

Cultural Land (Forest) Management

CONCEPTS, CONSTRAINTS AND OPPORTUNITIES IN SOUTH-EAST NSW

A report prepared for the Bega Local Aboriginal Council



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DISCLAIMER

All the content and findings in the report are based on the information sourced or provided during this project and the personal knowledge and expertise of the author. Every effort has been made to ensure the analysis is factually correct, but due to the complexity of the current legal and process arrangements that apply to cultural land management practices in NSW, there may be some errors in my understanding of some specific requirements. The report is intended for the use of the Forestry Hub and the Bega Local Aboriginal Land Council. The author accepts no responsibility for its use by other parties.

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Executive Summary

The objective of this project was to develop a Template for cultural land and forest management, which was ambitious. While the concept of templates in use by indigenous groups was cited in the seminal book *The Biggest Estate on Earth* (Gammage 2011), at a local level in Bega the cultural management process is complex and site dependent. It is guided by past impacts, current condition of the land and forests as well as the vision and the financial and operational capacity of landowners to undertake restoration work. This report describes the components of cultural management and recommends a process to commence cultural land and forest management rather than define a template for work to be undertaken. This is necessary due to the formative stage of both Local Aboriginal Land Councils capacity to undertake work and landowners understanding of what is required and their capacity to fund this work.

Aboriginal Peoples are custodians of their land and have an inherent responsibility to care for their Country, including healing damage from past management. On forest lands Caring for Country can be achieved through the implementation of Cultural Land Management practices. Because of the disruption of Aboriginal land management practices, long-term mismanagement of land and the impacts of climate change, many native forests have become Unhealthy Country.

Historical evidence indicates that Cultural Land Management practices were widely implemented across Australian landscapes before European colonisation and recent experience demonstrates that the reintroduction of Cultural Land Management supports the healing and maintenance of Country and can reduce the damaging impacts of severe wildfires on built assets and the environment. Both the national and state inquiries into the Black Summer bushfires recommended that the three levels of government commit to pursuing greater application of Aboriginal land management, including cultural burning, particularly within public lands.

Cultural Land Management practices are a set of diverse, site-specific practices that protect, preserve and promote the natural ecosystems and tangible and intangible cultural values to maintain a healthy Country. Cultural Land Management includes component activities, such as:

- Cultural burning to heal and care for Country;
- Natural resource utilisation (e.g. hunting and harvesting of bushtucker and medicines in accordance with the knowledge of the seasonal calendar);
- Cultural management (e.g. ceremony, knowledge sharing and management of cultural heritage sites);
- Threat abatement (e.g. weed control, feral animal control, fire management and totem species protection);
- Restoration of culturally appropriate forest condition (e.g. physical removal of dense regrowth or over-represented species);
- Restoration of lost species (e.g. replanting culturally important plants and those that traditionally connected to country);
- Soil erosion management (e.g. sediment control and revegetation); and

- Economic endeavours (e.g. employment opportunities, income generation from healthy Country).

Place-based assessment and consultation is required at each site to create a matrix of essential and optional component activities associated with the reintroduction of Cultural Land Management practices. When treating unhealthy Country, it may be necessary to undertake a staged implementation of different component activities depending on the current condition of the land.

Cultural burning, which is informed by traditional knowledge and planned and led by Aboriginal people, is a key component of Cultural Land Management. On Country, cultural burning involves using the right fire, in the right place, at the right time and in the right way. With cultural burning it is Country that determines when and how to burn, not the prevailing fuel loads. To be effective cultural burning has to be done regularly at each site, but different areas are burnt at different times to achieve the desired patterns of burning and some areas are not burnt. Due to the current dense condition of many forest areas, it may be necessary to undertake other physical treatment, including removal of dense vegetation or weed control, to restore a culturally appropriate forest condition before a cultural burn can be effectively implemented. Cultural burning is different from culturally informed burning, which may seek to achieve similar outcomes but is implemented by non-Aboriginal people.

