North Coast Regional Landcare

Walking Together

Cultural Knowledge and Conversation

Toolkit for Local Landcare Networks and Groups across the North Coast Region

Acknowledgement

Artwork

Care for Country by Sarah Tunsted

Painting, acrylic on canvas 2025

"In the vibrant colours of Bundjalung Country, Care for Country speaks of the ancient wisdom held in the land. It calls us to share with nature as kin, to walk gently, and listen deeply to the voice of Country, and to honour the beauty that sustains us."

About the Artist

Sarah Tunsted is a proud Bundjalung woman of the Morrang Moobar clan from Murwillumbah. A contemporary Aboriginal artist, she has lived her entire life on Bundjalung Country in the Northern Rivers of New South Wales. Her artworks reflect her family history, her interpretations of Country, and her profound connection to culture. Painting intuitively, Sarah expresses her spiritual relationship with Country and her deep passion for her heritage. Her distinctive style combines vibrant colours with earthy tones, drawing on Aboriginal language symbols alongside her own original designs.

Terminology

Throughout the Toolkit the terms 'First Nations people', Aboriginal, Aboriginal and/or Torres Strait Islander people/s and Indigenous peoples have been used to refer to the First Peoples of Australia. However, it is important to note that these terms are part of the colonial legacy and First Nations people of Australia would generally identify themselves by their Country, Nation or Language Group. Sensitivity and seeking guidance from people is always the best approach given that some First Nations people have been dislocated from their communities and Country.

Project team

Michael Kennedy

North Coast Regional Landcare Network (NCRLN), Aboriginal Landcare Officer

Bridget Kent

Regional Project Operations Manager, NCRLN

Jacqui Pearce

Consultant, Burbangana Group

Kate Medcalf

Project Support Officer, NCRLN

2026V2

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North Coast Regional Landcare Network is proud to acknowledge Aboriginal and Torres Strait Islander peoples as the traditional custodians and original landcarers of the land on which we live and work.

We pay our respect to elders past, present and emerging.

Gidjuum Gulganyi Walk - Widjabul Wia-bal and Minjungbal Country

Introduction to the Toolkit

The North Coast Regional Landcare Network (NCRLN) was funded to deliver the Regional Landcare Aboriginal Partnerships project in recognition of its strong track-record engaging with local Aboriginal Communities, Landcare state programs and successfully employing Aboriginal identified roles.

To understand more about joint projects and collaborations between Local Landcare Networks and Aboriginal partners/stakeholders the project utilised a survey, one to one conversations, and workshops across the 11 Local Landcare Networks from June 2025 to August 2025.

The project activities found there is generally a wide engagement with Aboriginal stakeholders and organisations across the networks providing a diverse mix of projects with some areas undertaking multiple projects across their region.

There was and is strong interest and commitment from all networks to engage, collaborate and partner with local Aboriginal organisations and stakeholders and conversely, strong interest from local Aboriginal Elders and Knowledge Holders, organisations and stakeholders.

This Toolkit has been developed to support Local Landcare Networks and groups to effectively and confidently engage with First Nations people across the region.

The Toolkit offers brief and limited information covering:

- Introduction to the historical context for First Nations people since colonisation;
- Introduction to First Nations peoples in Australia;
- Cultural safety, Cultural protocols and Language and place names;
- Aboriginal organisations and governance arrangements;
- Current legal situation for Cultural Burning; and,
- Guidance and checklists to support engagement with Aboriginal people, organisations and stakeholders.

Engaging with Aboriginal stakeholders to support On Country projects contributes to healing alongside positive outcomes for land, fauna, waters and people.

Coffs Harbour Landcare Network Walking Together Workshop, Gumbaynggirr Country

Historical context since arrival of the British in 1788

When engaging with First Nations stakeholders it is important to understand at least a little of the history since the arrival of the British in 1788. Colonisation has had a devastating impact on First Nations communities and cultures, marked by dispossession of land, cultural disruption, introduction of diseases, and extreme violence and loss of life.

It was also marked by the enforcement of legal restrictions preventing movement, access to work and Country (relocation to missions, reserves and stations) and numerous other restrictions alongside the forced removal of Aboriginal children from their families, communities and Country, resulting in what has come to be known as the Stolen Generations. This has had a lasting impact on Aboriginal people, their families, and communities.

Ongoing entrenched disadvantage, political exclusion, intergenerational trauma and institutional racism all have had and continue to have a negative impact on the life outcomes of First Nations people.

Various government legislation and policies have contributed to:

- dispossession of land
- family fragmentation
- mental health issues
- social and emotional wellbeing issues
- grief and loss
- poverty
- racism
- unemployment
- adverse health outcomes
- poor housing standards
- below standard English literacy and numeracy rates
- alcohol and substance abuse/ misuse
- over-representation in the juvenile and criminal justice systems.

Over time, movements for rights and recognition have gained momentum leading to significant legal and social changes, yet challenges related to inequality, institutionalised racism and the legacies of colonisation persist.

At the same time, Aboriginal people are self-determining, building local economies, and many are keen to engage with repairing and restoring Country.

