The Australian*, April 1, p.4.

Geale, H 2016, ‘Aboriginal heritage celebrated at Mannalargenna Day’, *The Examiner*, 20 Nov 2016, viewed 19 August 2017, < <http://www.examiner.com.au/story/4304273/two-day-festival-toasts-icon/>>.

Gill, AA 2015, ‘Rome? I’d rather be in Hobart’, *The Times*, November 22, viewed 10 July 2018, < <https://www.thetimes.co.uk/article/rome-id-rather-be-in-hobart-5p5dcnmmwsb> >.

Geritz, M & Warner, P 2013, ‘Native title rights to fish mean state legislation is mere abalone’, *Clayton Utz*, viewed 8 August 2017, < <https://www.claytonutz.com/knowledge/2013/november/native-title-rights-to-fish-mean-state-legislation-is-mere-abalone>>.

Gray, M & Altman, J 2006, ‘The Economic Value of Harvesting Wild Resources to the Indigenous Community of the Wallis Lake Catchment, NSW’, *Family Matters*, no. 75, p. 24-33.

Hale, L and Rude J, 2017, *Learning from New Zealand’s 30 years of experience managing fisheries under a quota management system*, The Nature Conservancy, Arlington, New Zealand.

Healy, S 2018, ‘Cooperative as Commonwealth’, *Journal of Law and Society*, vol. 45, no. 1, pp. 436-63.

Higgins-Desbiolles, F, Trevorrow, G & Sparrow, S 2014, ‘The Coorong Wilderness Lodge: A case study of planning failures in Indigenous tourism’, *Tourism Management*, vol. 44, pp. 46-57.

Hill, RP 1995, 'Blackfellas and whitefellas: Aboriginal land rights, the Mabo decision, and the meaning of land', *Human Rights Quarterly*, vol. 17, no. 2, pp. 303-322.

Hodgman, W (Premier, Tasmania) 2016, ‘The Premier’s 2016 Australia Day address’, Public Lecture delivered 22 January 2016, *Department of Premier and Cabinet*, viewed 8 August 2017, <[http://www.premier.tas.gov.au/speeches/the\\_premiers\\_2016\\_australia\\_day\\_address](http://www.premier.tas.gov.au/speeches/the_premiers_2016_australia_day_address)>.

Hollamby, KL, McShane, PE, Sloan, S & Brook, J 2010, *Competition to collaboration: exploring co-management models for the Spencer Gulf Prawn Fishery*, FRDC 2007/025, Fisheries Research and Development Corporation and the Spencer Gulf and West Coast Prawn Fishermen’s Association.

Howitt, R 1998, 'Recognition, respect and reconciliation: steps towards decolonisation?', *Australian Aboriginal Studies*, vol. 1, pp. 28-34.

Hutton, T, Putten, EI, Pascoe, SD, Deng, RA, Plagányi, ÉE & Dennis, D 2016, ‘Trade-offs in transitions between indigenous and commercial fishing sectors: the Torres Strait tropical rock lobster fishery’, *Fisheries Management & Ecology*, vol. 23, no. 6, pp. 463–477.

Inspiring Australia 2013, *Indigenous engagement with science: towards deeper understandings*, Expert Working Group Report, Canberra, ACT.

Keane, JP, Lyle, J, Mundy, C & Hartmann, K 2014, *Periwinkle Fishery of Tasmania: Supporting Management and a Profitable Industry*, Institute for Marine and Antarctic Studies, Hobart, August.

Kennett, R, Tran, T, Heffernan, T and Strelnikow, L 2016, *Livelihood values in Indigenous cultural fishing: report of a meeting with Indigenous cultural fishers on the south coast of NSW*, AIATSIS, Canberra.

Kerr, RS 1991, *Aboriginal land rights: a comparative assessment*, Background Information Brief 23, Queensland Parliamentary Library, Publications and Resources Section, Brisbane, QLD.

Kolawole, OD, Williams, S & Awujola, AF 2010, 'Indigenous fish processing and preservation practices amongst women in South-western Nigeria', *Indian Journal of Traditional Knowledge*, vol. 9, no. 4, pp. 668-672.

Lee, E 2016, 'Aboriginal cultural heritage protection in Tasmania: the failure of rights, the restorative potential of historical resilience', in McGrath, P (ed.), *The right to protect sites: Indigenous cultural heritage management in the era of native title*, AIATSIS Press, Canberra, pp. 315-341.

