

# SEA COUNTRY MANAGEMENT POLICY FRAMEWORK



**INDIGENOUS  
SEA COUNTRY**

2014

INDIGENOUS SEA COUNTRY STRATEGIC POLICY GROUP

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# Sea Country Management Policy Framework:

## Introduction

The Sea Country Management Policy Framework, or ... policy framework, reflects the views of the Indigenous Sea Country Strategic Policy Group (ISCSPG or strategy group) regarding the role of Indigenous Queenslanders in the management of sea country, and their aspirations. This policy framework incorporates some elements which are already in place. It also suggests that linkages be established between some of these elements to enhance overall efficiency and effectiveness. Furthermore, it proposes that other elements which may not exist presently, be developed and implemented so that the end result is a comprehensive and effective overarching strategy for sea country management.

## Workshops & Forums

The Queensland Traditional Owner Sea Country Turtle and Dugong Workshop occurred on the 17<sup>th</sup> to the 18<sup>th</sup> of October 2011 in Cairns. Over fifty delegates representing numerous regions, communities and organisations attended. A report was produced and amongst the outcomes documented were a number of items for action. These action items have formed a large part of the forward agenda for the ISCSPG and have culminated in the development of this policy framework.

A second forum took place on Minjerribah (North Stradbroke Island) from the 11<sup>th</sup> to the 13<sup>th</sup> of November 2013. The Queensland Indigenous Sea Country Management Forum 2013 saw well over sixty delegates and more than a dozen departmental representatives attend. The 2013 forum was an initiative of the Indigenous Sea Country Strategic Policy Group, and it was comprehensively supported by the Quandamooka Yoolooburrabee Aboriginal Corporation. The 2013 forum revisited in more detail, some key result areas from the 2011 workshop, examined important aspects of this framework, and sought a renewed mandate to maintain and support the ISCSPG.

## Our Aim

This policy framework should be read as a high level road map which can be used to achieve best practice in sea country management. It does not attempt to map out every single side-street and alley. It is a framework of high level strategies, which at the same time represents policy positions of the ISCSPG. These strategic policies area also designed to meet the needs of the largest number of Indigenous sea country managers. In taking this approach it acknowledges and recognises that each community has the right to self-determination – to find their own path to achieving their own sea country management aspirations. This policy framework simply provides an informed and strategic starting point, and a way to take some bearings and reorientate if the way forward becomes unclear.

## **Benefits**

This policy framework sets out the basis of a best practice approach to sea country management. One of the most significant benefits of describing best practice in this way is that it provides Indigenous sea country managers with an opportunity to capture and document their collective and common expectations and aspirations for their sea country. All government decision making, policy development and implementation in sea country should therefore begin with an awareness and understanding of these expectations. At the same time however it should be remembered that this is not intended as, nor should it be regarded as a substitute for meaningful consultation and engagement with Indigenous sea country managers at all levels - be it locally - regionally - or on a state-wide basis.

Meaningful engagement from government, conducted in good faith, and in accordance with this policy framework, will also lead to a reduction in legislative and regulatory intervention as the method used to achieve broader public policy objectives on sea country. Policy outcomes achieved through supportive, collaborative and consultative engagement avoids further complicating an already complex web of legislation and regulation over sea country. Such a reduction in the complexity of management regimes covering sea country can only be regarded as a positive outcome.

This policy framework is a 'living' document in that it should be regularly reviewed and refined in response to change. In this way, the policy framework will always be relevant. In addition, with the realisation of its key strategies it will be possible to effectively engage with a large number of Indigenous sea country managers all at once. This 'shopfront' or 'one-stop-shop' style or approach to consultation and stakeholder engagement is more efficient and economical with one of the benefits being the potential ability to conduct more detailed and comprehensive consultation within a shorter timeframe. This is something that many stakeholders such as government, would find to be very beneficial.

## **Beneficiaries**

This policy framework aims to assist two main categories of interests in relation to sea country management. Firstly, Indigenous sea country managers are the most important intended beneficiaries. They will recognise important sea country issues in the content of the framework and then have an opportunity to consider the strategies proposed in response to these issues. Specific strategies and principles may also have some immediate application in their communities - or they may be incorporated in management practices already place. At another level, less experienced groups will benefit simply by applying the framework approach as a template or guide to maximising the opportunities for achieving sea country management goals and aspirations.

The second category of interests this framework aims to assist, are non-Indigenous interests in sea country. Government is obviously the most important group in this category. Government can use this framework as a road map to understanding sea country business from the point of view of Indigenous sea country managers -including a much deeper appreciation of their most commonly held concerns, issues and aspirations.

## Principles

The content of this policy framework must be consistent with the principles identified here. These principles provide its foundation and they have been distilled from the discussions and outcomes of two major sea country forums. They represent a consensus view amongst a significant number of Indigenous sea country managers on some fundamentally important matters. Consequently, the strategy group emphasises that consistency with these underlying principles adds to the overall legitimacy of this policy framework as a credible Indigenous voice with regard to wide range of issues affecting sea country.

### **Support traditional cultural authority & community based planning**

Communities engaged in sea country business share common concerns, issues and aspirations. However, there are also matters which may be more important as local issues, and different communities may take completely different stances on the same issue. Consequently, one of the fundamental principles of the policy framework is that it does not and should not impinge upon the cultural authority of any community to make decisions which are in the best interests of that community. The ISCS PG views this as a fundamental principle.

### **This is an *opt in only* exercise**

Following on from the principle that community based planning and traditional cultural authority should be respected and supported - it follows that Indigenous sea country managers must retain the right to 'opt in' or 'out' of any of the initiatives described in this policy framework. This statement of principle is included at the request of the strategy group itself as a clear statement that this policy framework cannot and should not impinge upon the right to self-determination. Funding to specific programs or initiatives cannot be made subject to or contingent upon participation in this process. However, given that many of the framework policies and strategies reflect the consensus taken from two forums and numerous smaller meetings, it is probable that a high level of 'buy in' already exists. With sufficient support and resources for framework implementation the level of engagement will only increase.

### **Applying the *as if* principle**

The question of native title and traditional ownership to sea country can be complex and difficult to resolve. However Indigenous people sometimes have no alternative but to deal with these issues in order to assert even the most basic rights over their traditional sea country. They are reluctant participants in this aspect of the process because it results in the classification of people as either beneficiaries of certain rights or otherwise. The approach taken in this policy framework is different in that it treats all Indigenous sea country managers '*as if*' they are all traditional owners and have native title rights. Whilst these terms might be used interchangeably it should be clear that no distinction is being made between people who may and those who may not be able to establish a claim to native title. Furthermore, Indigenous sea country managers can maximise the beneficial impact of this policy framework by consciously taking the decision to participate in the management of their sea country estates '*as if*' they are the traditional owners with native title rights regardless of their location or their circumstances.

# Sea Country Management Framework in detail

## Scope

The scope of this policy framework will firstly be clarified by describing what it is not intended to address. The strategy group was not resourced sufficiently enough to develop a unified policy response or position to the full gamut of discreet and very important issues affecting sea country. However, in the circumstances it was possible to examine the broader, more systemic and process related matters. Consequently, some of the more specific and current policy areas which have not been addressed include;

- Native Title – including the potential or otherwise to regulate the exercise of rights under s.211 of the *Native Title Act 1993* (Cth)
- Government environmental policy – including specific policy initiatives such as environmental offsets and specific policy issues such as the *Turtle and Dugong Protection Plan*<sup>1</sup>
- Environmental issues – including the threats to water quality, coastal habitats and marine fauna and flora

The above short list illustrates that there is an ongoing need to develop some unifying policy on key issues. However, substantial resources will be needed if these matters are to receive the in depth attention they deserve.

## Three basic steps

Sea country in Queensland is managed in a variety ways across different regions and communities, but there are three main elements or phases. This is the case regardless of whether sea country is managed at a community, regional or state-wide level. These elements or phases are:

- Planning
- Implementation
- Review

This is consistent with a project planning and management approach and most communities conduct their sea country business in this way already. However, it is possible and useful to go one step further because within each phase we can identify issues, considerations and processes which are able to be characterised as mainly being about planning or implementation or review.

There are recurring themes amongst these matters too, and three of the most important themes have been identified within each phase to help structure the framework. It was also useful to refer to these themes during development of this framework as they were used as a checklist so that all aspects of the proposed policy framework received some attention.

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<sup>1</sup> A National Dugong and Turtle Protection Plan will be established by the federal Department of the Environment under the Reef Trust - a key plank of the Reef 2050 Long Term Sustainability Plan. Its stated targets are the threats of poaching, illegal hunting and marine debris in far North Queensland waters and the Torres Strait.

Strategies and recommendations are proposed in response to themes. Where these strategies are implemented, then Indigenous sea country managers will be able to more effectively plan, implement and review in relation their efforts to better manage their own sea country.