Acknowledging these cultural and historical factors is important for anyone who works closely with Aboriginal people. Having a more informed understanding of this background enables a greater appreciation of the current impacts these factors have on communities and how Landcare can work with Aboriginal people in the future. (The preceding section was adapted from Working with Aboriginal People pp 2 – 5, see References List).

Brief introduction to First Nations peoples

Aboriginal and Torres Strait Islander (First Nations) people are the First Peoples of Australia. They comprise hundreds of groups that have their own distinct set of languages, histories and cultural traditions, and contribute significantly to all aspects of life in Australia and to Australia's cultural identity.

For many First Nations people, wellness is a holistic concept that includes physical, social, emotional, cultural, spiritual and ecological wellbeing, for both the individual and the community. It is strongly aligned with Country as an integral component. Social and emotional wellbeing (SEWB) is the foundation of physical and mental health for First Nations people. It encompasses a holistic view of health, recognising that connection to land, sea, culture and spirituality all influence wellbeing.

In 2021, there were an estimated 278,000 First Nations people living across New South Wales (NSW), representing 3.4% of the total population of NSW. Most First Nations people in NSW live in cities and regional areas (85% in 2021). Just under 1 in 6 (15%) live in remote areas, which is a much higher proportion than non-Indigenous Australians (1.4%).

First Nations people have a much lower life expectancy than the non-Indigenous population, and most are aged between 5 and 54 years. (AIHW, https://www.aihw.gov.au/reports-data/population-groups/indigenous-australians/overview)

Aboriginal cultures and communities are diverse and there are many different nations and groups living in NSW. When engaging with Aboriginal people it is necessary to tailor ways of working and communicating to meet the needs of the individuals and communities.

On Country

In 2020, Daniele Hromek developed Aboriginal Cultural Values: An Approach for Engaging with Country for the Department of Planning, Industry and Environment. This next section is based on the guide she developed and speaks to the importance of Country for First Nations people.

The Indigenous concept of "Country" is profoundly holistic and relational, diverging significantly from Western notions of "land" or "environment." While Western views often perceive land as a physical space, an object, or an inert possession to be owned, exploited, and managed by humans (anthropocentric), Country is a living, sentient, and interconnected entity. It is the ancestral origin place of First Peoples, where Ancestors still exist as life forces. Country cannot be owned or tamed; instead, it represents a deep, reciprocal relationship that must be honoured, nurtured, and cared for. It encompasses everything—land, water, sky, flora, fauna, non-breathing entities, as well as intangible aspects like knowledges, cultural practices, identity, and reciprocal relationships. For Indigenous peoples, connection to Country is inherent from birth, carrying with it responsibilities for its care, and this connection persists despite colonial disruptions. Country is seen as the ultimate source of all meaning, Laws, and lore, acting as an "eternal library" of knowledge that informs identity and societal relations.

The core principles of "Engaging with Country" are rooted in Indigenous methodologies and emphasise a relational approach grounded in mutual respect, reciprocity, and shared responsibility. These principles sharply contrast with conventional, often hierarchical, Western approaches.

Key principles include:

Relational Approach: Humans are viewed as "simply one part of a broader ecosystem," where the health of each element depends on the health of the whole. This fosters a "relationist ethos" where relationships with Country and among people are paramount.

Indigenous Methodologies: These privilege Indigenous worldviews, knowledges, and voices; honour Aboriginal social customs; emphasise historical and political contexts; include Indigenous peoples as active participants (not objects); and prioritise knowledge sharing and protection using appropriate language and processes.

When engaging with First Nations people in your local area, whenever possible, inviting the engagement of First Nations Knowledge Holders to implement actions to engage with Country, including using the senses, can offer an alternative experience as part of developing On Country projects.

This could include:

- **Hearing Country:** This is "silent awareness or inner deep listening and quiet, non-obtrusive observation and hearing without ears" (Dadirri). It demands stillness, patience, and a profound search for understanding, carrying a "responsibility to act" upon what is heard. Indigenous languages often contain specific words for this deep listening.
- **Sensing Country:** Beyond listening, this involves "actively seeking the sense of Country" by paying attention to changes in ambience, sensations, and textures. It requires being "open, alert and conscious that people are not at the centre of all" and perceiving the "intangible spirit of Country," even in urban environments.
- **Walking Country:** This is a "focused action of custodianship and care for Country," where narratives and Knowledges are "grounded in Country" and experienced through movement. Walking with Knowledge Holders allows for connecting to place, drawing inferences, and discussing observations.

Indigenous Leadership is Crucial: It is unequivocally stated that "it is inappropriate for non-Indigenous people to be reading Country without the authority and guidance by Indigenous peoples." Knowledge Holders are the "most appropriate guides" as they possess the deepest understanding of Country and can direct effective engagement, ensuring that the true communications from Country are embedded into management and care.

Brisbane
Coolangatta
Yugambeh
Lismore
Bundjalung
Yamba
Glen Innes
Grafton
Yaygirr
Coffs Harbour
Gumbaynggirr
Nambucca Healds
Dhanggati
Kempsey
Birrbay
Port Macquarie
Gathang
Guringay
Taree
Warrimay
Singleton
Wanarruwa - Awabakal
Newcastle
HRLM
Darkinyung
Sydney
Local Languages
Map Sourced from Muurrbay Language Centre

Language and place names

There can be multiple spellings of place names. As a Landcare group it is respectful to go with the spelling offered by the local Aboriginal Knowledge Holders you are engaging with, acknowledging that other Knowledge Holders/Elders may refer to the country with a different spelling or even a different name.