Where Country is unhealthy due to being too densely stocked with trees and bushes, Cultural Land Management requires the implementation of cultural thinning to restore a culturally appropriate forest condition. This involves selectively removing trees in overly dense patches of forest to achieve cultural outcomes such as increased space for existing and future mother trees, thereby creating better conditions for a wider variety of plants and animals in the understorey and ground cover. Where exotic pest animals and plants or soil erosion exist, control activities will be necessary to restore and maintain healthy Country.

There are many constraints that currently limit the application of Cultural Land Management on public and private lands in NSW. The 2020 NSW Bushfire Inquiry report noted that the current regulatory frameworks and the short-term nature of funding arrangements for cultural burning activities are limiting the application of Aboriginal land management, including cultural burning. It also identified that wider implementation of traditional land management practices will require review of policies and procedures, and potentially regulatory change, with clear acknowledgement of the cultural basis for the practices and Aboriginal ownership of knowledge. It specifically identified that the fire interval thresholds described in the NSW Guidelines for Ecologically Sustainable Fire Management do not consider cultural fire knowledge on biocultural indicators which may signal when and how regular, low severity, patchy fire is better suited to certain ecosystems. It is understood that some of the policy, legislative and administrative constraints related to government processes will be addressed under the NSW Cultural Fire Management Strategy, due for release in 2025.

For Bega LALC, which has more than 720 hectares of its own forested land where Cultural Land Management could be applied, the major factor limiting Cultural Land Management is access to financial resources. From the existing Forest Management Plan and Property Plans, there appears to be some potential to generate revenue from the sale of forest products produced under a program to restore a culturally appropriate forest condition on areas of these blocks. Ironically, even though much of the LALC's forested landholdings are in close proximity to townships and contain identified bushfire hazards, the LALC is not eligible to apply for funding under the NSW Bushfire Risk Mitigation and Resilience Program as such applications would need to be sponsored by the RFS. The need for the LALC to obtain an appropriate insurance policy to cover their cultural burning activities is a significant expense that adds considerably to the unit cost of conducting cultural burns. Government approval processes for cultural burns are costly, often require specialist skills and may need to be repeated in situations where either an approved burn is not conducted or multiple stages over several years.

A recent study examined the legal and policy constraints to implementing Aboriginal fire management practices in public and private native forests. A key finding was that currently there is no legal right to light a fire for cultural purposes under any of the relevant NSW laws, which under some circumstances creates a barrier to cultural burning because the relevant decision makers under relevant laws are not cultural knowledge holders. Under the Local Land Services Act, 2013 burning is considered to be clearing native vegetation and must conform with the regulatory requirements for private native forests. However, the Act provides a general authorisation for traditional Aboriginal cultural activities, which would include cultural burning, as long as the burning is not conducted as a commercial activity. Because cultural burning does not have a formal place in the legal framework, cultural fire practitioners are not protected from liability in the way that fire agencies, fire brigades and volunteer firefighters are protected, which means that their organisations need to take out expensive insurance policies to cover cultural burning. Staff from the DEECW Fire and Culture Section recognise that cultural burning practice is inconsistent with the current fire and environmental regulatory requirements and that more pragmatic arrangements will need to be developed through the statewide policy process.

The current regulatory arrangements for cultural burning are very complex and somewhat confusing and they were not designed to cover cultural burning, which is conducted quite differently to other forms of prescribed burning. If the proposed cultural burn is considered to constitute bushfire hazard reduction, then that process requires compliance with the NSW Bushfire Environmental Assessment Code requirements, which establishes the minimum return intervals for fire. Because the concept of cultural burning involves frequent burning of small patches within a larger block of vegetation, there is an inherent conflict with the minimum return interval concept as it assumes that all the vegetation in the block would be burnt at one time. This could mean a cultural burn would need to undergo a more complex Review of Environmental Factors under the *Environmental Planning and Assessment Act, 1979* to determine the likely environmental impact of the cultural burn.

In NSW, there are specific regulatory requirements that apply to all harvesting of native trees. If the thinning of dense forest stands is required to restore a culturally appropriate forest condition, then some of the regulatory provisions under the relevant Private Forestry Code of Practice may be a constraint. In Southern NSW, the Code requires both the maintenance of minimum basal area of 12 m²/ha and specified levels of forest regeneration to be achieved in areas that have been thinned. These requirements may be inconsistent with the desired long-term structure in culturally managed forests.