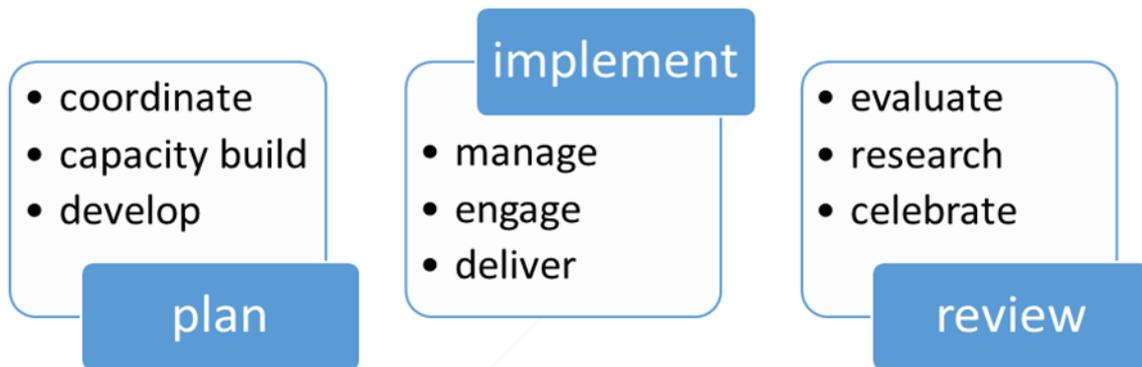


Figure 1 phases and themes - each phase includes relevant considerations which are captured as relevant to one or more theme.

Note:

- Planning, implementation and review might be seen as sequential but in reality management of sea country may involve working in all three phases at once – or potentially jumping between phases eg. implementation may need to pause whilst some planning miscalculations are corrected.
- Underlying these phases and themes are principles. Principles help to define the parameters within which this process must take place.

## Continuity and Mandate

Development of a best practice approach begins with the identification of commonly held expectations and the 2011 turtle and dugong workshop yielded outcomes which are regarded as the baseline or starting point. The outcomes of this first forum provide the primary source of guidance regarding the issues, concerns and aspirations of Indigenous sea country managers concerning a range of matters.

Key Result Areas – Qld Traditional Owners Turtle & Dugong Workshop 2011

- ✓ Leadership & Governance
- ✓ Planning
- ✓ Community Relationships/Engagement
- ✓ Management High Conservation Areas
- ✓ Training
- ✓ Monitoring & Research

This policy framework provides strategies which are aimed at producing outcomes in each of these six Key Result Areas (KRAs) as identified and endorsed at the 2011 workshop. In this way there is continuity between the outcomes of the 2011 workshop and this policy framework. The framework therefore remains true to the mandate assigned to the members of the Indigenous Sea Country Strategic Policy Group by the delegates to the 2011 forum.

Eg. the planning phase consists of three (3) main themes - *coordination - capacity building - development*. Strategy 1 *Take a strategic planning approach to management of sea country business via a regional sea country planning process and forum* (see below) is intended to produce outcomes in KRAs - *Leadership & Governance – Planning*.



Figure 2: the planning phase

The Indigenous Sea Country Management Forum 2013 provided an additional and more recent opportunity to table important aspects of this proposed policy framework. One of the key objectives in doing so was to facilitate more in depth discussion and to obtain open and honest responses to key aspects of this proposal. Consequently, whilst there has not been an opportunity to consult with Indigenous sea country managers across Queensland on every aspect of this proposal – the strategy group is confident that there is broad support for the principles and strategies which are its foundation. In addition to this the strategy group notes that an outcome of the 2013 forum was a renewed mandate to further develop and refine the features of the proposed framework and the strategies proposed in order to implement it.

# Planning

Key themes which commonly impact upon Sea Country Planning are:

## Coordination:

Given the number of different interests and stakeholders involved in sea country management the need for a high level of coordination of effort is crucial. A large number of non-indigenous interests are present in some regions and each of those interests seeks engagement with Indigenous sea country managers. However, time and again the responsibility of responding to an array of different external and internal demands regularly falls upon the same, small number of community members. Coordination of effort and resource allocation is therefore essential to minimising duplicated effort and to ensuring that the negative effects of fatigue are avoided.

## Strategy 1 address and manage common issues, concerns and aspirations via regional sea country planning process or forum<sup>2</sup>

Planning at this level supplements local and community level planning. Regional issues identified at the local level are elevated to a regional forum to be managed<sup>3</sup>. Forums also provide a centralised consultative mechanism for government and NGOs to enhance their efforts for effective engagement with indigenous communities.

### **Recommendation 1:**

Establish an inter-agency, joint Commonwealth and State project to develop a regional planning and coordination model for Indigenous sea country management in Queensland.

Deliverables should include options or recommendations regarding;

- Regional profiles for each planning forum region based on coastal regions - Gulf, Cape York, North Qld, Central Qld, Southern Qld.
- Representative models for participation in a regional forum.
- Timing and regularity of forums.
- Roles, functions and potential standing agenda items.
- Resource requirements and potential sources.
- Timeframe for planning, development and implementation.

### **Recommendation 2:**

Establish infrastructure support via a small to medium sized secretariat and secure resources to coordinate the Regional Sea Country Planning Process.

### **Recommendation 3:**

The Commonwealth should facilitate direct investment in this process via the proposed

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<sup>2</sup> Recommendation of the Indigenous Sea Country Strategic Policy Group, 30 January 2013

<sup>3</sup> At a state-wide level it is proposed that the current Federal and State Joint Steering Committee could perform this function.

Address and manage common issues, concerns and aspirations via a regional sea country planning process or forum<sup>4</sup>. Planning at this level supplements local and community level planning. This kind of regional approach cannot run contrary to local planning processes and community level management plans and agreements. However, through this approach regional issues identified at the local level can be elevated to a regional forum to be managed collaboratively.

Delegates attending the Indigenous Sea Country Management Forum 2013 articulated the same aspiration in a variety of different ways. The ideas put forward differed with regard to the specifics, but they were based on a number of common principles and shared issues which experienced across every region.

The ISCSPG believes that collaborative action is the best strategy for addressing these matters in order to at least minimise their impact, if it is not possible to remove them completely as ongoing concerns. The effectiveness of the response to these issues will be directly related to the degree to which Indigenous sea country managers can collaborate, share knowledge and share resources. This must be facilitated within a more structure approach to management of sea country on a larger scale, and processes must be developed to facilitate the necessary coordination and collaboration.

Some of the matters that might usefully be addressed at a regional level would include:

***Forward planning and resource allocation:***

There is a significant level of funding directed to management of a range of issues which either directly or indirectly affect sea country business. However Indigenous sea country managers do not have their own oversight mechanisms and as a result most do not have an adequate understanding of processes that determine resource allocation, or the decisions which result from these processes. This was evident at the recent Queensland Indigenous Sea Country Management Forum 2013 where a number of departmental representatives received questions about funding arrangements, notwithstanding that the same information has been provided on previous occasions and in other forums.

***Research in Sea Country:***

Scientific research occurs in sea country on a regular basis and there is no doubt that good research is essential to ensuring healthy sea country over the long term. However, as with the issue of resource allocation, Indigenous sea country managers also lack their own oversight mechanisms to facilitate up to date understanding of the full extent and nature of research in sea country. A coordinated regional approach can facilitate this by providing a focal point for discussions about research generally. It would also facilitate more effective management of

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<sup>4</sup> Recommendation of the Indigenous Sea Country Strategic Policy Group, 30 January 2013 and widely supported by delegates attending the *Indigenous Sea Country Management Forum 2013*

other issues under this heading such as the need for a common understanding of what constitutes ethical research.

The value and recognition of traditional ecological knowledge (TEK) is also an issue that would usefully be addressed within a regional forum context. Indigenous sea country managers share their TEK in numerous contexts for the betterment of the broader community. The broader community benefits from the protection of vulnerable species such as the green sea turtle. Where TEK helps to achieve these aims then it is the view of the ISCSPG that the real market value of that knowledge should be calculated as a research cost and returned to the communities participating in, and contributing to research.

### ***Features of a structured regional planning process:***

A regional planning process or forum will not become a reality without earnest discussion about a suitable structure and how it might be implemented. There are some key features which the ISCSPG considers would be essential and have been the subject of ongoing discussion since at least October 2011.

- Timing and regularity
  - At least biannually and perhaps annually.
  - Coincide with annual, biannual, or quarterly planning and reporting timetables. Community based organisations and government agencies are often subject to similar timeframes for planning and reporting against budgets and projects.
  - Synchronising with regional planning process provides Indigenous sea country managers with an opportunity to discharge some of their reporting responsibilities at the same time.
- Options for a representative structure
  - Regional forums based on catchment areas that correspond closely with regions already in use eg. Cape York, Gulf, North, Central and Southern Queensland.
  - Regional forums also can include local or regional representatives of government stakeholders and any other interests.
  - Centralised coordination of meeting arrangements and forum agenda development.
  - Nominations from regional forums of delegations to attend State forum possibly held every two years.
- Indigenous Sea Country Management Forum
  - The Queensland Indigenous Sea Country Management Forum 2013 followed the 2011 Traditional Owners Turtle and Dugong workshop. The two forums were roughly two years apart. The 2013 forum looked at issues from beneath the broad umbrella of sea country management. Under this umbrella turtle and dugong management was a unique and important element. A significant number of delegates at the 2013 forum favoured the suggestion that such a forum should be a regular occurrence

A regional planning forum or structure exists in Cape York at present in the form of the Cape York Turtle and Dugong Task Force. Balkanu Cape York Development Corporation is the convenor of this process and it is a living example of this model in action, albeit in one region. The charter of this task force is narrower than the proposed regional planning forum process but it nonetheless has proven its worth as a consultative forum. It has served as a platform from which to launch

responses to the ever changing external political environment. More recently this capability resulted in submissions to the recent senate standing committee dealing with proposed legislative amendments that would implement heavier penalties for “illegal” hunting of turtle and dugong<sup>5</sup>.