This map is from Muurrbay Aboriginal Language and Culture Cooperative. Muurrbay has been dedicated to revitalising Aboriginal languages since 1986. In 2004 Muurrbay became a regional language centre and is supporting languages across the Many Rivers region including Gumbaynggir, Bundjalung, Darkinyung, Dhanggati, Awabakal/Wanarruwa, and Yaygirr.

www.muurrbay.org.au/about-us/

Cultural Safety

Cultural safety is about creating environments where Aboriginal and/or Torres Strait Islander peoples feel safe, respected, and valued. This involves understanding and addressing power imbalances, recognising the impact of historical and ongoing colonisation, and promoting self-determination.

Cultural safety is about overcoming the power imbalances of places, people and policies that occur between non-Indigenous people/institutions and Aboriginal and/or Torres Strait Islander peoples to ensure there is no assault, challenge or denial of the Aboriginal and/or Torres Strait Islander person's identity, of who they are and what they need.

Cultural safety is met through actions from those with the majority position which recognise, respect, and nurture the unique cultural identities of Aboriginal and/or Torres Strait Islander peoples. Only the First Nations people who are the recipients of a service or interaction can determine whether it is/was culturally safe.

Whilst there are various definitions, some key themes that contribute to cultural safety include:

1. **Respect and Dignity:**
   This principle emphasises the importance of treating Aboriginal and/or Torres Strait Islander peoples with respect, recognising their inherent dignity and worth, and valuing their cultural Knowledges and perspectives.

2. **Shared Meaning and Knowledge:**
   Cultural safety involves creating spaces where Aboriginal and/or Torres Strait Islander peoples feel safe to share their knowledge and experiences, and where non-Indigenous people learn and understand these perspectives.

3. **Self-Determination:**
   This principle highlights the need to support Aboriginal and/or Torres Strait Islander peoples' right to self-determination, including their right to make decisions about their own lives, communities, and cultural practices.

4. **Addressing Power Imbalances:**
   Cultural safety requires acknowledging and addressing the power imbalances that exist between people and within systems and institutions.

5. **Unlearning and Relearning:**
   This principle involves a commitment to unlearning harmful stereotypes, conscious and unconscious biases, and racist attitudes, and relearning Aboriginal and/or Torres Strait Islander cultural values and perspectives.

Key considerations for non-Indigenous people to enable more culturally safe environments include:

- Recognising, understanding and responding to racism at an: a) individual level, and b) the social-cultural and institutional or systemic level.
- Understanding how dominant cultural values and beliefs shape actions and attitudes – individually and systemically.
- Encouraging critical self-reflection for non-Indigenous people [the gaze is inward rather than outward.
- Exploring 'whiteness' and white privilege and how it shapes the lives of white people, Aboriginal and/or Torres Strait Islander peoples, and people who are not white and who are not Aboriginal and/or Torres Strait Islander people.
- Learning that cultural safety is the experience of the recipient of engagement and/or services, and that it is not defined by others.
- Understanding [historical truth telling, inequity and] the impact of colonisation and dispossession, and the historical and ongoing effects of these in Aboriginal and/or Torres Strait Islander people's everyday lives. (Mohamed J, Stacey K et al, 2024, p. 34).

Working towards cultural safety is usually described as a "lifelong journey" rather than a destination. Any actions towards this end can make a difference to both engagement with First Nations peoples and project outcomes.

Cultural Protocols

Cultural protocols are customs, values and guidelines for particular cultural groups. At all times, the rights of Aboriginal and/or Torres Strait Islander people to own and control their cultural heritage, and their rights and interests and how they are portrayed, must be respected and protected.

Cultural Welcome/Welcome to Country

When organising a meeting or event it is good practice to include a traditional Welcome to Country ceremony ranging from speeches, traditional dance and/or smoking ceremonies. These ceremonies are performed by an Elder or an appropriate member/group of the local Aboriginal community to welcome people visiting and/or meeting on their Country. It is appropriate to pay a fee for this service.

If an official Welcome to Country is not included in the meeting or gathering, it is respectful and good practice to acknowledge the land on which you are meeting and its original custodians, noting that anyone may give this Acknowledgement of Country. It is advisable to prepare such an acknowledgement to deliver at the start of the planned meeting or gathering

For example: 'I would like to acknowledge the original custodians, the Bundjalung people, on whose land we are meeting today. I would also like to pay my respects to Elders past and present and welcome all Aboriginal people here with us today.'

It is good practice to find out which Country you are meeting on prior to the event.

If there are Elders in the room, it is good practice to invite them to speak first.

Always ask First Nations people how they would like to be addressed to avoid inadvertently using a name that cannot be spoken. Only use the terms "aunty" and "uncle" when invited to do so. It is also good practice to acknowledge any cultural or historical sites of significance.

Communication Styles

Adapting communication styles is crucial for respectful and effective engagement.

This section is adapted from NSW Government, Practice Note – Engaging with Aboriginal Communities, Social Impact Practice Notes.