Bega LALC has been collaborating with various NSW agencies and programs in an effort to enhance the implementation of Cultural Land Management. Collaborations with Crown Lands, Local Land Services, Transport for NSW and the Rural Fire Service/Fire and Rescue Service have produced some Cultural Land Management outcomes and there are a range of potential additional opportunities with these and other agencies and stakeholders. The LALC is receiving Commonwealth funding for rangers through the National Indigenous Australians Agency and there potential for a Cultural Land Management project in southern NSW through the national Disaster Risk Reduction Fund.

There are good prospects for scaling up implementation of funded cultural burning activities on Crown Land blocks that are identified in collaboration with the cultural burning project officer. Crown Lands can also contract LALC crews to undertake required Bushfire Risk Management Plan works on Crown Land blocks. Local Land Services advises that there are continuing opportunities for the LALC to undertake contracts to implement cultural burning on Travelling Stock Reserves, as well as the potential to establish a Total Forest Management Service for LALC lands covered by Forest Management Plans.

On the surface, the NSW Parks and Wildlife Service (NPWS), which manages very large areas of public forest within the LALC region, seems well prepared to facilitate cultural burning. It has a long-standing Cultural Fire Management Policy as well as comprehensive Guidelines for Low Risk Cultural Burning on NPWS Managed Lands. However, in practice very few cultural burns are being implemented on NPWS lands. Currently there are 26 common risk controls that must be met for a cultural burn to be considered a community low risk cultural burn. NPWS does not have a budget to pay LALCs to undertake cultural burns, but covers Aboriginal participants as volunteers under its insurance arrangements. It can assist with preparation of the required burn plans and will provide at least one NPWS fire crew at each burn in order to meet its insurance requirements.

The Forestry Corporation of NSW has an Aboriginal Partnerships Team that engages with local Aboriginal communities to restore traditional fire management practices to public native forests. In 2023, it commenced a Fire, Country and People three-year program, funded under the Australian Government's Disaster Ready Fund, that will expand the use of traditional fire management in northern NSW. Aboriginal communities are involved in the co-design this program, identifying local Aboriginal aspirations and requirements for natural disaster readiness, response and recovery. Eighty new firefighters have been employed through six Aboriginal communities. There appears to be good prospects for building a partnership with the Forestry Corporation to undertake

cultural burning on areas of State forest in southern NSW. The Forestry Corporation could potentially assist the LALC to find markets for some timber products that are produced during Cultural Land Management operations.

Transport NSW has been collaborating with Bega LALC to implement some cultural burning under its Aboriginal Cultural Landscapes Project and Network Resilience Program, which aims to reduce bushfire risks and keep key regional roads open during future bushfire emergencies. Planning for a series of cultural burns in a LALC Block adjacent to Merimbula Drive occurred in 2024 and the burning should occur in 2025. Unfortunately, this seems to be a one-off initiative.

The Bega Valley Council manages significant parcels of forested land, including blocks of Council owned land and other blocks of Crown land many of which are adjacent to LALC blocks. Its Conservation Unit supports cultural burning and is interested in exploring a program of cultural burning on Council land and a cross tenure integrated approach to Cultural Land Management in areas surrounding the Tathra township.

The NSW Rural Fire Service (RFS) has an Aboriginal Communities Engagement Strategy, which seeks to establish strategic partnerships between RFS districts and Local Aboriginal Lands Councils. Both the RFS and the NSW Fire and Rescue Service are supporting the enhanced use of Cultural Burning practices to mitigate fire risks on land managed by Traditional Owners and in 2023 they supported the Bega LALC to carry out low-intensity cool burns on 1.2 hectares of the Tura Beach Flora Reserve. In 2024, the RFS provided the Merrimans LALC with a purpose-built four-wheel drive firefighting vehicle, recently retired from its fleet. The RFS acknowledges that some challenges exist over listing cultural burns in Bushfire Risk Management Plans given the requirement that listed burns must be completed.