There is therefore some evidence that this approach provides governments with a means of engaging with a significant number Indigenous sea country managers on a broad range of matters. The current joint turtle and dugong steering committee made up of federal and state government representatives, should broaden its mandate to facilitate engagement as the ‘one-stop shop’ interface for the proposed Indigenous sea country regional forum or structure. This forum is coordinated by the Queensland Department of Environment and Heritage Protection. It would provide a convenient and effective means for Indigenous sea country managers to engage with a range of departments, at both the state and federal levels.

## **Strategy 2 Productive working relationships**

**Via regional sea country planning and coordination forums, establish and maintain productive working relationships with other indigenous agencies, organisations and non-indigenous stakeholders and interests working in the indigenous sea country sector.**

### **Recommendation 1:**

*Develop and implement a stakeholder engagement strategy*

The Indigenous Sea Country Strategic Policy Group was not initially resourced for this task. A stakeholder engagement strategy should underpin the set-up of regional planning and coordination forums. An analysis of stakeholder interests, issues and concerns in each region adds value to the planning and coordination process. The proposed secretariat would manage this activity and its ongoing maintenance and review.

### **Recommendation 2: Indigenous sea country managers to develop localised stakeholder engagement plans**

Provide support to facilitate this form of strategic planning at a local level. Utilise the regional stakeholder engagement strategy as a starting point and change it to meet local and address local issues.

A representative Qld Indigenous sea country management forum should establish and maintain productive working relationships with other Indigenous organisations and like-minded non-indigenous interests. Whilst many may already practice this strategy – it is nevertheless useful to identify that strong and useful relationships help to support a strong local community. There is potential for greater efficiencies where duplication of effort is avoided. If work on a particular set of issues has been done, or is being done by others, then it is logical to seek access to this work in order to make the most of what are commonly limited resources.

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<sup>5</sup> The Cape York Turtle & Dugong Taskforce of Concerned Communities Submission to the Senate Standing Committee on Environment & Communications – *Environment Legislation Amendment Bill 2013*; 17<sup>th</sup> January 2014

The ISCSPG encourages Indigenous sea country managers to look beyond their respective sea country boundaries in order to fully understand and appreciate the full impact of sea country issues and especially issues with environmental impacts. Engagement with organisations such as the NAILSMA provides an additional perspective regarding the same issues across jurisdictions. Engagement with organisations like NAILSMA and the development of productive working relationships at a number of levels is a sound strategy which can potentially result in a greater range of options to help manage sea country management business more effectively.

## **Capacity Building:**

The planning phase is an opportunity to identify specific individual or community needs which need to be met in order to facilitate effective participation in sea country management. Strategies should be supported at a community level by ensuring that the necessary skills, resources, infrastructure and support mechanisms are in place to maximise the effectiveness of any program.

### **Strategy 1 Maximise the degree to which TOs are informed prior to entering into arrangements or agreements which could impact upon their ability to manage sea country.**

#### ***Recommendation 1:***

*Establish referral function within the Regional Sea Country Planning Process to facilitate access to required training, advice (including legal advice) or information.*

Non indigenous interests in sea country who want to engage with Indigenous sea country managers to achieve their own and sometimes mutual objectives are generally better informed and better resourced. Where government agencies are involved, steps are often taken to address this imbalance. Information is provided to Indigenous parties to these processes and sometimes this includes advice both formal and informal, about the possible impacts of decisions and agreements upon other aspects of sea country management (such as native title). These kinds of measures are definitely helpful however there are a number of issues which remain outstanding despite good intentions.

The issue or concept of free and informed consent goes further than an understanding of basic rights and the impact of decisions and processes upon those rights. Whilst this is an absolute must, there are still a number of issues related to free and informed consent which must be addressed under this heading.

#### ***Access to independent advice***

Whilst government agencies may make a concerted effort to provide quality information and advice to assist with community decision making, at the same time Indigenous sea country managers have a range of aspirations which are at best tolerated. Some are patently inconsistent with government policies. Access to independent advice, whether legal or otherwise, is absolutely necessary if the idea of free and fully informed prior consent is to become a reality. In

recent times some groups more experienced in managing these issues have secured this kind of assistance. However, in the majority of cases this kind of advice is as yet unavailable.

Whether legal relationships of a contractual nature result from these agreements and planning processes is a question for more considered analysis. In the interim, it should be recognised that in the broader community, representative community based organisations would rarely (if ever) enter into agreements or planning processes which potentially impact on legal rights, without access to independent advice. Yet at present, Indigenous sea country managers have little choice but to do just that.

The ISCSPG takes the view that access to independent advice should be facilitated via the regional planning forum or structure recommended as Strategy 1 under the Coordination theme. In other words, a secretariat support role should be part of the recommended regional planning forum or structure.

### ***Content of informed consent***

The content or meaning of informed consent most definitely includes a clear understanding of the impact of communal decisions upon an array of rights that might relate to the management of sea country. This requires a sufficient level of general knowledge and awareness regarding key issues such as Native Title, or the impact of legislative and regulatory frameworks within which these processes occur. Where the level of knowledge and awareness is insufficient then it cannot be said that informed consent exists and this cannot be present until the communal capacity to fully understand these matters has been built.

There are however additional considerations which must be taken into account if Indigenous sea country managers are to consent or make decisions on a fully informed basis.

- Is the content of the agreement consistent with or inconsistent with the terms offered to other groups? If inconsistent then why is this?
- If a community or group makes a decision, or gives consent to a process or agreement, then what are the likely impacts (if any) upon neighbouring groups who may need to address the same issue or issues in the future?
- Having regard to the aims and objectives of the planning process or agreement being developed, are there alternatives which achieve the same outcomes without impacting upon any legal rights that might potentially exist for the benefit of Indigenous sea country managers?

## **Strategy 2 Build stakeholder cultural competency:**

**Non-indigenous stakeholders develop and maintain indigenous sea country cultural competency, and build and maintain productive working relationships with indigenous sea country managers with these principles as the foundation of their relationships<sup>6</sup>.**

Recommendation 1:

Training program in Sea Country Cultural Competency for Non-Indigenous Stakeholders to

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<sup>6</sup> “Provide cultural awareness and cultural capability training to local government” pg 30 *Summary Report Qld Traditional Owner Sea Country Turtle and Dugong Workshop October 2011*

be developed and rolled out across Federal, State and Local govt and NGOs.

Non-indigenous stakeholders must have a minimum level of cultural competency when working with Indigenous sea country managers. There are many non-Indigenous departmental personnel working in this area who are already very competent and experienced in this regard. However, the ISCSPG is of the view that minimum standards are necessary because there is regular turnaround of personnel who facilitate engagement on behalf of agencies and they should not be doing so without first demonstrating that the required competency has been attained.

Indigenous sea country managers should have the opportunity to have their commonly held expectations in this regard captured as the basis of a training package to be rolled out as a prerequisite for effective and culturally cognisant engagement. Whilst there are cultural norms that can form the basis of any program designed for this purpose it should also be recognised that each community, traditional owner group, or region is unique. Cultural competency training can therefore consist of generic competencies, but should also include competencies specific to the group or groups involved. This can be achieved by ensuring that members of the relevant communities are directly involved in the design and delivery of the competency training. Furthermore, they should be remunerated at the applicable market rate for assisting the agencies in question.

A senior elder made a statement at the Queensland Indigenous Sea Country Management Forum 2013, reminding those present that connection to sea country is not limited to the marine environment and its fauna and flora. Connection to sea country includes a connection to the sea bed because generations ago, what is now seabed was actually dry land. This historical fact shed a new light on the need for cultural competency training and the fact that this was not commonly understood illustrates that this kind of capacity building amongst non-Indigenous stakeholders might represent a major challenge because of the nature of sea country and the way it is used by the broader community.

## **Planning and development:**

Indigenous sea country managers should have access to information and expertise to facilitate informed decision making during the planning and development phase. Once Traditional Owner aspirations are articulated and captured, it is necessary to then make decisions about how to achieve these aspirations. An important strategy or approach is to give careful consideration to the legislative and regulatory frameworks to identify potential vehicles such as TUMRAs and ILUAs, which may help to achieve objectives.