Body Language

"It is important to take the lead from the people you are meeting with and reflect their eye contact and body language." Be aware that some individuals may avoid eye contact. Maintain an "open and respectful" posture (NSW govt pg 4).

Indirect Questions

Limit direct questions and allow space for responses. Before you ask a question, make sure the group knows you only want them to disclose what they feel comfortable sharing. Allow for silence and avoid pressing for answers if a response is not immediately given or if the topic appears uncomfortable (NSW govt pg 4).

Listen Rather Than Justify

Be prepared to allow space for people to share their perspectives without you needing to justify with a response. Many Aboriginal people may express concerns not directly related to the project, and simply listening offers much to learn (NSW govt pg 4).

Community Dynamics

Acknowledge that "complex social structures guide who can speak on different topics and who can be present when information is discussed." Individuals may need to defer to others or take conversations offline.

Like all communities, nations, countries etc. politics can inform how a project might progress. A legacy from the dislocation caused by colonisation is disagreement over nation boundaries and at times many other aspects related to Country. This may at times slow down the progress of a project.

If a meeting or a project becomes challenging, seek advice from key community members on how best to proceed (NSW govt pg 4).

Right to Privacy

While engagement should be open and transparent, "everyone should have the right to engage and also be offered anonymity." Ensure participants feel safe to speak and confirm "consent for the reporting of engagement outcomes, particularly sensitive information," aligning with free and prior informed consent.

Engagement with the custodians of traditional Knowledges/expression should include the risks and benefits of wider dissemination of cultural material, as certain information or images may be unsuitable for circulation. Engagements should be thorough and accessible, and language used should be culturally appropriate (NSW govt pg 4).

Attribution

Aboriginal people should be given proper credit or appropriate acknowledgement for their achievements, contributions and roles in the development and implementation of projects.

Encourage Aboriginal perspectives. When story-gathering and interviewing, it is important to select appropriate Aboriginal people, e.g. those from that Country, for comment on Indigenous issues, rather than relying solely on self-appointed non-Indigenous spokespeople, as worldviews can differ.

When preparing acknowledgements and attributions, ask informants how they want to be described or identified — some may wish to be known by their Country, Nation or Language Group, or by their place of origin and/or occupation — as this will ensure accuracy for the purposes of establishing an interviewee's authority to speak, and avoid stereotyping (Oxfam Aboriginal and Torres Strait Isalander protocols, 2015).

Sharing of Benefits

Ensure that prior to any activities being undertaken there is a tangible benefit for local communities in the development, implementation and outcomes of a project. For example, providing feedback after an engagement session or meeting, including Aboriginal people in decision making, and seeking feedback on best ways to disseminate information and the benefits that would be of value to the local community/project participants (Oxfam Aboriginal and Torres Strait Isalander protocols, 2015).

Intellectual and cultural property (ICIP)

ICIP means the rights of First Nations peoples to their heritage and knowledges. Always ensure that Aboriginal and Torres Strait Islander intellectual and cultural property is protected, only used with permission, and acknowledged appropriately.

Macleay Landcare Network Walking Together Workshop, Dunghutti Country

Gidjuum Gulganyi Walk - Widjabul Wia-bal and Minjungbal Country

Aboriginal Organisations and Governance Arrangements

Background Context – Relationship between Aboriginal Land Rights and Native Title in Australia

Before 1993, Aboriginal Land Councils (established under various state Land Rights Acts, like NSW's Aboriginal Land Rights Act 1983) operated under a different legal framework than what emerged with Native Title recognition.

Pre-1993 Land Claims

Before the Native Title Act 1993, Local Aboriginal Land Councils could submit land claims under state-based Land Rights legislation.
These claims were processed without needing to consider Native Title because:

- Native Title wasn't legally recognized in Australia until the Mabo decision (1992)
- The focus was on Crown land that could be transferred to Land Councils under Land Rights Acts
- There was no legal requirement to "extinguish" Native Title because it wasn't acknowledged to exist

Post-1993 Changes

After the Native Title Act 1993, the legal landscape became more complex because:

- Native Title was now legally recognised
- Any grant of land needed to consider whether Native Title existed over that area
- Different Indigenous land tenure systems needed to work together

Steps for Native Title Extinguishment

When a Local Aboriginal Land Council seeks land that may have Native Title, they typically need to:

1. **Determine Native Title status** - Check if Native Title has already been determined to exist, not exist, or is still uncertain over the land parcel
2. **Native Title Tribunal processes** - If Native Title exists or might exist, the matter may need to go through the National Native Title Tribunal
3. **Consent determinations** - Often, Land Councils and Native Title holders (who may be the same or overlapping Indigenous groups) negotiate consent agreements
4. **Surrender and re-grant** - Native Title holders may agree to surrender their Native Title rights so the land can be granted to the Land Council under Land Rights legislation
5. **Compensation considerations** - Any extinguishment may require compensation under the Native Title Act

Practical Reality

In many cases, the same Indigenous community may have both Land Council representation and Native Title rights, so the process often involves the community deciding which form of land tenure best serves their needs. Land Rights grants often provide more immediate practical benefits and stronger tenure, while Native Title recognises traditional law and custom.