Lee, E & Richardson, BJ 2018, 'From museum to living cultural landscape: governing Tasmania's Wilderness World Heritage', *Australian Indigenous Law Review*, Vol. 20, pp. 78-107.

Lehman, KF & Leighton, D 2010, 'The development of a hedonistic experience brand: Australia's MONA', paper presented at the *Academy of Marketing (UK) Annual Conference*, 6-8 July, 2010, Coventry, UK.

Leon, M 2001, 'NSW Indigenous Fisheries Strategy: friend or foe?', *Indigenous Law Bulletin*, no. 9, pp. 12-13.

Lockwood, M 2010, 'Good governance for terrestrial protected areas: a framework, principles and performance outcomes', *Journal of Environmental Management*, vol. 91, no. 3, pp. 754-766.

Logue, D, Pitsis, A, Pearce, S & Chelliah, J 2018, 'Social enterprise to social value chain: Indigenous entrepreneurship transforming the native food industry in Australia', *Journal of Management & Organization*, vol. 24, no. 2, pp. 312-328.

Marks, K 2013, 'Channelling Mannalargenna: surviving, belonging, challenging, enduring', in Schultz, J & Cica, N (eds.), *Tasmania: the tipping point?*, Griffith REVIEW 39, pp. 174-192.

Marx, K 1976, *Capital: a critique of political economy, vol 1*, intro. by E. Mandel, trans. B. Fowkes, Penguin, London.

*melythina tiakana warrana* Aboriginal Corporation 2016, 'Upcoming events', viewed 19 August 2017, <[http://mtwac.org.au/?page\\_id=171](http://mtwac.org.au/?page_id=171)>.

Metcalf, D & Bui, E 2016, 'Land: resources and capacity for management', in *Australia state of the environment 2016*, Australian Government Department of the Environment and Energy, Canberra, ACT, viewed 17 July 2017, <<https://soe.environment.gov.au/theme/land/topic/2016/resources-and-capacity-management>>.

Morgan, B 2017, 'Legal models beyond the corporation in Australia: plugging a gap or weaving tapestry?', *Social Enterprise Journal*, vol. 14, no. 2, pp. 180-193.

Moorcroft, H 2015, 'Paradigms, paradoxes and a propitious niche: conservation and Indigenous social justice policy in Australia', *Local Environment: The International Journal of Justice and Sustainability*, vol. 21, no. 5, pp. 1-24.

Morphy, F 2009, 'Enacting sovereignty in a colonized space: the Yolngu of Blue Mud Bay meet the native title process', in Fay, D & James, D (eds.), *The rights and wrongs of land restitution: 'restoring what was ours'*, Routledge-Cavendish, Oxon, USA and Canada, pp. 99-122.



- Mustonen, T, Snowchange Cooperative and Feodoroff, P, Saa'mi Nue'tt 2013, *Ponoi and Näätäjä River Collaborative Management Plan*, Snowchange Cooperative, Finland.
- Nadasdy, P 2005, 'The anti-politics of TEK: the institutionalization of co-management discourse and practice [traditional ecological knowledge]', *Anthropologica*, vol. 47, no. 2, pp. 215-232.
- Natcher, DC, Davis, S & Hickey, CG 2005, 'Co-management: managing relationships, not resources', *Human Organization*, vol. 64, no. 3, pp. 240-250.
- Neville, P 2008, *Co-management: managing Australia's fisheries through partnership and delegation*, Report of the FRDC's National Working Group for the Fisheries Co-Management Initiative, Project no. 2006/068.
- Newth, K 2001, 'Four options for fish assets', *Sunday Star-Times*, 2 December, p. A8.
- Noble, M, Duncan, P, Perry, D, Prosper, K, Rose, D, Schnierer, S, Tipa, G, Williams, E, Woods, R, & Pittock, J 2016, 'Culturally significant fisheries: keystones for management of freshwater social-ecological systems', *Ecology & Society*, vol. 21, no. 2, pp. 189-208.
- NSWALC 2017, 'Commonwealth delivers on Aboriginal fishing', New South Wales Aboriginal Land Council, viewed 14 March, < <http://alc.org.au/newsroom/media-releases/commonwealth-delivers-on-aboriginal-fishing.aspx>>.
- Nurse-Bray, M 2011, 'Social contexts and customary fisheries: marine protected areas and Indigenous use, Australia', *Environmental Management*, vol. 47, no. 4, pp. 671-683.
- Ogier, E and Macleod, CK 2013, Your marine values – Public report 2013 online version, IMAS Technical Report, University of Tasmania, viewed 16 July 2018, < [http://www.imas.utas.edu.au/data/assets/pdf\\_file/0010/743356/Your-Marine-Values-Document\\_WEB-FULL.pdf](http://www.imas.utas.edu.au/data/assets/pdf_file/0010/743356/Your-Marine-Values-Document_WEB-FULL.pdf) >.
- Office of Registrar of Indigenous Corporations 2017, 'Tasmania', *Office of Registrar of Indigenous Corporations*, viewed 19 August 2017, < <http://register.oric.gov.au/PrintCorporationSearch.aspx?state=TAS>>.
- Parks and Wildlife Service 2007, *Tasman National Park Pirates Bay visitor service zone site plan 2007*, Tasmanian Parks and Wildlife Service, Hobart, Tasmania.
- Pinkerton, E 2017, 'Hegemony and resistance: disturbing patterns and hopeful signs in the impact of neoliberal policies on small-scale fisheries around the world', *Neoliberalism and global small-scale fisheries*, *Marine Policy*, vol. 80, pp. 1-9.
- PIRSA 2013, *Policy for the co-management of fisheries in South Australia*, Government of South Australia, Adelaide.
- Pomeroy, RS & Berkes, F 1997, 'Two to tango: the role of government in fisheries co-management', *Marine Policy*, vol. 21, pp. 465-480.
- Productivity Commission 2016, *Inquiry report: marine fishers and aquaculture*, Report No. 81, Australian Government, Canberra, ACT.
- Raymond-Yakoubian, J, Raymond-Yakoubian, B, & Moncrieff, C 2017, 'The incorporation of traditional knowledge into Alaska federal fisheries management', *Marine Policy*, vol. 78, pp. 132-143.