## **Strategy 1 Goals, objectives or deliverables identified in all planning process at all levels are s.m.a.r.t.**

- GOALS, OBJECTIVES OR DELIVERABLES IDENTIFIED IN ALL PLANNING PROCESS AT ALL LEVELS ARE S.M.A.R.T.
- SPECIFIC – TARGET A SPECIFIC AREA FOR IMPROVEMENT.
- MEASURABLE – QUANTIFY OR AT LEAST SUGGEST AN INDICATOR OF PROGRESS.
- ATTAINABLE – SET REALISTIC GOALS FOR YOUR LEVEL OF SKILLS.
- REALISTIC – STATE WHAT RESULTS CAN REALISTICALLY BE ACHIEVED, GIVEN AVAILABLE RESOURCES.
- TIME-RELATED — SPECIFY WHEN THE RESULT(S) CAN BE ACHIEVED.

Indigenous sea country managers commonly participate in a large number of different government programs which run the full gamut of community issues. Planning processes should therefore be as effective and comprehensive as possible to ensure that the most is made of limited time, energy and funds. Setting S.M.A.R.T. goals is but one approach aimed at ensuring that these processes are focussed on outcomes. There are a range of other tools, techniques and methodologies than can be applied to the sea country planning process. Where there is a greater level of coordination and collaboration amongst and between Indigenous sea country managers, the prospects for sharing experiences and approaches to planning in this way will also increase.

## **Strategy 2 Templates, decision making matrixes & road maps**

Effective sea country planning requires good decisions which in turn result from good decision making processes. Comprehensive information gathering is a crucial step that should be part of every decision making and planning exercise. It should include an understanding and knowledge of the questions that need to be asked - and answered - in order to find best path forward.

### **Recommendation 1:**

Initiate a project to develop a database to capture and record plans and agreements developed, or in development. The result should be a centralised repository to facilitate access to plan precedents and templates and advice regarding the process of agreement and plan development. The project brief would include the need to address relevant matters of confidentiality, cultural sensitivity and any other potential legal impediments to gaining access to agreements and management plans on a large scale.

Include the development of a suite of process road maps to aid Indigenous sea country managers to make better decisions, manage risk and more effectively manage planning processes.

### **Recommendation 2:**

*Indigenous sea country managers to develop localised stakeholder engagement plans*

Provide support to facilitate this form of strategic planning at a local level. Utilise the regional stakeholder engagement strategy as a starting point and change it to meet local and address local issues.

Effective sea country planning requires good decisions which in turn result from good decision making processes. Comprehensive information gathering is a crucial step that should be part of every decision making and planning exercise. It should include an understanding and knowledge of the questions that need to be asked - and answered - in order to find the best path forward. It should include an investigation of available resources and tools to identify what may be available to improve the efficiency and effectiveness of the planning process.

However, the existence and availability of useful tools and adequate resources is by no means a given. Therefore this strategy is partly about highlighting the need for the development and deployment of suitable tools and resources for the benefit of Indigenous sea country managers engaged in the planning process.

There are a number of issues impacting upon sea country that are well known and commonly experienced. Common concerns, issues and aspirations should be addressed once and for all, in the interests of all Indigenous sea country managers. This reduces duplication of effort and eliminates inefficiency. This strategy is therefore also about the need to identify opportunities to standardise aspects of the sea country planning process so as to reduce the burden placed on Indigenous sea country managers when participating in any planning or agreement making exercise.

### ***Templates***

Templates for agreements and management plans are already being used in a range of circumstances. Templates are very useful for making more efficient use of limited resources and limited time. The other significant benefit is that they can be used to capture best practice approaches to planning, which might include the development of a suite or selection of options aimed at addressing more specific issues or objectives.

However, whilst there may be numerous examples of well drafted, comprehensive agreements and managements plans, it is not an easy task to locate and access them so that they might be drawn on for use as templates. At the same time, it is also likely that there are many agreements and plans which would yield quality templates except for the fact that only those involved with those plans know of their existence.

The ISCSPG holds the view that a long term project or program should be initiated to capture and record plans and agreements developed or in development, for the purpose of managing sea country. A centralised repository should be established, or access obtained to an existing repository such as the *agreements, treaties and negotiated settlements project*<sup>7</sup> for this purpose. The ongoing brief would include addressing matters of confidentiality, cultural sensitivity and any other potential legal impediments to facilitating access to agreements on a large scale.

### ***Decision making matrixes & process road maps***

A process road map in this context is a process map that asks the community to consider a central question. The response to this, and then a series of follow up questions helps to

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<sup>7</sup> The **Agreements, Treaties and Negotiated Settlements with Indigenous Peoples in Settler States: their role and relevance for Indigenous and other Australians** began in March 2002, as an Australian Research Council (ARC) Linkage Project. The original aim of the project was to examine treaty and agreement-making with indigenous Australians and the nature of the cultural, social and legal rights encompassed by past, present and potential agreements and treaties. The project involved an examination of the legal history and foundations of agreements and treaties, an audit of current agreements, their purposes, status and outcomes, and international comparative research on treaty and agreement-making.

successfully navigate through a complex maze of issues and legislation relevant to sea country business. Process maps also help with managing work more effectively by providing a reference point against which progress in planning can be measured.

This approach also requires that decisions are made at key junctures before moving forward. Structured decision making processes and tools are numerous and they can help to provide more clarity because the community is not just asked to identify aspirations and objectives, they must define them. The more that the goals and objectives are clearly defined the greater the opportunities for success. This approach represents a way of standardising aspects of the planning process but should be regarded more as a checklist exercise rather than a template. The process of planning for sea country business can be broken up into its components and then important steps within each component mapped out. This approach also allows for the incorporation of risk management strategies.

The example of a decision making matrix that follows is a simple example of a tool that might be followed in order to decide about what option would be best for a community seeking to sustainably manage turtle and dugong. However it should also be noted that this tool represents the final steps in a more substantial and longer process of consultation and facilitation to compile the information needed to populate the fields in the matrix - such as weighting to assign to the decision making factors.

The ISCSPG therefore takes the view that the aforementioned recommendation to identify and consolidate useful templates to be used in sea country planning, should also include as a deliverable - the development of a suite of process road maps and decision making tools. The purpose would be primarily to provide Indigenous sea country managers with a suite of tools to ease the burden of managing planning and decision making processes within their communities.

How will we sustainably manage turtle and dugong in our sea country?						
Your Weighted Decision	49	56	38	56	55	
3. Options	moratorium	community quotas	no regulation at all	community permits	TOs only	
1. Decision making factors	2. Weighting	4. Your Score	4. Your Score	4. Your Score	4. Your Score	4. Your Score
Maintenance of cultural practice	4	1	3	5	3	5
Impact of hunting on species	5	4	3	1	3	3
community support	2	2	4	5	4	4
government support	3	5	3	0	3	1
costs of compliance	3	2	4	1	4	3

Figure 3: An example of a weighted decision making matrix. Consultation results in weighting of decision making factors and identifying of options. Collectively/individually, scores are assigned to options whilst taking into account relevant factors.

### **Strategy 3 develop and nurture traditional owner ecological knowledge and scientific expertise**

**Non-indigenous stakeholders develop and maintain indigenous sea country cultural competency, and build and maintain productive working relationships with indigenous sea country managers with these principles as the foundation of their relationships.**

***Recommendation 1a:***

Advocate for and develop tertiary programs for the provision of qualifications across a variety of different disciplines relevant to Sea Country management. This should include dedicated Indigenous intake to undergraduate and post-graduate degree courses and scholarship and assistance programs.

***Recommendation 1b:***

Establish a Centre for Excellence in Indigenous Sea Country Management.

Non-Indigenous Stakeholders in sea country business must develop and maintain a sufficient level of cultural competency, and build and maintain productive working relationships with Indigenous sea country managers with these principles as the foundation of their relationships. This includes valuing traditional ecological knowledge (TEK) as vital to a complete understanding of sea country and the ability to manage it effectively.

TEK adds significant value to research on sea country and is steadily achieving greater recognition in this regard. At the same time it is recognised that science is of immense assistance to the preservation and protection of sea country. Ultimately, from the point of view of Indigenous sea country managers, the most beneficial and appropriate research that could be conducted on sea country will be research conducted by scientists and researchers who are also Indigenous. Therefore this strategy reflects an aspiration to create a cohort of Indigenous researchers from multiple disciplines, working within their profession and with their own communities. A cohort of Indigenous sea country researchers, who have a cultural education in addition to their formal education, is the most effective way of ensuring that TEK is central to all research conducted on sea country.

#### ***Centre for Excellence in Indigenous Sea Country Management***

The ISCSPG endorses and supports the aspiration expressed by many delegates to the Qld Indigenous Sea Country Management Forum 2013, that a suitable academic institution be selected and approached with a view to developing a program with the specific purpose of training Indigenous sea country researchers in a range of disciplines. This would be the ultimate expression of a mutual desire to see Indigenous sea country managers assume a much greater degree of control and responsibility for research carried out on sea country. In the shorter term, steps should be taken to develop subjects and courses which incorporate TEK as a required competency in environmental and marine science courses.