The specific procedures may vary and depend on the particular circumstances of each land parcel and the Indigenous groups involved.

Local Aboriginal Land Councils (LALCs)

The New South Wales Aboriginal Land Council (NSWALC) is NSW's peak representative body in Aboriginal Affairs, NSWALC aims to protect the interests and further the aspirations of its members and the broader Aboriginal community. NSWALC is the largest member based Aboriginal organisation in NSW. It was established in the 1970s to assist in the fight for Aboriginal land rights and was formally constituted as a statutory corporation under the Aboriginal Land Rights Act 1983 (NSW). LALCs, which are members of NSWALC, are also governed by the Aboriginal Land Rights Act 1983 (NSW). Action towards furthering economic interests, running ranger programs, claiming crown land and implementing housing and other relevant activities is undertaken by the LALCs on behalf of their respective Aboriginal communities in NSW. A LALC can make a land claim over Crown lands that meet certain criteria such as not being lawfully used or not being used for an essential public purpose. A successful claim grants freehold title.

There is a network of LALCs across NSW, including in the Northern region. To find the LALCs in your region go to *www.alc.org.au/land_council/*

Native Title

Native Title is administered under the Native Title Act 1993 (Cth). Decisions are taken by the National Native Title Tribunal in the Federal Court of Australia. Claimants must be Traditional Owners who can prove continuous connection to land under their respective laws and customs. Claims can apply to any land where Native Title has not been extinguished, and may include rights to access, hunt, fish and control land use.

This is generally a very prolonged and difficult process for First Nations people, often spanning over 20 years. However, a successful claim for Native Title can open up opportunities for On Country activities and economic opportunities. It is complicated by both the impact of colonisation and the Western systems holding the decision-making power.

www.ntscorp.com.au/about-native-title/

Prescribed Body Corporates (PBCs)

The main purpose of a Prescribed Body Corporate (PBC) is to manage Native Title rights and interests on behalf of their Native Title holders. After a positive Native Title determination, the PBC will become the main contact point for people wanting to engage with Native Title holders or do business on their Country, including local and state or territory governments, mining companies and other individuals or entities.

PBCs have functions under the Native Title Act 1993 (Cth) and Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth), such as responding to 'future act' notices. They may also take on other functions and projects including but not limited to ranger programs, cultural heritage consultation and management, and carbon farming projects.

www.nativetitle.org.au/node/3071

Indigenous Protected Areas (IPAs)

IPAs are areas of land and sea Country managed by First Nations groups in accordance with Traditional Owners' objectives. IPAs deliver biodiversity conservation outcomes for the benefit of all Australians, through voluntary agreements with the Australian Government.

The IPA Program has been supporting First Nations communities to voluntarily dedicate and manage their land as protected areas since 1997. In addition to environmental resilience and

cultural heritage protection, IPA program participants report benefits of empowerment, cultural connection and wellbeing, as well as broader socio-economic benefits for local communities.

Some areas of IPA land are recognised as part of the National Reserve System, for protection of the nation's biodiversity and cultural heritage.

Most IPAs are dedicated under International Union for Conservation of Nature (IUCN) Categories 5 and 6, which promote a balance between conservation and other sustainable uses to deliver social, cultural and economic benefits for local Indigenous communities.

IPAs provide a framework for First Nations communities to combine traditional and contemporary Knowledges to collaboratively manage their land and sea Country, leverage partnerships with conservation and commercial organisations and provide employment, education and training opportunities for First Nations people.

IPA projects are supported through multi-year funding agreements. Many Indigenous organisations also supplement this funding through fee-for service or other income generating activities, as well as support from private sector and philanthropic organisations.

www.niaa.gov.au/our-work/environment-and-land/indigenous-protected-areas-ipa

A map of IPAs is available including IPA Consultation projects of which there are 3 in the Northern NSW region.

www.niaa.gov.au/sites/default/files/documents/2025-03/IPA-national-map-A4-Feb-2025.pdf

The Bellinger Vally IPA Consultation Project – Yurruungga Aboriginal Corporation and Bringing Jagun Together – Jagun Alliance Aboriginal Corporation have both been funded until 2028.

Indigenous Land Use Agreements (ILUAs)

ILUAs in NSW

An ILUA is a voluntary agreement between native title parties and other people or bodies about the use and management of areas of land and/or waters.

An ILUA can be made over areas where:

- Native Title has been determined to exist in at least part of the area
- a Native Title claim has been made
- no Native Title claim has been made.

While registered, ILUAs bind all Native Title holders to the terms of the agreement. ILUAs also operate as a contract between the parties.

As is evidenced by the above there are a myriad of governance arrangements that Aboriginal people are required to engage with and implement depending on the land classification.

Aboriginal businesses

There are also Aboriginal businesses engaged in On Country activities. Supply Nation is a database of verified Indigenous businesses.

www.supplynation.org.au/

Gidjuum Gulganyi Walk - Widjabul Wia-bal and Minjungbal Country

Cultural Burning:
Restoring Indigenous Fire Sovereignty in Australia

This Q&A segment is based on the information from the report Identifying and Overcoming Legal Barriers to Cultural Burning (McCormack et al, 2024)

What is cultural burning, and why is it important for Australian ecosystems?