Resource Assessment Commission 1993, *Resource assessment commission coastal zone inquiry – final report November 1993*, Australian Government, Canberra, viewed 6 August 2017, < <http://www.environment.gov.au/archive/coasts/publications/rac/index.html>>.

Ross, D 2017, ‘‘Black country, white wilderness’’: conservation, colonialism and conflict in Tasmania’, *Journal for Undergraduate Ethnography*, vol. 7, no. 1, pp. 1-23.

Rout, M 2015, ‘Dark Mofo Winter Feast for the pagan within’, *The Australian*, June 5, viewed 10 July 2018, < <https://www.theaustralian.com.au/life/food-wine/dark-mofo-winter-feast-for-the-pagan-within/news-story/9ecee8df83d68066eae8df5b0fe8de74f> .

Ruhanen, L, Whitford, M & McLennan, C-L 2015, ‘Indigenous tourism in Australia: time for a reality check’, *Tourism Management*, vol. 48, pp. 73-83.

Ryan, L 2016, ‘Re-branding Tasmania: MONA and the altering of local reputation and identity’, *Tourist Studies*, vol. 16, no. 4, pp. 422-445.

Sahlins, M 1999, ‘Two or three things I know about culture’, *Journal of the Royal Anthropological Institute*, vol. 5, no. 3, pp. 399-421.

Scullion, N 2017, ‘\$7.5 million investment in NT sea country’, Senator for the Northern Territory Minister for Indigenous Affairs, Australian Government press release May 2017, viewed 6 August 2017, < <http://www.nigelscullion.com/media+hub/%247.5+million+investment+in+NT+sea+country+>>.

Secher, U 2007, ‘The high court and the recognition of native title: distinguishing between the doctrines of *terra nullius* and desert and uncultivated’, *University of Western Sydney Law Review*, vol. 11, pp. 1-39.

Sengupta, U, Vieta, M & McMurtry, JJ 2015, ‘Indigenous communities and social enterprise in Canada’, *Canadian Journal of Nonprofit and Social Economy Research*, vol. 6, no. 1, pp. 104-123.

Schnierer, S., Egan, H., Calogeras, C. & Lui, S., (2018) Improving access for Indigenous Australian to, and involvement in, the use and management of Australia’s fisheries resources. Part 1: Audit of fisheries legislation, management, policy planning FRDC Project No. 2014/233

Sissenwine, MP & Mace, PM 1992., ‘ITQs in New Zealand: the era of fixed quota in perpetuity’, *Fishery Bulletin*, vol. 90, no. 1, pp. 147–160.

Smyth, D & Isherwood, M 2016, ‘Protecting sea country: Indigenous peoples and marine protected areas in Australia’, in Wescott, G & Fitzsimmons, J (eds.) 2016, *Big, bold and blue: Lesson’s from Australia’s Marine Protected Areas*, CSIRO Publishing, Victoria, pp. 307-327.