In conjunction with academic institutions strategies should also be developed with the aim of increasing the enrolment of Indigenous students who aspire to work as Indigenous researchers and scientists.

### **Strategy 4 Support and endorse the Cape York Turtle and Dugong Regional Plan 2013**

**This framework incorporates and recognises the status of the Cape York turtle and Dugong regional plan as a reflection of the aspirations of to sea country managers of Cape York.**

***Recommendation 1:***

Note the regional objectives, priorities and specific recommendations captured within the regional plan itself and consider their applicability in other regions.

## Implementation

Key themes commonly impacting this phase of Indigenous sea country management include:

### Management:

Generally speaking, once planning has been completed sea country managers must then manage the ongoing work associated with implementing plans and strategies. The ability to effectively fulfil this responsibility will depend upon the right processes, procedures and support mechanisms being in place. This should also be addressed in planning. But sometimes even the most effective and comprehensive planning can overlook certain issues which may not be revealed until the implementation phase is already well under way.

Compliance and enforcement issues are key concerns requiring close management. This is achieved by developing effective strategies in planning with the aim of minimising non-compliance and maximising participation and engagement. The better the planning – the greater the prospects are for maximising community engagement with management plans and strategies. However, it is not possible to foresee all issues in this regard until implementation is underway. When issues inevitably arise it is crucial that adequate contingencies are in place to ensure disruption to the community and delivery of management processes is kept to a minimum.

### **Strategy 1 Establish and maintain mechanisms and support infrastructure for the effective management of TUMRAS, ILUAS, IPAs.**

**Processes and resources must be in place to enable indigenous sea country managers to effectively manage their obligations and to obtain the benefits associated with multi-party instruments, management arrangements and agreements.**

#### **Recommendation 1:**

Via the proposed Regional Sea Country Planning forum work with Indigenous sea country managers to identify ‘gaps’ in implementation and sea country management arrangements. Any issues identified should be logged or captured so that they can be addressed as standing items for discussion and action at each forum until resolved or finalised.

Processes, procedures, support mechanisms and resources must be in place to enable Indigenous sea country managers to effectively manage their obligations and to obtain the benefits associated with multi-party instruments, management arrangements and agreements. The reality of the planning process in this context is that it can sometimes result in plans and strategies which are not as comprehensive as they could be due to limited time and limited human and budgetary resources. Issues impeding the successful implementation of management plans are then unlikely to be addressed until they arise in the course of implementation.

In order to mitigate against the impact of these issues during implementation then it is necessary to ensure that an effective support infrastructure is in place to provide sea country managers with practical and reliable options for taking action to address and successfully manage the unforeseen.

Most agreements, management plans and other arrangements made with respect to sea country are in conjunction with government interests. These interests are and should be responsible for the provision of the necessary infrastructure and support mechanisms to ensure the successful ongoing implementation of sea country management strategies. Such mechanisms already exist in many cases<sup>8</sup>. However ongoing improvement should be the goal, in addition to the wider application of these approaches.

In order to ensure that there is ongoing improvement in the implementation and management phase, it's necessary to more clearly understand what improvements are needed. Any 'gaps' should be identified and then documented so that effective strategies can be developed in response. Capturing the full gamut of sea country management issues in this way in something like a central issues register facilitates more structured and effective management of these matters. By simply categorising management issues as being either local or regional significance (or both) is the first step in this direction. Issues of regional importance might usefully be brought before the proposed regional planning forum for discussion and action if necessary. One of the key goals of this approach would be to ensure that no issue (whether local or regional) is left unattended for lengthy periods. Within the proposed regional planning and coordination structure, sea country managers should feel confident that they can find out about the status of any particular issue at any point in the process.

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<sup>8</sup> The GBRMPA compliance training package is an example of infrastructure support to assist sea country managers to manage the undesirable activities of others (including Indigenous other people) which compromise their ability to fully implement sea country management strategies.

Implementation of management plans includes the effective management of compliance and enforcement issues. This is particularly topical in relation to the regulation of traditional hunting practices and the development of rules about who is entitled to hunt, when, where and for what species. In very simplistic terms **compliance** is about maximising community engagement with the provisions of management strategies, whereas **enforcement** is generally understood to refer to what sanctions for non-compliance are needed, who they should be imposed on, and how this should be done.

This specific policy area is not discussed in great detail in this policy framework due to resource and capacity constraints. However it is worth noting that the some significant work has already been done in this area by the Cape York Turtle and Dugong Taskforce. Whilst this work examined the current legislative and regulatory frameworks as they apply to the traditional hunting of turtle and dugong in the waters of Cape York, the strategy group is of the view that this work has broader application. This policy framework includes as recommendation that the work of the taskforce be examined to identify those elements that can be applied to the sea country beyond Cape York. There are, however some more detailed strategies and recommendations which were part of Taskforce analysis but which for the time being are not discussed in this policy document. Subject to the availability of adequate resources the strategy group aims to discuss these more detailed matters in later work because of the opportunity it provides to focus on actual mechanisms for maximising community compliance with the provisions of sea country management plans.

## **Strategy 2 Establish and maintain a network or alliance of QLD Indigenous sea country managers to oversee, contribute and to advocate for state – wide policy development and implementation.**

**The Indigenous Sea Country Strategic Policy Group was the first attempt to provide this kind of presence at a regional and state-wide level.**

### **Recommendation 1:**

A representative forum or workshop be held with the specific purpose of establishing the network. Workshop objectives must include development of terms of reference, a network communication strategy and mechanisms through which to link with the Indigenous Sea Country Strategic Policy Group, and the proposed regional planning and coordination forums.

The Indigenous Sea Country Strategic Policy Group should be regarded as the first few steps taken in this direction. The group is founded on a network of Indigenous community leaders who are engaged in sea country business and are able to share their knowledge and experiences in this regard to the work of the group. The full potential of such a network or strategic think tank is

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<sup>9</sup> consolidating key actions under the ‘Leadership & Governance’ outcome category pg 30 *Summary Report Qld Traditional Owner Sea Country Turtle and Dugong Workshop October 2011*

yet to be realised. However with the right support and good planning it is clear that a more formalised network or group structure would be of significant benefit to sea country management approaches.

It is proposed that a further project be developed and appropriately resourced to develop options and to consult with Indigenous sea country managers on the range of suitable options or modes for such a network or policy group. The deliverables of such a project should include the presentation of a series of recommendations in this regard. These recommendations should include a preferred option and options for fundamental considerations such as the most suitable representative model, and the most suitable method of group member selection eg. appointment, election, expression of interest, merit selection etc.

### **Strategy 3 Identify and record high value cultural heritage areas and sites in Indigenous sea country with a view to securing and protecting those areas in accordance with cultural heritage and other legislation<sup>10</sup>.**

**Acknowledgement that high value conservation areas include cultural values.**

#### **Recommendation 1:**

Establish a program for mapping and recording of high cultural value sites within Sea Country with linkages to existing registers and support for sea country managers to conduct this work on their own country.

In order to manage sea country in the most effective way possible Indigenous sea country cultural heritage sites need to be identified and catalogued just as sites on land are identified and protected. Whilst sites of significance may be well known to the local community, the level of general awareness within the wider community is commonly very low. In various locations on the mainland the traditional owners of some tracts of country are very well known. Traditional owners with such a 'profile' within the broader non-Indigenous community have in some cases used this to their strategic advantage to help them achieve their communal goals and objectives. The same can't be said for sea country at anywhere near the same scale. Traditional Owners of sea country need to be recognised as such so as to ensure that they are included as the key interest in all policy and decision making in sea country management. Total area of sea country may be less than the total geographical area of mainland country but the density and variety of uses and interests in sea country is arguably the same and perhaps even greater in some areas. With this level of non-Indigenous interest in sea country the need to document and recognise Traditional Ownership of sea country and any specific site of cultural importance, is of the utmost importance.

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<sup>10</sup> 'Management High Conservation Areas' outcome category pg 30 *Summary Report Qld Traditional Owner Sea Country Turtle and Dugong Workshop October 2011*

## **Strategy 4 Provide access to advice and information regarding the full range of legislative and regulatory options to address compliance and enforcement issues which impact upon the implementation of sea country management plans**

Maximising engagement through utilising a range of strategies is the preferable approach. However, deliberate or wilful non-compliance with the plans remains an issue in many circumstances and need to be addressed effectively. However, using a variety of approaches already available within the current legislative framework, there are options by which traditional authority can be reinstated and strengthened

### **Recommendation 1:**

Produce publications as reference sources and resources for Indigenous Sea Country Managers to refer to when developing local and community plans for enforcement and compliance.

There should be a focus on maximising the level of community support and engagement with management plans so as to reduce the occurrence and therefore the necessity of needing to manage compliance and enforcement issues. There are clearly strategies already being implemented with this aim. However wilful or deliberate non-compliance may still occur and mechanisms and processes need to be in place to manage these matters effectively whenever they arise. There are processes already in place and the GBRMPA has implemented a range of practices which are aimed at enshrining the principle of traditional cultural authority.