There is a considerable area of private forest within the Bega LALC region, including areas in the coastal forests, the escarpment ranges and the Monaro tablelands. While there is considerable interest and potential to implement cultural burning within private forests in the region, there are confusing legislative requirements under the *Local Land Services Act, 2013* that potentially make this difficult. If the landowner does not have a Private Native Forest Plan, a LALC can be paid to undertake cultural burning that is authorized as Environmental Protection Works, if it aims to rehabilitate land towards its natural state. If the landowner has a Private Native Forest Plan, then traditional Aboriginal cultural activities are permitted under a general authorization, but the LALC cannot receive payment for undertaking the work.

The Bega LALC is keen to enhance its partnerships with Government agencies to strengthen implementation of Cultural Land Management within its region. While it is ready to do this on an agency-by-agency basis, it sees benefit in fostering periodic cross-agency dialogue to support consideration of cross tenure of programs and working towards overcoming constraints to the implementation of Cultural Land Management

1. Background

1.1. Country

Under Aboriginal culture, humans, soil, water, plants and animals are all interconnected and interdependent in a circular manner. The term Country represents this important connection between the people, past, present and future with their lands, waterways and seas and to all of the components of their environment. Country is a living entity and it is central to Aboriginal culture. It includes everything related to their existence, including food and medicine, spiritual wellbeing, ceremonies, song and dance, as well as the stories to their ancestors and the future. Aboriginal groups share deep and ancestral connections with Country, including landscape features, resources, and the vast array of non-human life forms that inhabit these places.

Aboriginal Peoples are custodians rather than owners of their lands and they have an inherent responsibility to look after Country, including healing damage from past management and protecting it for future generations. Caring for Country means participating in interrelated cultural activities on Aboriginal lands and seas with the objective of promoting ecological, spiritual and human health. Caring for Country is the living essence that is shared between Aboriginal people and place and it is vital for maintaining their culture. It can be achieved through Cultural Land Management.

Traditional knowledge about Country and the ability to read Country is passed on through elders in each community. This process is a major way in which custom and cultural heritage are transmitted to younger generations and it enables the maintenance of Aboriginal cultural identity over time. It is now understood that the pre-Colonial structure and composition of vegetation in Australia existed as a result of the long period of Cultural Land Management practiced by Aboriginal people.

1.2. Healthy Country

In Aboriginal culture, Healthy Country is interconnected with healthy people. Healthy Country is a Country that has an abundance of resources and wide-open spaces within the forest providing high visibility through the trees. There should be wide spacing between the large mother trees, so as not to crowd and compete with smaller shrubs and grasses, that are present beneath and between the mother trees and that support the mother trees. People should be able to see hundreds of metres through the forest and should also be able to walk freely through Country without having to fight their way through shrubs and thickets of vegetation.

Healthy Country should have an abundance and wide range of resources to sustain the system and meet the community's needs for food, medicines and tools. The range of fauna should include birds, large and small mammals, reptiles and the micro-organisms that live in the soil and the bio-matter layer at the soil surface. Every species of flora and fauna native to that particular type of Country plays a special role in maintaining the health of Country as well as the health of the animals that occur there.

A recent publication (Baker *et al.* 2023) described the relationships between healthy Country and the use of cultural fire (good fire). Some key concepts from this document are presented in the following box.

- Healthy Country is critical for maintaining the kinship of the land and people connected to it. Good fire is healthy fire for that Country.
- Cultural fire means different things to different people. Cultural fire is Good Fire, and the ways Aboriginal people burn for healthy Country through cultural lore and kinship.
- Traditionally local custodians regularly applied cultural fire to protect and improve the cultural resources and values to ensure safe and abundant landscapes.
- Cultural fire is Good Fire that brings the fire and water mob along, continuing to guide in the light of the next generation as they move through the Country and beyond.
- When burning Country there are always winners and losers in relation to the fire regime. Cultural fire is about understanding that kinship between species and places to allow the ancestors of place to grow and regenerate, while adapting as systems interact and evolve.