Sugimoto, A 2016, ‘Fish as a ‘bridge’ connecting migrant fishers with the local community: findings from Okinawa, Japan’, *Maritime Studies*, vol. 15, no. 5, pp. 1-14.

Sutton, P 2003, *Native title in Australia: an ethnographic perspective*, Cambridge University Press, Cambridge.

Tasmanian Parks & Wildlife Service 2017, ‘Marine Reserves’, *Department of Primary Industries, Parks, Water & Environment*, viewed 19 August, < <http://www.parks.tas.gov.au/index.aspx?base=397>>.

Taylor, R 2007, ‘The polemics of eating fish in Tasmania: the historical evidence revisited’, *Aboriginal History*, vol. 31, pp. 1-26.

tebrakunna country, Lee, E & Tran, T 2016, 'Boardroom to kitchen table: shifting the power seat of Indigenous governance in protected area management', *Australian Aboriginal Studies*, vol. 2, pp. 81-93.

tebrakunna country and Lee, E 2017, *Establishing joint management processes and models for Tasmania's protected areas*, PhD thesis, University of Tasmania.

tebrakunna country and Lee 2018, 'Black female cultural safety in tebrakunna country: what is wellness for us?', in Grimwood, BSR, Caton, K & Muldoon, M (eds), *Tourism and wellness: travel for the good of all?*, Lexington Books, Lanham, Maryland.

tebrakunna country and Lee, E 2019, 'Reset the relationship': decolonising government to increase Indigenous benefit', *Cultural Geographies*, <https://doi.org/10.1177%2F1474474019842891>

Tehan, M 1996, 'To Be or Not to Be (Property) - Anglo-Australian Law and the Search for Protection of Indigenous Cultural Heritage', *University of Tasmania Law Review*, vol. 15, no. 2, pp. 267-305.

Thompson, S, Rony, M, Temmer, J & Wood, D 2014, 'Pulling in the indigenous fishery cooperative net: Fishing for sustainable livelihoods and food security in Garden Hill First Nation, Manitoba, Canada', *Journal of Agriculture, Food Systems & Community Development*, vol. 4, no. 3, pp. 177-192.

Transnational Institute 2016, 'Ocean grabs: fighting the corporate take-over of fisheries governance: implementation and interpretation of the SSF Guidelines', *Transnational Institute*, viewed 8 August 2017, < <https://www.tni.org/en/publication/ocean-grabs-fighting-the-corporate-take-over-of-fisheries-governance> <https://www.tni.org/en/publication/ocean-grabs-fighting-the-corporate-take-over-of-fisheries-governance>>.

United Nations Educational, Scientific and Cultural Organization 2016a, *Reactive Monitoring Mission to the Tasmanian Wilderness, Australia, 23-29 November 2015*, Mission Report, International Council on Monuments and Sites, International Union for Conservation of Nature, viewed 8 August 2017, <<http://whc.unesco.org/en/list/181/documents/>>.

United Nations Educational, Scientific and Cultural Organization 2016b, *World Heritage list*, viewed 14 April 2016, <<http://whc.unesco.org/en/list/>>.

University of Tasmania (UTAS) 2017, *Strategic plan for Aboriginal engagement 2017-2020*, University of Tasmania, Hobart, Tasmania, viewed 25 July 2017, < [http://www.utas.edu.au/\\_data/assets/pdf\\_file/0006/953070/240716UTAS-Strategy-Plan-Aboriginal-V8.pdf](http://www.utas.edu.au/_data/assets/pdf_file/0006/953070/240716UTAS-Strategy-Plan-Aboriginal-V8.pdf)>.

Victorian Fisheries Authority 2017, 'Aboriginal', *Victorian Fisheries Authority*, viewed 6 August 2017, < <https://vfa.vic.gov.au/aboriginal-fishing/>>.

Walker, G 2016, 'A Twenty-first-century Wunderkammer: Museum of Old and New Art (MONA) Hobart, Tasmania, Australia', *International Journal of the Inclusive Museum*, vol. 9, no. 2, pp. 1-18.

Weinert, KD 2014, 'Is it a not-for-profit organisation or a for-profit organisation? The case for a CIC structure in Australia', *Journal of the Australasian Law Teachers Association*, vol. 7, no. 1&2, pp. 9-17.

West, EG 2000, *An alternative to existing Australian research and teaching models: the Japanangka teaching and research paradigm, an Australian Aboriginal model*, PhD thesis, University of Tasmania.