The guiding principle here is that each community of sea country managers is entitled to chart their own course when it comes to managing non-compliance. Whilst each community may share common interests and concerns with neighbouring communities, they may also need to manage issues which are more unique to the local context. In short, there cannot be a one size fits all approach to management of compliance and enforcement.

It is therefore necessary to ensure that all sea country managers have access to the full suite of options currently available to effectively manage this issue at both the local and regional levels. There is a need for a centralised resource centre where a wide range of information products can be obtained to assist sea country managers to make decisions about the most appropriate response to compliance and enforcement matters in their own communities.

### **Engagement:**

Effective sea country management strategies are the result of maximising community engagement and participation. Maximum engagement and participation helps to minimise compliance and enforcement issues.

## **Strategy 1 Maximise community engagement with local and community sea country management plans**

**Key strategy in response to issues of compliance and enforcement. Where community engagement is maximised, instances of non-compliance are minimised and can be dealt with on a case-by-case basis.**

### ***Recommendation 1:***

Establish referral function within the Regional Sea Country Planning Process to facilitate access to required training, advice or information.

This is a strategic response to the issues created by non-compliance and the need to sometimes take steps to enforce the law and also practices or strategies prescribed by the local community. The logic of this approach suggests that if there were 100% compliance then the need for enforcement measures would not exist. Whilst there will still be non-compliance, the aim is for this to be rarity that can be managed on a case by case basis.

Whilst this is the goal, there may be a range of different approaches and strategies to choose from in order to achieve it. Sea country managers may need some external assistance in order to engage with their own community with this objective in mind. Where the skills and resources are not available within the community they will need to be sourced elsewhere. In some cases it may also be more appropriate for this assistance to come from an external source eg. When dealing with issues that may not be appropriate to be dealt with in a mixed gender setting from a cultural standpoint.

The regional planning and coordination forum already proposed in this document should therefore also perform a referral function to assist sea country managers to access the required expertise and resources. The secretariat support for the regional forum should also maintain a register of preferred suppliers suitably qualified to assist sea country managers to effectively engage with their own communities and beyond.

## **Strategy 2 Utilise social media to develop online and offline engagement with indigenous sea country management issues**

**Target specific demographics within communities and tailor-make media and messages to reinforce and explain the importance of these issues to cultural life.**

### ***Recommendation 1:***

Initiate a project to develop and implement a specific and targeted communication strategy to increase the level of engagement with Indigenous sea country business. Indigenous youth are an especially important segment of the community that should be the focused upon.

Specific demographics should be targeted in order to tailor make media and messages to explain and reinforce the importance of these matters to cultural life. At the November 2013 Indigenous Sea Country Management Forum, there was a discussion amongst female delegates regarding the need to have good strategies in place to increase the level of engagement with sea country management issues amongst Indigenous youth. The outcomes of that discussion included a range of strategies and actions aimed at connecting with Indigenous youth against a backdrop of modern technological distractions such as social media. The consensus view was that it made sense to try to engage with Indigenous youth on this topic using the same medium through which many currently receive most of their information about the world.

Consequently, the idea of project to develop a comprehensive Indigenous youth communication and engagement strategy is fully supported. The topic must be specifically about sea country management. Without attempting to pre-empt any outcomes of such a project, there is also strong support for the idea that sea country youth leaders be identified to become part of the project development team and eventual delivery.

## **Deliver:**

**Strategy 1 Outcomes, goals, targets, objectives identified in local, community, regional management plans are S.M.A.R.T wherever possible:**

**Indigenous sea country managers are effectively contributing to and managing a range of aspects of marine environment and species management and can point to real deliverables as proof.**

### ***Recommendation 1:***

Establish referral function within the regional sea country planning process to facilitate access to required training, advice or information. Establish referral function within the regional sea country planning process to facilitate access to required training, advice or information.

Delivering on projected or predicted outcomes as a result of the implementation phase is crucial. Performance measures or indicators that demonstrate the effectiveness and value for money of programs which benefit Indigenous sea country managers are essential. This also assists in demonstrating the benefit of these programs to the broader community who have a stake in, or are interested in conservation of the marine environment and species.

Sea Country managers are managing and contributing to the management of a range of aspects of the marine environment and species management and can point to real deliverables as proof. In the planning and implementation of management strategies there should be a focus on the development of goals and targets which are consistent with community values, aspirations or identified needs. The goals and targets developed need to be specific enough to ensure that there is minimal scope for misunderstanding or interpretation. There should be measures in place to allow the community to assess progress at any point in time and especially to allow them to do

determine whether targets have been met. They should be achievable in that any obstacles have been neutralized or removed. They should be realistic in that certain requirements like resources are in place or can be accessed when needed. And finally, they need to be time orientated by having the minimum of an estimated timeframe for delivery.

It is crucial that whatever sea country management goals are set by the community, they all should be delivered on time and on budget wherever possible. This is an important strategy for generating community engagement with sea country management. The clearly visible and observable delivery of targets and goals set by the community in this regard is essential to securing ongoing support from the many segments of the broader community with an interest in sea country.

Other relevant considerations from a capacity building standpoint might include training in project management, strategic thinking and facilitation skills.

## Review

Key themes commonly impacting this phase or Indigenous sea country management program review and evaluation include:

## Evaluate:

### **Strategy 1 Evaluate all government programs for their effectiveness in assisting indigenous people to achieve the sea country management aspirations**

#### **Recommendation 1:**

Initiate a project to develop a set of universally applicable best practice rating criteria, to be used to evaluate all government programs and strategies aimed at assisting Indigenous sea country managers. A rating system will provide Indigenous people with a ready reference indicating the overall effectiveness of any specific program in helping them achieve the sea country management aspirations.

#### **Recommendation 2:**

Commission an evaluation of the monitoring evaluation reporting and improvement (M.E.R.I) plan process under federal caring for country program. This evaluation should use the evaluation criteria developed in recommendation 1 to assess the degree to which this approach to planning and management of sea country business can help communities to achieve sea country management goals and objectives.

Programs designed to assist or benefit Indigenous sea country managers should be evaluated for their effectiveness, and similarly, Indigenous sea country managers should ensure that management plans include this very important step. The aforementioned performance measures or indicators referred to as S.M.A.R.T goals are a simple performance measure that can be used to gauge the quality of outcomes. More sophisticated measures can also be developed to provide a greater degree of insight into the effectiveness of sea country management strategies.

Programs which are delivered by government to benefit Indigenous sea country managers should also be evaluated for their effectiveness. Government already has performance measures in place in many cases, however these indicators are calibrated to the fiscal and policy imperatives of government. These imperatives may sometimes coincide with the aspirations and objectives of Indigenous sea country managers but this is not a given. Consequently, it is necessary to develop a universal or baseline set of performance measures or best practice measures to be used to rate programs and strategies for their effectiveness in assisting Indigenous people to realise their aspirations for the management of their traditional sea country.

## Research:

### **Strategy 1 Monitor and report with regard to significant issues affecting sea country across the state.**

*Recommendation 1:*

Develop a centralised monitoring and reporting process which begins in regions such as Gulf, Cape York, North Qld, Central Qld, Southern Qld

Research and the analysis of data collected in sea country is an ongoing activity or process that is not necessarily confined to any particular planning phase. Research in this context however specifically refers to work that must be done to keep Indigenous sea country managers informed and appraised of current issues and factors that will impact upon their ability manage their sea country in accordance with their aspirations.

There is a significant amount of knowledge and experience amongst sea country managers and others regarding the issues of local and regional significance affecting sea country management. However, for sea country managers, accessing this knowledge and experience can be difficult in the absence of any centralised monitoring and reporting system. The circumstances that sea country managers from the southern coastal areas are different to those of Cape York based sea country managers. However, there are also issues shared by sea country managers in both regions. A system of reporting against common issues and concerns facilitates more responsive strategies to tackling those issues. Migratory species present in one region may well be affected by the availability of food or health of waterways in another region if that region is on its migratory path.

Within the planning phase referred to earlier in this document there is reference to capacity building and training as key strategies. To ensure that efforts to build the capacity of sea country managers are as productive and beneficial as possible it would be wise to firstly determine the areas of greatest need. An effort should first be made to identify the 'gaps'. Whilst there might be an awareness of this at a regional level amongst those regularly engaged with sea country management, a state-wide review should be conducted with a view to ascertaining the state-wide and regional priorities. This is the best way of ensuring that resources allocated to address any capacity or skills issues are applied in open and transparent manner to the areas of greatest need. As a matter of course objective criteria would be necessary to ensure that decision making in this regard is as open and transparent as possible.

## **Celebrate:**

### **Strategy 1 Formally and publicly recognise, and celebrate the role of indigenous sea country managers in management of sea country:**

**Get the word out about how indigenous sea country managers play a major role in the protection of the marine environment and its species - whilst at the same time achieving the right balance with the continuation of traditional cultural practices.**

*Recommendation 1:*

Establish an annual or biennial award and prize for excellence for the development and implementation of Sea Country Management strategies, plans or initiatives which have most successfully met the aims of this strategy.