Cultural burning is a sophisticated and ancient fire management framework developed and maintained by Indigenous Australians for over 65,000 years. It is integral to their relationship with the physical and spiritual world, serving various purposes beyond just fuel reduction, including hunting, regenerating resources (foods, medicines, materials), clearing ground, providing illumination, cooking, warmth, and ceremony. For Australian ecosystems, moderate, managed fire plays a crucial ecological role, triggering life cycle processes like germination and mitigating extreme wildfire risks by managing fuel accumulation. The absence or too-frequent application of fire in fire-adapted ecosystems is widely recognised as a significant threat to biodiversity.

How did the concept of "terra nullius" impact Indigenous fire management in Australia?

The principle of "terra nullius," falsely claiming Australia as "land belonging to no one" at the time of British colonisation in 1788, led to the suppression of Indigenous fire practices. This presumption ignored the sophisticated Indigenous fire law and governance systems that had curated landscapes for millennia. Consequently, new colonial laws directly prohibited cultural burning, imposing penalties, and indirectly suppressed it through forced displacement of Indigenous communities and disruption of their cultural practices. This historical legacy continues to influence current legal regimes, which predominantly view fire as a hazard to be controlled rather than a cultural or landscape management tool.

What are the main legal and policy barriers preventing widespread cultural burning in NSW today?

The widespread implementation of cultural burning in NSW is hindered by a "complex muddle of legal instruments and agency oversight." Key barriers include:

- **Lack of Formal Legal Recognition:** Cultural burning lacks a dedicated place in legal frameworks, forcing it into ill-fitting categories like "hazard reduction" or "land clearing."
- **Exclusion of Cultural Purpose:** "Practicing culture" is not a recognised legal reason to light a fire, leading to a focus on risk mitigation and limiting Indigenous decision-making authority.
- **Disregard for Indigenous Knowledge:** Cultural knowledge is often not formally recognised as "evidence" in fire management decisions, leading to rigid application of outdated scientific guidelines (e.g., fire interval thresholds) that may not align with ecological or cultural needs.
- **Liability and Insurance Issues:** Cultural fire practitioners lack explicit legal protection from liability, and obtaining affordable insurance is difficult, creating a "chilling effect" on their activities.
- **Complexity and Resource Demands:** The fragmented legal system imposes significant financial and administrative burdens on Indigenous communities attempting to navigate approvals.

How do existing hazard reduction and native vegetation laws in NSW inadvertently hinder cultural burning?

Existing laws primarily view fire as a threat or a form of land clearing:

- Bushfire Hazard Reduction (e.g., Rural Fires Act 1997, Bush Fire Environmental Assessment Code): These frameworks prioritise "prevention, mitigation, and suppression" of fires to protect life and property. Cultural burns are often shoehorned into "hazard reduction certificates," which operate under rigid risk management requirements, fire return intervals, and strict timeframes that frequently conflict with traditional cultural practices and seasonal calendars.
- Native Vegetation Management (e.g., Local Land Services Act, 2013, State Environmental Planning Policies): These laws broadly define "clearing" to include "burning native vegetation," framing cultural fire as a destructive activity rather than a beneficial management tool. While there's an exemption for "traditional Aboriginal cultural activity," it excludes commercial activities, hindering economic opportunities for Indigenous practitioners who get paid for their cultural burning work.

Why is the lack of recognition of Indigenous knowledge a significant barrier to cultural burning?

The failure to recognise Indigenous cultural Knowledges as valid "evidence" or "information" in fire management decisions stems from the enduring "echoes" of terra nullius. This perpetuates a colonial paradigm that views Indigenous Knowledges as "old, static, traditional, rather than constant, alive and contemporary," and often dismisses it as "irrelevant, irrational, unscientific."
This means:

- Oral evidence or observations about Country's needs for fire are not prioritised or integrated into formal decision-making processes.
- Fire interval guidelines are developed without extensive input from cultural Knowledge Holders and are often applied too rigidly, even when local Indigenous Knowledge indicates different, more beneficial fire regimes.
- Indigenous people are often excluded from high-level decision-making bodies, despite their deep expertise and responsibilities to Country.

What are some of the proposed pathways for overcoming legal barriers to cultural burning in NSW?

There are several possible reform pathways, emphasising the need for a values-based approach that prioritises Indigenous leadership and the health of Country:

- **Values-Based Reform:** Fundamentally re-evaluating and negotiating new values to underpin the relationship with fire, moving beyond the "fire as hazard" paradigm to acknowledge fire's cultural and ecological benefits.
- **Enhancing Existing Enablers:** Improving agency support, updating fire return intervals to be more flexible and incorporate Traditional Ecological Knowledge, and reforming Aboriginal cultural heritage laws to protect intangible knowledge and practices.
- **Statutory Reform:** Designing novel legal provisions, such as a state-based verification/accreditation process for cultural fire authorities/practitioners, or a dedicated "Cultural Burning Code" and certification scheme to streamline approvals. A cultural-regional planning approach is also proposed.