Willems-Braun, B 1997, 'Buried epistemologies: the politics of nature in (post) colonial British Columbia', *Annals of the Association of American Geographers*, vol. 87, no. 1, pp. 3-31.

Wilson, EW 2017, 'Cooperatives: the first social enterprise', *DePaul Law Review*, vol. 66, no. 4, pp. 1013-1079.

Young, K 2017, 'Dark Mofa 2017: Winter Feast expands to meet demand', *The Mercury*, March 22, viewed 14 March 2018, < <http://www.themercury.com.au/entertainment/dark-mofa-2017-winter-feast-expands-to-meet-demand/news-story/91d359b589d74f5b6b71351b5e6d73f5>>.

## APPENDIX A: Indigenous Fisheries Workshop invitation and proceedings



**Casting an Indigenous hook: Removing barriers and providing opportunities for increased Indigenous engagement in fisheries and marine research**

**WEDNESDAY, 21 FEBRUARY 2018 (9AM TO 4PM)**

**VENUE: Lufra Hotel, Eaglehawk Neck, Tasmania**

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### **WORKSHOP PROGRAMME**

8:45AM REGISTRATION  
9:00AM WORKSHOP COMMENCES  
9:00AM Welcome and housekeeping (Dr Emma Lee)  
9:05AM Welcome to Country  
9:10AM Opening Address, Governor of Tasmania,  
Her Excellency Professor Kate Warner  
9:25AM Address, Mark Sayer, Deputy Secretary, Agrigrowth, DPIPW  
9:35AM Address, Rodney Dillon, weetaoona Aboriginal Corporation  
9:45AM Address, John Clark, Flinders Island Aboriginal Association Inc.

10:00AM MORNING TEA

Session chaired by Emma Lee:

10:30AM The Oyster Province – native angasi oysters and local growers, Steve Leslie and Dr Yvonne Young  
10:45AM Professor Marcus Haward, Institute of Marine and Antarctic Studies – marine governance  
10:55AM Dr Emma Lee, Centre for Marine Socioecology – a review of cultural fisheries





- 11:05AM Dr John Whittington and Ms Fionna Bourne
- Presentation by DPIPWE to address background, history and aims of Aboriginal activities within *Living Marine Resources Management Act*, administration processes, other regulatory requirements and where positive changes can be made to increase Aboriginal engagement and participation.
- Group discussion and questions are encouraged during the presentations.
- 12:15AM 15 MINUTE BREAK
- 12:30PM LUNCH: a 2-course lunch including Indigenous wild-catch seafood with commentary from chef, Nick Derkley.

Session chaired by Professor Marcus Haward:

Presentations from Australian Government representatives:

- 1.30PM Dr Ingrid Van Putten, CSIRO
- 1:40PM Ms Colleen Hallmond, Prime Minister and Cabinet
- 1:50PM Ms Liz Bennett, Regional Development Australia
- 2.00PM Mr Bryan Denny, Fisheries Research & Development Corporation
- 2:10PM QUESTION TIME (10 mins)

Presentations from Tasmanian Government and other representatives:

- 2.20PM Ms Kate Kent, Department of Premier and Cabinet
- 2:30PM Ms Nikki Branningan & Mr Todd Sculthorpe, Department of Education (Aboriginal Education)
- 2:40PM Professor Stewart Frusher, Centre for Marine Socioecology
- 2:50PM QUESTION TIME (10 mins)



3:00PM      AFTERNOON TEA

Session chaired by Professor Stewart Frusher:

3:15PM      WORKSHOP DISCUSSION

Linkage, network and partnership discovery session to map structures of relationships, resources, actions and responsibilities to support greater Aboriginal Tasmanian engagement in cultural fisheries.

4:00PM      WORKSHOP CLOSE





## WORKSHOP BACKGROUND

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**Casting an Indigenous hook: Removing barriers and providing opportunities for increased Indigenous engagement in fisheries and marine research.**

**PURPOSE:** To support diverse Aboriginal Tasmanian communities and the Department of Primary Industries, Parks, Water and the Environment (DPIPWE) in assessing, clarifying and improving the regulatory environment for partnership development in fisheries and marine research.


**AIMS:** To know what the things of cultural fisheries are; to reflect on information sharing for shifts to fisheries policy and legislation; and to create the foundations of partnership development.