1.3. *Unhealthy Country*

Unhealthy Country results from a combination of disruption of Aboriginal land management practices, long-term mismanagement of land and the impacts of repeated intense bushfires and climate change. Country cannot be healthy without people implementing Cultural Land Management practices. On unhealthy Country the forest structure has changed and the range and abundance of resources, particularly food and medicinal plants, has decreased from what it used to be and there are fewer different plants and animals. When species are missing or limited in occurrence, the Country itself suffers and becomes unhealthy.

Unhealthy forested Country is characterised by thickets of bush in which visibility is greatly decreased, often to less than ten metres. On unhealthy Country there is an over-abundance or density of trees and shrubs which creates a connecting layer of vegetation between the ground cover and the tree crowns. In these dense forests, the trees are fighting against each other for sunlight and nutrients and many food and medicinal plants have disappeared.

1.4. *Changes to Country since European colonisation.*

It is now more commonly understood that the character and structure of forest vegetation in much of New South Wales is significantly different now from what existed at the beginning of European colonisation. These days most forests are densely stocked with trees and commonly have thick shrubby understoreys and can no longer be regarded as open woodlands.

Following European colonisation, Aboriginal people were dispossessed from their traditional lands across much of New South Wales. In addition, new laws prohibited the use of fire for cultural purposes and established a legal regime that predominantly sought to control the threat of uncontrolled and unowned fires, including those practiced by Aboriginal people following their cultural norms.

During the colonial period and the early 20th century, Aboriginal use of fire in south-eastern Australian forests was largely disrupted due to both dispossession from their lands and the prohibition of use of fire and other cultural practices within government-managed native forests. The changes to Country that have occurred are due to many different factors operating across the landscape over a long period of time. These factors include:

- dispossession of traditional Aboriginal lands and associated Cultural Land Management practices;
- development of agriculture and urban settlements and the associated loss of forest and disconnected habitats;
- inappropriate forest management practices; and
- changed fire regimes and practices, (particularly the use of hot burns and the increased frequency of high intensity wildfires?).

As a result, many forested areas now are now considered by Aboriginal people to be unhealthy Country. Large areas of open woodland forest have been lost and in many remnant forest ecosystems tree densities have increased, there are fewer older mother trees, many medicinal and food plants have declined and many exotic plants and predator animals have negatively affected many native species.

2. *Experience and Evidence with Cultural Land Management*

2.1. *Historical Evidence*

Ethnographic evidence from 19th century European colonists and explorers leaves little doubt that Aboriginal burning played a central role in the creation and the maintenance of many Australian landscapes. Anthropologists in the 20th century have documented the indispensability of fire as a tool in traditional Aboriginal societies. It is understood that Aboriginal people's land management practices, especially their skilled and detailed use of fire, were responsible for the long-term productivity and biodiversity of the continent.

Many of the early European explorers recorded observations about the fertile nature of the land, with 'park like' open forests that were thinly timbered and without dense shrubbery or underwood (Gammage 2011). In 1836, when the English naturalist Charles Darwin visited NSW, he recorded that the extreme uniformity in the character of the vegetation is the most remarkable feature in the landscape of the greater part of New

South Wales. Everywhere we have open woodland, the ground being partially covered with a most thin pasture¹.

In the 1800s, European settlers expanded their occupation of the more productive and less remote lands, with surviving Aboriginal people being dispossessed from their lands. These new inhabitants were not used to the Australian environment or the dangers presented by large wildfires and had no tradition or knowledge of the role of active fire management, although some early settlers learnt from local Aboriginal people and began to periodically burn areas of forest on their land. Prescribed burning on public forested lands really only began in earnest in the 1960s and the broad-scale techniques used were quite different in scale to those used by Aboriginal people.

2.2. Local Experience

In 2017, the year after 71 hectares of forested land at Tathra West was transferred to the Bega LALC, the LALC implemented the first cultural burn on 3.5 hectares of its land adjacent to Killarney Road on the western edge of Tathra township. In March 2018, on a day of Total Fire Ban, a bushfire burnt 1250 hectares between Reedy Swamp and Tathra, including the LALC block, and destroyed 79 homes and buildings and damaged a further 39 buildings. However, no houses were destroyed in Killarney Road. In September 2018, the ABC reported² that the land where cultural burns were undertaken in 2017 was sprouting with native grasses, in stark contrast to the scorched trees and dense bracken that mark the surrounding landscape.