- **Overcoming Financial Barriers:** Exploring new market mechanisms like the Nature Repair Market or the Australian Carbon Credit Unit Scheme to generate funding for cultural burning, and ensuring sustainable, long-term financial support for Indigenous communities.
- **Insurance Reform:** Intervening to make affordable insurance accessible, potentially through specialised policies, a government insurance fund, or the abolition of taxes on insurance.
- **Progressing a State-Based Treaty:** A treaty could fundamentally redefine the relationship between the NSW State and First Nations people, enabling a significant shift in decision-making power and explicit recognition of cultural fire practices.

Why is a fundamental shift in values and governance crucial for the future of cultural burning in Australia?

A fundamental shift is crucial because existing legal and institutional frameworks are rooted in a colonial mindset that has historically devalued Indigenous land management practices and Knowledges. These frameworks were designed to control and suppress fire, rather than to acknowledge its intrinsic role in cultural practices and ecosystem health, as understood by Indigenous people. Without re-evaluating foundational values and transferring decision-making power to cultural Knowledge Holders, efforts to integrate cultural burning will continue to be constrained by ill-fitting regulations and bureaucratic inertia. This shift is essential not only for the revitalisation of Indigenous cultures but also for the long-term health and resilience of Australia's fire-adapted landscapes in the face of increasing bushfire risks.

LALCs, Ranger programs, the National Parks and Wildlife Service, Jagun Alliance and others, are all contributing to undertaking cultural burns and progressing change alongside Local Landcare Networks and Groups.

There have already been strong and successful partnerships between Landcare Networks and Aboriginal organisations undertaking cultural burning with private landowners.

Things to think about: A brief guide for engaging with Aboriginal people, organisations and stakeholders.

The following is adapted from Hromek, D 2020, Aboriginal Cultural Values: An Approach for Engaging with Country Department of Planning, Industry and Environment; NSW Department of Community Services 2009 Working with Aboriginal people and communities, a practice resource, and NSW Government, Practice Note – Engaging with Aboriginal Communities, Social Impact Practice Notes.

Building relationships and engagement

Connect with Aboriginal groups and peoples who hold Knowledge about places, to understand the culture, narratives and health of a place, ecosystem or bioregion.

Build a strong understanding of who you could be engaging with.

Align with and be led by community values.

Engage early and with a flexible approach. Allow time for relationship building.

Build in codesign principles and First Nations leadership from the beginning. Be led by community on how and where and when engagement might take place.

Be aware of the principles of relationships, respect and reciprocity (important cultural foundations). Invest time into building relationships sharing both personally and professionally.

Be prepared to be adapt to the needs of the local communities. Details of meetings and engagement may change at short notice.

Seek multiple perspectives to find common ground.

Determine the core values of places, as guided by First Nations communities and prioritise local Knowledges.

Be mindful of the timing of engagement activities and be guided by community. If Sorry Business occurs this may mean people are not available for a period of time and similarly for other important dates across the year.

Undertake Respectful actions

Interrogate and minimise impacts on Country.

Cultural heritage – what is required to determine the cultural heritage value of a site?

Support First Nations peoples to read Country to provide background and context of histories, stories, memories of places. Support includes both time and space within a project and economic provisions.

Use the correct languages of and for places.

Ensure Indigenous Knowledges and practices are protected.

Incorporate Indigenous community values within ecosystems.

Develop iterative methods of delivery in which community is part of the journey not observers to it.

Remember that "cultural and spiritual" loss may exist for Aboriginal people when engaging with Country. This may be a topic of sensitivity which may or may not be talked about.

Interrogate whether processes and methods of working are Western and hierarchical, or methodologies that reflect Country and community values.

Protect Indigenous Knowledges by ensuring Indigenous Cultural and Intellectual Property (ICIP) rights, and Copyright are respected. ICIP means the rights of First Nations peoples to their heritage. Heritage comprises all objects, sites and Knowledge, the nature or use of which has been transmitted or continues to be transmitted from generation to generation, and which is regarded as pertaining to a particular First Nation or its territory.

Heritage includes:

- literary, performance and artistic works (including songs, music, dances, stories, ceremonies, symbols, languages, and designs).
- scientific, agricultural, technical, and ecological knowledge (including cutigens, medicines and the phenotypes of flora and fauna).
- all items of movable cultural property.
- human remains and tissues.
- immovable cultural property (including sacred and historically significant sites and burial grounds).
- documentation of First Nations peoples' heritage in archives, film, photographs, videotape or audiotape and all forms of media.

In keeping with ICIP, develop processes for ensuring community Knowledge remains as belonging to community, for instance, Non-Disclosure Agreements for non-Indigenous participants (see *aiatsis.gov.au/sites/default/files/2020-10/aiatsis-guide-applying-code-ethics_0.pdf*).

Learning and unlearning

Become informed about the Aboriginal history of the local area and strengthen understandings of differences between Western and First Nations cultures.

Be prepared to critically explore your own world views and be open to challenging personal beliefs and values systems.

Develop personal connections with Country and culture guided by First Peoples through cultural practice, yarning, walking Country, and sensing Country (smelling, listening, feeling).

Create space for storytelling, ceremony and celebrations.

Addressing limitations

Recognise limitations of colonial environmental law and governance systems to protect and care for culture and Country and develop transitional measures that lessen or neutralise them.

Address systemic threats to values and principles.