**BACKGROUND:** Aboriginal Tasmanian cultural fisheries lacks policy, research and industry characterisation and therefore opportunities are missed to create strong regional development growth, positive research settings, vibrant tourism and arts extensions, and good marine conservation governance for Tasmania. This Workshop will support DPIPWE to investigate how the regulatory environment can be renewed to improve opportunities for Indigenous engagement and where partnerships can be formed to create culturally safe spaces that welcome further marine research, economic robustness and capacity strengthening for Aboriginal leadership.

**PARTICIPANTS:** A range of Australian and Tasmanian Government departments, institutions, agencies and authorities will provide an overview of current directions and initiatives that can assist in partnership development. Diverse Aboriginal Tasmanian participants will present on fisheries research, education, and community activities and aspirations.

**OUTCOMES:** A report on the Workshop proceedings will be made to participants in late 2018 outlining presentations, potential regulatory shifts and partnership development mapping.

## APPENDIX B: DPIPWE Permit form

<p><b>DEPARTMENT of PRIMARY INDUSTRIES, PARKS, WATER and ENVIRONMENT</b> WILD FISHERIES MANAGEMENT BRANCH</p> <p style="text-align: center;"><i>LIVING MARINE RESOURCES MANAGEMENT ACT 1995</i></p> <p style="text-align: center;"><b><u>APPLICATION FOR A PERMIT</u></b></p> <p><b>APPLICANT DETAILS</b></p> <p>Name: <input style="width: 150px;" type="text"/> <input style="width: 150px;" type="text"/> <input style="width: 150px;" type="text"/>  <small style="display: flex; justify-content: space-around; width: 100%;"> <span>Title</span> <span>Surname</span> <span>Given Name</span> </small></p> <p>Organisation: <input style="width: 100%;" type="text"/></p> <p>Business Address: <input style="width: 100%;" type="text"/></p> <p>Postal Address: <input style="width: 100%;" type="text"/></p> <p>Work Phone #: ( <input style="width: 30px;" type="text"/> ) <input style="width: 150px;" type="text"/> Mobile #: <input style="width: 100px;" type="text"/></p> <p>Email: <input style="width: 250px;" type="text"/> Fax #: ( <input style="width: 30px;" type="text"/> ) <input style="width: 100px;" type="text"/></p> <p><b>LICENCE DETAILS – Fishing and Marine Farming Only</b></p> <p>List the licences and vessels that will be used in conjunction with the proposed activities:</p> <p>Licence Type: <input style="width: 100px;" type="text"/> Ent. #: <input style="width: 50px;" type="text"/> Vessel: <input style="width: 100px;" type="text"/> D/Mark: <input style="width: 50px;" type="text"/></p> <p>Licence Type: <input style="width: 100px;" type="text"/> Ent. #: <input style="width: 50px;" type="text"/> Vessel: <input style="width: 100px;" type="text"/> D/Mark: <input style="width: 50px;" type="text"/></p> <p>Marine Farming Licence #: <input style="width: 100px;" type="text"/> Species: <input style="width: 150px;" type="text"/></p> <p>Other details (eg. special endorsements): <input style="width: 100%;" type="text"/></p> <p><b>PREVIOUS PERMIT DETAILS</b></p> <p>Have you or your organisation previously held any other permits? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If so, please record permit numbers and years issued: <input style="width: 100%;" type="text"/></p> <p><b>PROPOSED ACTIVITY</b></p> <p>Briefly describe your proposed activity (specific details are required overleaf)</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p><b>DATES</b> - Give the dates of your proposed activity: FROM: <input style="width: 100px;" type="text"/> TO: <input style="width: 100px;" type="text"/></p> <p><b>OTHER PERSONS DIRECTLY INVOLVED</b></p> <p>Provide details of persons that you may need to act on your authority (eg. agents, employees)</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	 <p><b>Tasmania</b> Explore the possibilities</p> <p style="background-color: #FFD700; color: black; padding: 2px 5px; border: 1px solid black;">Clear Form</p> <p style="background-color: #008080; color: white; padding: 2px 5px; border: 1px solid black;">Save Form</p>
<p><b>Privacy Statement</b></p> <p><small>Personal information will be collected from you for the purposes of maintaining a register of persons holding authorisations and fishing certificates pursuant to the <i>Living Marine Resources Management Act 1995</i> and will be used by DPIPWE for purposes permitted by this Act. Failure to provide this information may result in the inability to process your application or provide the service requested.</small></p> <p><small>Your basic personal information may be disclosed to other public sector bodies where necessary or if required by law. Personal information will be managed in accordance with the <i>Personal Information Protection Act 2004</i> and may be accessed by the individual to whom it relates on request to DPIPWE. You may be charged a fee for this service.</small></p>	

*Approved form F1953*

**PROPOSED ACTIVITY DETAILS**

**MARINE SPECIES**

- Specify species you propose to take, possess, sell etc.
- Include specific requirements eg. quantity, size, quality, season.