The review and evaluation of sea country programs and management plans will highlight the successes resulting from the efforts of Indigenous sea country managers to effectively manage their sea country. These successes need to be acknowledged not only to further inspire and motivate Indigenous People to participate in the management of their traditional sea country, but to also provide a more balanced and accurate picture of Indigenous sea country management in Queensland.

Steps should be taken to establish an annual or biennial award and prize for excellence in Indigenous sea country management. The award should include categories to recognise more specific aspects of sea country management. This would highlight the diverse nature of issues and circumstances impacting upon Indigenous management of sea country, but it would also help groups to share experiences and knowledge for the betterment of all Indigenous sea country managers.

# Indigenous Sea Country Management Framework

## Planning

### Coordination

Strategy 1 Take a strategic planning approach to management of sea country business via a regional sea country planning process and forum<sup>11</sup>.

Planning at this level supplements local and community level planning. Regional issues identified at the local level are elevated to a regional forum to be managed<sup>12</sup>. Forums also provide a centralised consultative mechanism for government and NGOs to enhance their efforts for effective engagement with indigenous communities.

#### Recommendation 1:

Establish an inter-agency, joint Commonwealth and State project to develop a regional planning and coordination model for Indigenous sea country management in Queensland.

Deliverables should include options or recommendations regarding;

- Regional profiles for each planning forum region based on coastal regions - Gulf, Cape York, North Qld, Central Qld, Southern Qld.
- Representative models for participation in a regional forum.
- Timing and regularity of forums.
- Roles, functions and potential standing agenda items.

Timeframe: June 2015

#### Collaborators:

Indigenous sea country managers  
Federal and Qld govt agencies

#### Key Result Areas

- ✓ Leadership & Governance
- ✓ Sea Country Planning

<sup>11</sup> Recommendation of the Indigenous Sea Country Strategic Policy Group, 30 January 2013

<sup>12</sup> At a state-wide level it is proposed that the current Federal and State Joint Steering Committee could perform this function.

<ul style="list-style-type: none"> <li>→ Resource requirements and potential sources.</li> <li>→ Timeframe for planning, development and implementation.</li> </ul>			
<p><i>Recommendation 2:</i></p> <p>Establish infrastructure support via a small to medium sized secretariat and secure resources to coordinate the Regional Sea Country Planning Process.</p>	<p>Timeframe: June 2015</p>		
<p><i>Recommendation 3:</i></p> <p>The Commonwealth should facilitate direct investment in this process via the proposed Reef Trust as part of Federal governments Reef 2050 long term sustainability plan.</p>	<p><i>Collaborators:</i> Indigenous sea country managers Federal and Qld govt agencies</p>		
<p><i>Recommendation 3:</i></p> <p>The Commonwealth should facilitate direct investment in this process via the proposed Reef Trust as part of Federal governments Reef 2050 long term sustainability plan.</p>	<p>Timeframe: June 2015</p>		
<p><i>Collaborators:</i> Federal and Qld govt agencies</p>			
<h2>Strategy 2 Productive Working Relationships</h2>			
<p>Via regional sea country planning and coordination forums, establish and maintain productive working relationships with other Indigenous agencies, organisations and non-indigenous stakeholders and interests working in the Indigenous sea country sector.</p>			
<p><i>Recommendation 1: Develop and implement a regional stakeholder engagement strategy</i></p> <p>The Indigenous Sea Country Strategic Policy Group was not initially resourced for this task. A stakeholder engagement strategy should underpin the set-up of regional planning and coordination forums. An analysis of stakeholder interests, issues and concerns in each region adds value to the planning and coordination process. The proposed secretariat would manage this activity and its ongoing maintenance and review.</p>	<p>Timeframe: June 2015</p>	<p>Key Result Areas</p> <ul style="list-style-type: none"> <li>✓ Leadership &amp; Governance</li> <li>✓ Sea Country Planning</li> </ul>	
	<p><i>Collaborators: ISCSPG, IAC, NAILSMA</i></p>		
<p><i>Recommendation 2: Assist and support Indigenous sea country managers to</i></p>	<p>Timeframe: June 2015</p>		

<p><i>develop localised stakeholder engagement plans</i></p> <p>Provide support to facilitate this form of strategic planning at a local level. Utilise the regional stakeholder engagement strategy as a starting point and change it to meet local and address local issues.</p>	<p>Collaborators: Qld Indigenous sea country managers representative forum or alliance</p>	
<p><b>Capacity Building</b></p>		
<p>Informed Consent is the basis upon which all agreements and management arrangements are developed:</p>		
<p>Strategy 1 Maximise the degree to which TOs are informed prior to entering into arrangements or agreements which could impact upon the ability of TOs to manage sea country.</p>		
<p>Recommendation 1:</p> <p>Establish referral function within the Regional Sea Country Planning Process to facilitate access to required training, advice (including legal advice) or information.</p>	<p>Timeframe: Establish by June 2015 and then ongoing</p> <p>Collaborators:</p> <p>Indigenous Sea Country Managers</p> <p>Federal and Qld govt agencies</p> <p>NGOs</p>	<p>Key Result Areas</p> <ul style="list-style-type: none"> <li>✓ Leadership &amp; Governance</li> <li>✓ Sea Country Planning</li> <li>✓ Training</li> </ul>
<p>Strategy 2 Build Stakeholder Cultural Competency:</p>		
<p>Non-Indigenous Stakeholders develop and maintain a minimum level of cultural competency, and build and maintain productive working relationships with Indigenous Sea Country Managers with these principles as the foundation of their relationships<sup>13</sup>.</p>		
<p>Recommendation 1:</p>	<p>Timeframe: December 2015</p>	<p>Key Result Areas</p> <ul style="list-style-type: none"> <li>✓ Training</li> </ul>

<sup>13</sup> “Provide cultural awareness and cultural capability training to local government” pg 30 *Summary Report Qld Traditional Owner Sea Country Turtle and Dugong Workshop October 2011*

<p>Training program in Sea Country Cultural Competency for Non-Indigenous Stakeholders to be developed and rolled out across Federal, State and Local govt and NGOs</p>	<p>Collaborators: Qld Indigenous sea country managers</p>	
<p><b>Planning &amp; Development</b></p>		
<p>Strategy 1 Goals, objectives or deliverables identified in all planning process at all levels are S.M.A.R.T.</p> <p>Goals, objectives or deliverables identified in all planning process at all levels are S.M.A.R.T.</p> <p>Specific – target a specific area for improvement.</p> <p>Measurable – quantify or at least suggest an indicator of progress.</p> <p>Attainable – set realistic goals for your level of skills.</p> <p>Realistic – state what results can realistically be achieved, given available resources.</p> <p>Time-related — specify when the result(s) can be achieved.</p>		<p>Key Result Areas</p> <ul style="list-style-type: none"> <li>✓ Sea Country Planning</li> <li>✓ Monitoring &amp; Research</li> </ul>
<p>Strategy 2 Templates, decision making matrixes &amp; road maps</p> <p>Effective sea country planning requires good decisions which in turn result from good decision making processes. Comprehensive information gathering is a crucial step that should be part of every decision making and planning exercise. It should include an understanding and knowledge of the questions that need to be asked - and answered - in order to find best path forward.</p>		
<p><i>Recommendation 1:</i></p> <p>Initiate a project to develop a database to capture and record plans and agreements developed, or in development. The result should be a centralised repository to facilitate access to plan precedents and templates and advice regarding the process of agreement and plan development. The project brief would include the need to address relevant matters of confidentiality, cultural sensitivity and any other potential legal impediments to gaining access to agreements and management plans on a large scale.</p>	<p><i>Timeframe:</i> December 2015</p> <p><i>Collaborators:</i> Indigenous Sea Country Managers, Dept. of E&amp;HP (Qld), Dept. of Environment (Cth), IAC, GBRMPA</p>	<p>Key Result Areas</p> <ul style="list-style-type: none"> <li>✓ Leadership</li> </ul>

<p>Include the development of a suite of process road maps to aid Indigenous sea country managers to make better decisions, manage risk and more effectively manage planning processes.</p>		
<p><b>Strategy 3: Develop and nurture Traditional Owner Ecological Knowledge and scientific expertise.</b></p> <p>Non-Indigenous Stakeholders develop and maintain Indigenous Sea Country cultural competency, and build and maintain productive working relationships with Indigenous Sea Country Managers with these principles as the foundation of their relationships</p>		
<p>Recommendation 1a:</p> <p>Advocate for and develop tertiary programs for the provision of qualifications across a variety of different disciplines relevant to Sea Country management. This should include dedicated Indigenous intake to undergraduate and post-graduate degree courses and scholarship and assistance programs.</p> <p>Recommendation 1b:</p> <p>Establish a Centre for Excellence in Indigenous Sea Country Management.</p>	<p>Timeframe: December 2015</p> <p>Collaborators: Indigenous Sea Country Managers</p>	<p>Key Result Areas</p> <ul style="list-style-type: none"> <li>✓ Community/ Relationships Engagement</li> </ul>
<p><b>Strategy 4: Support and endorse the Cape York Turtle and Dugong Regional Plan 2013.</b></p> <p>This Framework incorporates and recognises the status of the Cape York Turtle and Dugong Regional Plan as a reflection of the aspirations of TO sea country managers of Cape York.</p>		<p>Key Result Areas</p> <ul style="list-style-type: none"> <li>✓ Sea Country Planning</li> <li>✓ Leadership and Governance</li> </ul>
<p>Recommendation 1:</p>	<p>Timeframe: Ongoing</p>	

Note the regional objectives, priorities and specific recommendations captured within the regional plan itself and consider their applicability in other regions.