In 2020, the Sydney Morning Herald³ reported that during the Gospers Mountain megafire most unattended structures on an isolated bushland property near Laguna survived the fire because cultural burning had been implemented on six hectares of adjoining bush in 2015 and 2016 by Aboriginal cultural fire practitioner Denis Barber. During the 2020 Currowan bushfire, the ABC reported⁴ that a cultural burn conducted six months before the fire by Yuin elder Noel Webster in dense bushland on a property west of Ulladulla helped to ensure that the property owner's house survived while those on adjoining properties were destroyed.

In October 2023, the Cooloolite bushfire burnt 6,824 hectares, impacting areas of Cuttaggee, Barragga Bay, and The Murrah and destroying two homes and damaging two other homes. After that bushfire, a Murrah resident who lost his home indicated that he had wanted a cultural burn on his property, but there were not the resources nor time to get to his property before the fire hit. He indicated that a cultural burn had been done on a neighbouring property, and the home survived the fire⁵.

¹ Charles Darwin, *The Works of Charles Darwin, Volume 1: Diary of the Voyage of the H.M.S. Beagle* (New York University Press, 2010) 343.

² <https://www.abc.net.au/news/2018-09-18/indigenous-burning-before-and-after-tathra-bushfire/10258140>

³ <https://www.smh.com.au/national/nsw/it-s-miraculous-owners-say-cultural-burning-saved-their-property-20200103-p53okc.html>

⁴ <https://www.abc.net.au/news/2020-01-18/cultural-indigenous-burn-saves-home-in-bushfire-threat-area/11876972>

⁵ <https://www.abc.net.au/news/2023-12-11/cultural-burn-demand-high-on-nsw-far-south-coast/103185948>

2.3. Research Evidence

While there is substantial traditional knowledge about Cultural Land Management, there is only limited published research evidence and much of that focuses on aspects of cultural burning.

There is a growing recognition that cultural burning has a role to play in reducing the risks of catastrophic bushfires, as highlighted in the national and NSW inquiries which followed the devastating 2019-20 Black Summer bushfires. As a Wiradjuri man Professor Michael-Shawn Fletcher points out high fuel loads and high connectivity between ground fuels and canopy fuels (the shrub layer), allows fires – which usually start on the ground – to enter forest canopies, resulting in catastrophic and fast spreading bushfires. Cultural burning has a key role to play in suppressing this shrub layer, thus disconnecting the ground and the canopy fuel loads, providing a significant buffer that improves the resilience of Australia's flammable forest ecosystems to catastrophic climate-driven bushfire disasters Fletcher (2020).

Williamson (2021) indicates that Cultural Land Management programs have been shown to build community pride, create positive role models for young people and provide an increased sense of confidence and self-esteem for community members. Cultural Land Management programs offer an important alternate pathway for community development that centres traditional knowledge, kinship systems and Indigenous ways of being, knowing and doing.

Many Aboriginal people believe that big destructive bushfires happen if Country has become sick due to the lack of cultural burning. Improving Australia's resilience to bushfires requires effective land management across the entire landscape. Working in partnership with Indigenous communities and Indigenous knowledge holders to care for Country, including through cultural burning and other land management practices, will build Australia's resilience to natural disasters Fletcher (2020).

The benefits from managed burning of Australian forests cover impacts on soil and ecosystem health as well as reducing bushfire risks. Recently, research has been conducted on the impact of cultural burning on soil properties in dry sclerophyll forest managed by the Ulladulla LALC (Murramarang Country *et al.* 2024). This research evaluated sites where agency-led prescribed burning, cultural burning or no burning had occurred. Both fire treatments improved soil health by increasing soil moisture and organic matter, while reducing soil density. Cultural burning was found to be the most efficient way to boost soil carbon and nitrogen while also reducing soil density, which improves the soil's ability to nurture plants by increasing nutrient availability and microbial activity. Both burning treatments increased the capacity of ecosystems to withstand environmental stress such as drought and wildfire.