**EQUIPMENT AND METHODS**

- Provide details of equipment and methods proposed (include design details, diagrams or photographs for new or modified equipment and methods).
- Include details of any known trials.

**AREA DETAILS**

- Detail the areas for your activities. Provide coordinates/maps where appropriate.
- Indicate the depth range, bottom type, position in the water column.

**INTERACTIONS WITH OTHER USERS AND THE MARINE ENVIRONMENT**

- Describe the potential impact on the marine environment.
- Describe how you will deal with non target, by-catch species.
- Describe potential interactions with any other marine users or fishing activities.

**SUPPORTING INFORMATION**

- Give reasons you want to undertake these activities-attach other relevant information.
- Commercial activities should include details such as business development plan, estimated catch/production, product value, marketing information.
- Researchers should include project details and other approvals, eg. animal ethics.

**WHERE TO SEND THE COMPLETED FORM:**

**Post:** Wild Fisheries Management Branch  
Department of Primary Industries, Water & Environment  
GPO Box 44, Hobart TAS 7001

**Fax:** Wild Fisheries Management Branch (03) 6223 1539

**Email:** [Grant.Pullen@dpipwe.tas.gov.au](mailto:Grant.Pullen@dpipwe.tas.gov.au)

**In person:** Wild Fisheries Management, 1<sup>st</sup> Floor, Marine Board Building, 1 Franklin Wharf, Hobart.

**DECLARATION (you will need to print this form before signing it)**

I hereby declare that all information provided in this application is true and correct.

Signature of Applicant(s): \_\_\_\_\_ Date:

**INFORMATION REGARDING PERMITS ISSUED  
UNDER THE  
*LIVING MARINE RESOURCES MANAGEMENT ACT 1995***

**Why permits are issued**

Permits allow people to undertake fishing activities that are otherwise prohibited under the *Living Marine Resources Management Act 1995*. Purposes for which permits can be issued include:

- scientific research;
- the promotion of fishing or fish products;
- the development of fisheries;
- the development of fishing technology;
- educational and community awareness programs;
- fish stock depletion or enhancement;
- the collection, keeping, breeding, hatching or cultivating of rare or endangered fish;
- sport or recreation purposes by a person who would otherwise be unable by reason of disability to engage in fishing;
- Aboriginal cultural and ceremonial activities;
- the development of marine farming;
- law enforcement;
- environmental monitoring; and
- bioprospecting.

Many factors are considered when assessing permits, including resource sustainability, environmental interactions, legislative requirements, and the costs and benefits to all extractive and non-extractive users of Tasmania's marine resources.

Any access given under a permit cannot be guaranteed. *Permits should not be used for the establishment of a business or a long term fishing operation, and the permit holder should be cautious about making any investment into such an operation on the basis of access provided under a permit.*

**Who can apply**

Any person can apply for a permit under Section 12 of the Act. Typically, they are issued to commercial fishers, scientific researchers, community groups, individuals, fish processors, marine farmers and educational institutions.

**How to apply**

Applicants need to lodge an application form providing relevant details about their proposed activities. *Allow 21 days for processing* – no guarantee can be given that late applications will be processed. Some applications may take longer should consultation with fishing associations be necessary or expert scientific advice required.

Your application should include:

- a brief description of your proposed fishing activity;
- the species and quantity of fish involved;
- fishing gear and methods;
- areas to be fished;
- the dates you wish to undertake the activity;
- any potential impact on the marine environment;
- any supporting information and copies of relevant documents or maps; and
- your signature and the date.

Prior to submitting a written application to the Wild Fisheries Management Branch, it is strongly recommended that your proposed activities be discussed with staff of the Wild Fisheries Management Branch (contact name and number given below). Should your application be granted, a permit will be forwarded to you authorising certain fishing activities. Some applications are not successful, and the Department will advise you in writing if this is the case, explaining the reasons why.

#### **Conditions**

Where the Minister grants an application for a permit, the permit holder is authorised to undertake certain activities in accordance with specified conditions. These conditions vary for each permit but often include restrictions on species, quantities, fishing area and gear used. They may also include minimum licence criteria, research and reporting requirements.

#### **Duration of Permit**

Permits can be issued for a period of up to 12 months. The expiry date is written on the permit and the Department does not notify permit holders when permits expire. You will need to apply for a new permit if you wish to continue fishing beyond the date of expiry.