Implementation and outcomes

Maintain relationships and connections with Country, community and culture.

Continue recreating places to enable new stories, Knowledges, ceremonies, and cultural transmissions to be generated.

Bring co-benefits to all entities of Country.

Create new economies within ecological limits, cultural values and social goals.

Monitor the realisation of the vision for healthy culture and masterplan for Country.

Create measurements for success of the vision and plan.

Prioritise means and practices to ensure resilience is maintained despite delays or obstacles.

Embrace changing circumstances and opportunities; work within limitations to circumnavigate boundaries.

Explore and implement options for continuing support of Country.

Getting Started with Aboriginal Engagement: Quick Checklist

This checklist is a starting point for Local Landcare Networks and Groups who want to begin/continue working with Aboriginal communities in a respectful, meaningful, and practical way.

1. Do Your Homework First

- Learn about the Country you are on (Nation, Language Group, local history).
- Read your Council or regional Aboriginal heritage information.
- Familiarise yourself with key cultural protocols (see Toolkit section).

2. Identify and Connect with Local Contacts

- Find out the local Aboriginal organisations (LALC, Elders groups, PBCs, Land Councils, language centres).
- Reach out respectfully — start with listening, not project pitching.
- Be prepared to meet several times before discussing project ideas.

3. Acknowledge and Respect

- Always start meetings/events with a Welcome or Acknowledgement of Country.
- Budget for appropriate cultural recognition (Elder fees, cultural supervision, etc.).
- Ask Elders/Knowledge Holders how they prefer to be addressed.

4. Build Relationships Before Projects

- Focus on trust and respect — relationships take time.
- Share who you are, your Landcare values, and why you want to connect.
- Listen to community priorities and see where they align with Landcare's goals.

5. Work in Partnership

- Codesign projects together — don't bring a pre-written plan.
- Agree on roles, responsibilities, and decision-making processes.
- Ensure tangible benefits for community (employment, training, cultural outcomes).

6. Plan for Cultural Safety

- Check timing — avoid Sorry Business and other important dates.
- Provide support (transport, catering, childcare if needed).
- Respect Intellectual and Cultural Property (ICIP).

7. Record and Reflect

- Keep notes of community preferences, protocols, and contacts.
- Share back outcomes and photos with community — don't keep information one-way.
- Ask: "Did this feel respectful and beneficial?" — let community define success.

Tip: *Start small. A cuppa and yarn with an Elder can be just as important as a formal project. Relationships first, projects second.*

Rocky Creek dam - Widjabul Wia-bal Country

Resources

Ethical Guidelines for working with First Nations peoples (including ICIP)

AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research

www.aiatsis.gov.au/sites/default/files/2020-10/aiatsis-code-ethics.pdf

For statistical information including for local areas

Australian Institute of Health and Welfare (AIHW)

www.aihw.gov.au/reports-data/population-groups/indigenous-australians/overview#learn

Australian Bureau of Statistics (ABS)

www.abs.gov.au/census/guide-census-data/about-census-tools/community-profiles

Other community/LGA profiles

.idcommunity

www.profile.id.com.au/

Cultural Burning

North East NSW Forestry Hub | Report » Identifying and overcoming legal barriers to cultural burning

www.nenswforestryhub.com.au/news-reports/reports/report/10-identifying-and-overcoming-legal-barriers-to-cultural-burning

Cultural Burn Program | Crown Lands

www.crownland.nsw.gov.au/protection-and-management/environmental-management/cultural-burn-program

NATIONAL PARKS AND WILDLIFE SERVICE NPWS – Guidelines for Community (Low Risk) Cultural Burning on NPWS Managed Lands

www.knowledge.aidr.org.au/media/6498/nsw-pws-guidelines-for-cultural-burning.pdf

Bolstering traditional practices to ramp up bushfire resilience - NSW Rural Fire Service

www.rfs.nsw.gov.au/news-and-media/ministerial-media-releases/bolstering-traditional-practices-to-ramp-up-bushfire-resilience

NSW RFS will be releasing a Cultural Burns Guidelines document in the near future

Local Land Services is currently conducting processes to amend legislation to facilitate cultural burning on rural land and to enable fee for service cultural burning.

Contact: Cultural.Burning@lls.nsw.gov.au

Intergenerational or transgenerational trauma

B O'Neill

www.judcom.nsw.gov.au/publications/benchbks/judicial_officers/decolonising_the_mind.html

Healing Foundation

Information and video resources

healingfoundation.org.au/intergenerational-trauma/

Aboriginal Landcare Officer

Michael Kennedy

North Coast Regional Landcare Network

Ph: 0423 820 722 |

Email: michael.kennedy@northcoastlandcare.org.au

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www.lowitja.org.au/news/discussion-paper-cultural-safety-in-australia/

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NSW Department of Community Services 2009 Working with Aboriginal people and communities, a practice resource.

NSW Government, Practice Note – Engaging with Aboriginal Communities, Social Impact Practice Notes

Oxfam Aboriginal and Torres Strait Isalander protocols, 2015

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**This Toolkit has been produced with the support of funding from the NSW Landcare Enabling Program 2023 – 2027. A collaboration of Local Land Services and Landcare NSW supported by the NSW Government.*

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