Collaborators: Qld Indigenous sea country managers

## Implementation

### Management

**Strategy 1: Establish and maintain mechanisms and support infrastructure for the effective management of TUMRAs, ILUAs, IPAs.**

Processes and resources must be in place to enable Indigenous sea country managers to effectively manage their obligations and to obtain the benefits associated with multi-party instruments, management arrangements and agreements.

Key Result Areas

Recommendation 1:

Via the proposed Regional Sea Country Planning forum work with Indigenous sea country managers to identify ‘gaps’ in implementation and sea country management arrangements. Any issues identified should be logged or captured so that they can be addressed as standing items for discussion and action at each forum until resolved or finalised.

Timeframe: June 2015

Collaborators:

**Strategy 2: Establish and maintain a network or alliance of Qld Indigenous Sea Country Managers to oversee, contribute to and to advocate for State – wide policy development and implementation.**

The Indigenous Sea Country Strategic Policy Group was the first attempt to provide this kind of presence at a regional and state-wide level<sup>14</sup>.

Key Result Areas

✓ Leadership & Governance

Recommendation 1:

Timeframe: Preliminary proposal to be

<sup>14</sup> consolidating key actions under the ‘Leadership & Governance’ outcome category pg 30 *Summary Report Qld Traditional Owner Sea Country Turtle and Dugong Workshop October 2011*

<p>A representative forum or workshop be held with the specific purpose of establishing the network. Workshop objectives must include development of terms of reference, a network communication strategy and mechanisms through which to link with the Indigenous Sea Country Strategic Policy Group, and the proposed regional planning and coordination forums.</p>	<p>developed from Qld Indigenous Sea Country Management Forum 2013 – Stradbroke Is</p> <p>Collaborators: Indigenous Sea Country Managers</p> <p>Federal and Qld govt agencies</p>	
<p><b>Strategy 3: Identify and record high value cultural heritage areas and sites in Indigenous Sea Country with a view to securing and protecting those areas in accordance with cultural heritage and other legislation<sup>15</sup>.</b></p> <p>Acknowledgement that high value conservation areas include cultural values.</p>		<p>Key Result Areas</p> <ul style="list-style-type: none"> <li>✓ Management High</li> <li>✓ Conservation Areas</li> </ul>
<p>Recommendation 1:</p> <p>Establish a program for mapping and recording of high cultural value sites within Sea Country with linkages to existing registers and support for sea country managers to conduct this work on their own country.</p>	<p>Timeframe: December 2015</p> <p>Collaborators: Indigenous Sea Country Managers</p> <p>Federal and Qld govt agencies</p>	
<p><b>Strategy 4: Provide access to advice and information regarding the full range of legislative and regulatory options to address compliance and enforcement issues which impact upon the implementation of sea country management plans.</b></p> <p>Maximising engagement through utilising a range of strategies is the preferable approach. However, deliberate or wilful non-compliance with the plans remains an issue in many circumstances and need to be addressed effectively. However, using a variety of approaches already available within the current legislative framework, there are options by which traditional</p>		<p>Key Result Areas</p> <ul style="list-style-type: none"> <li>✓ Sea Country Planning</li> <li>✓ Community Relationships/ Engagement</li> </ul>

<sup>15</sup> 'Management High Conservation Areas' outcome category pg 30 *Summary Report Qld Traditional Owner Sea Country Turtle and Dugong Workshop October 2011*

authority can be reinstated and strengthened		
Recommendation 1:	Timeframe: Ongoing	
Produce publications as reference sources and resources for Indigenous Sea Country Managers to refer to when developing local and community plans for enforcement and compliance.	Collaborators: Indigenous Sea Country Managers Federal and Qld govt agencies	

## Engagement

<b>Strategy 1: Maximise community engagement with local and community Sea Country Management Plans.</b> Key strategy in response to issues of compliance and enforcement. Where community engagement is maximised, instances of non-compliance are minimised and can be dealt with on a case-by-case basis.		Key Result Areas ✓ Leadership & Governance ✓ Community Relationships/ ✓ Engagement
Recommendation 1:	Timeframe: June 2015	
Establish referral function within the Regional Sea Country Planning Process to facilitate access to required training, advice or information.	Collaborators: Indigenous Sea Country Managers Federal and Qld govt agencies NGOs	
<b>Strategy 2: utilise social media to develop online and offline engagement with indigenous sea country management issues.</b> Target specific demographics within communities and tailor-make media and messages to reinforce and explain the importance of these issues to cultural life.		Key Result Areas ✓ Leadership & Governance ✓ Community Relationships/ ✓ Engagement

<p>Recommendation 1:</p> <p>Initiate a project to develop and implement a specific and targeted communication strategy to increase the level of engagement with Indigenous sea country business. Indigenous youth are an especially important segment of the community that should be the focused upon.</p>	<p>Timeframe: June 2014 and then ongoing thereafter</p>
	<p>Collaborators: Indigenous Sea Country Managers</p>

**Deliver**

<p>Strategy 1: Outcomes, goals, targets, objectives identified in local, community, regional management plans are S.M.A.R.T wherever possible:</p> <p>Indigenous Sea Country Managers are effectively contributing to and managing a range of aspects of marine environment and species management and can point to real deliverables as proof. Ensuring</p>	<p>Key Result Areas</p> <ul style="list-style-type: none"> <li>✓ Leadership &amp; Governance</li> <li>✓ Monitoring &amp; Research</li> </ul>
<p>Recommendation 1:</p> <p>Establish referral function within the Regional Sea Country Planning Process to facilitate access to required training, advice or information.</p>	<p>Timeframe:</p> <p>Collaborators:</p>

## Review

### Evaluate

Strategy 1: Evaluate all government programs for their effectiveness in assisting indigenous people to achieve the sea country management aspirations.

*Recommendation 1:*

Initiate a project to develop a set of universally applicable best practice rating criteria, to be used to evaluate all government programs and strategies aimed at assisting indigenous sea country managers. A rating system will provide indigenous people with a ready reference indicating the overall effectiveness of any specific program in helping them achieve the sea country management aspirations.

Timeframe: June 2015

Collaborators: Indigenous sea country managers

*Recommendation 2:*

Commission an evaluation of the monitoring evaluation reporting and improvement (M.E.R.I) plan process under federal caring for country program. This evaluation should use the evaluation criteria developed in recommendation 1 to assess the degree to which this approach to planning and management of sea country business can help communities to achieve sea country management goals and objectives.

Timeframe: June 2015

Collaborators: Indigenous sea country managers

Key Result Areas

- ✓ Leadership & Governance
- ✓ Sea Country Planning
- ✓ Monitoring and Research

### Research

Strategy 1: Monitor and report with regard to significant issues affecting Sea Country across the State.

*Recommendation 1:*

Timeframe: June 2015

Key Result Areas

- ✓ Leadership & Governance
- ✓ Sea Country Planning
- ✓ Monitoring and Research

Develop a centralised monitoring and reporting process which begins in regions such as Gulf, Cape York, North Qld, Central Qld, Southern Qld	Collaborators: Indigenous sea country managers Federal and Qld govt agencies	
Recommendation 2: Conduct State-wide gap analysis of existing Indigenous Sea Country Management capacity and needs <sup>16</sup>	Timeframe: June 2015 Collaborators: Indigenous sea country managers Federal and Qld govt agencies	

## Celebrate

<p><b>Strategy 1: Formally and publicly recognise, and celebrate the role of Indigenous sea country managers in management of Sea Country :</b></p> <p>Get the word out about how Indigenous Sea Country Managers play a major role in the protection of the marine environment and its species - whilst at the same time achieving the right balance with the continuation of traditional cultural practices.</p>		<p>Key Result Areas</p> <ul style="list-style-type: none"> <li>✓ Leadership &amp; Governance</li> <li>✓ Sea Country Planning</li> <li>✓ Community/ Relationships Engagement</li> </ul>
<p><i>Recommendation 1:</i></p> <p>Establish an annual or biennial award and prize for excellence for the development and implementation of Sea Country Management strategies, plans or initiatives which have most successfully met the aims of this strategy.</p>	<p>Timeframe: Establish by June 2015 and then ongoing</p> <p>Collaborators: Indigenous sea country managers Federal and Qld govt agencies, NGOs</p>	

<sup>16</sup> Page 30 Markwell report under the heading ‘monitoring & research’