#### **Consultative Process for Permits**

Under the Act, the Minister is required to consult with relevant fishing bodies prior to issuing certain permits. Applicants should be aware that whilst Departmental confidentiality guidelines apply, fishing associations, community groups, Government agencies and scientific advisers may be consulted where appropriate.

#### **Reporting**

Generally, the permit holder is required to provide a report on their fishing activities at the end of the permit period. The information provided is used in making decisions about fisheries management and to assist the Department to meet its responsibilities under the Act. Consideration of future permit applications may be affected if reporting procedures are not met.

#### **Fees**

Fees apply for the issue of some permits. These must be paid to the Department before the permit will be issued. The fee will be determined by estimation of costs associated with administration, research, monitoring and compliance activities required.

#### **Further Information:**

**Contact:** Grant Pullen    **P:** (03) 6233 3157    **E:** [Grant.Pullen@dpipwe.tas.gov.au](mailto:Grant.Pullen@dpipwe.tas.gov.au)

**Mail:** Wild Fisheries Management Branch  
Department of Primary Industries, Water & Environment  
GPO Box 44  
HOBART TAS 7001

**In person:** 1<sup>st</sup> Floor, Marine Board Building  
1 Franklin Wharf  
HOBART TAS 7000

## APPENDIX C: DPIPWE Permit approval conditions

### **LIVING MARINE RESOURCES MANAGEMENT ACT 1995**

Permit issued under Section 14

#### **CULTURAL AND CEREMONIAL ACTIVITIES**

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**PERMIT NUMBER:** 18002  
**PERMIT HOLDER:** Dr Emma Lee  
WYNYARD TAS 7325  
**DATE OF ISSUE:** 12 January 2018  
**DATE OF EXPIRY:** 22 February 2018

#### **ACTIVITIES AUTHORISED BY THIS PERMIT:**

This permit is issued for the purposes of Aboriginal cultural and ceremonial activities. It authorises the permit holder and agents to take and possess abalone (Genus *Haliotis*) and periwinkles (Genus *Turbo*) from State waters, for the purpose of Aboriginal cultural and ceremonial activities, in accordance with the terms and conditions set out below.

#### **CONDITIONS**

It is a condition of this permit that the permit holder or agent:

1. must only use an agent for taking fish under this permit who is
2. must only use an agent for possessing and preparing fish under this permit who is a participant in the Indigenous Fisheries Workshop 2018 to be held 21 February 2018;
3. must not take or possess any fish under this permit before 5 February 2018;
4. must only take fish under this permit to be used as part of the Indigenous Fisheries Workshop 2018;
5. must only take fish under this permit in State waters east of the line of the line of longitude running through Whale Head and west of the line of longitude running through the southern end of Cape Pillar;
6. must only take in total and possess a maximum of twenty (20) abalone under the authority of this permit;
7. must only take in total and possess a maximum of two kilograms of periwinkles under the authority of this permit;

Department of Primary Industries, Parks, Water  
& Environment - Wild Fisheries Branch



8. must only take fish by hand while wading, swimming or diving;
9. must not take or possess fish of a size or dimension smaller than the legal minimum size for that fish if that fish had been taken for recreational purposes;
10. must not sell, or use for commercial purposes any fish taken under the authority of this permit;
11. must not conduct activities under the authority of this permit in Marine Nature Reserves, Marine Resources Protected Areas, Taroona waters (as defined in the *Fisheries Rules 1999*) or designated research areas;
12. must carry a copy of this permit whenever engaged in activities under the authority of this permit, including whilst transporting fish from place of capture and to or from storage to the workshop location;
13. must ensure a copy of this permit is held at any premises where fish are being stored prior to transportation and preparation for the Indigenous Fisheries Workshop 2018;
14. must notify the Officer in Charge, Marine Police, Hobart (fax 03 6272 4289 or [marine@police.tas.gov.au](mailto:marine@police.tas.gov.au)) at least 6 hours prior to fishing under the authority of this permit, providing details of permit number, proposed fishing activities, any vessel utilised, persons fishing and area of operations;
15. must supply the Director (Marine Resources) with a report, noting the details of the dates, area of collection and quantities of fish collected under the authority of this permit within one month of the expiry date of the permit;
16. must comply with the *Living Marine Resources Management Act 1995* and all rules and regulations made thereunder with the exception of activities authorised by this permit.



Grant Pullen  
**A/DIRECTOR (MARINE RESOURCES)**