2.4. Policy Drivers for Cultural Land Management

The report of the 2020 Royal Commission into National Natural Disaster Arrangements (Binskin *et al.* 2020) highlighted the importance of cultural fire management and made two related recommendations. These were:

- Recommendation 18.1* - that Australian, State, Territory and local governments should engage further with Traditional Owners to explore the relationship between Indigenous land and fire management and natural disaster resilience; and
- Recommendation 18.2* - that the three levels of government should explore further opportunities to leverage Indigenous land and fire management insights, in the development, planning and execution of public land management activities.

The final report of the 2020 NSW Bushfire Inquiry (Owens and O’Kane 2020) also made two recommendations on cultural burning. These were:

- Recommendation 25* - that the NSW Government adopt the principle that cultural burning is one component of a broader practice of traditional Aboriginal land management and is an important cultural practice, not simply another technique of hazard reduction burning; and
- Recommendation 26* - that, in order to increase the respectful, collaborative and effective use of Aboriginal land management practices in planning and preparing for bushfire, the NSW Government commit to pursuing greater application of Aboriginal land management, including cultural burning, through a program to be coordinated by Aboriginal Affairs and Department of Planning, Industry and Environment working in partnership with Aboriginal communities. This should be accompanied by a program of evaluation alongside the scaled-up application of these techniques.

The NSW Government’s Cultural Fire Management Unit was formed in response to the NSW Bushfire Inquiry to facilitate statewide approaches to the adoption of traditional Aboriginal land management practices, including cultural burning, in partnership with Aboriginal communities. In January 2025, the Cultural Fire Management Unit was transferred from the Department of Planning, Housing and Infrastructure to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) and its name changed to the Healthy Country Team. This Unit oversees a Working Group of relevant government staff that has been developing a Cultural Fire Management Strategy. This new strategy is expected to be released in the second half of 2025.

3. Cultural Land Management

3.1. *What is Cultural Land Management?*

Cultural Land Management refers to the knowledge and practices that Aboriginal Peoples developed and used over tens of thousands of years to care for Country to sustain themselves and the land on which they lived and travelled. The benefits of Cultural Land Management extend beyond sustaining the natural environment. It also provides benefits to the whole community, enables healthier communities, together with the maintenance and fostering of Aboriginal culture, and providing opportunities for economic growth and social and cultural well-being. The implementation of Cultural Land Management is essential to heal and maintain healthy Country.

Cultural Land Management practices are a set of diverse practices that protect, preserve and promote the natural ecosystems and tangible and intangible cultural values to maintain a healthy Country. Importantly, Cultural Land Management methods and outcomes are always place-specific and holistic, ensuring the proliferation and protection of all living things on Country as well as the intangible aspects of heritage and identity. Therefore, the implementation of Cultural Land Management requires a deep understanding of the local plants, animals, soils and climate and it must be undertaken with respect for cultural values and the condition of the natural resources on each site.

Cultural Land Management includes activities, such as:

- Cultural burning to heal and care for Country;
- Natural resource utilisation (e.g. hunting and harvesting of bushtucker and medicines in accordance with the knowledge of the seasonal calendar);
- Cultural management (e.g. ceremony, knowledge sharing and management of cultural heritage sites);
- Threat abatement (e.g. weed control, feral animal control, fire management and totem species protection);
- Restoration of culturally appropriate forest condition (e.g. physical removal of dense regrowth or over-represented species);
- Restoration of lost species (e.g. replanting culturally important plants and those that traditionally connected to country);
- Soil erosion management (e.g. sediment control and revegetation); and
- Economic endeavours (e.g. employment opportunities, income generation from healthy Country).

Because of the great variation in both the composition of native forests and their existing structure and condition, the implementation of Cultural Land Management varies significantly throughout New South Wales and across Australia. Therefore, place-based assessment and consultation is required at each site to create a matrix of essential and optional activities associated with the reintroduction of Cultural Land Management practices.

3.2. Essential Components of Cultural Land Management

3.2.1. Cultural burning

Cultural burning is a key component of Cultural Land Management. Fire was routinely used by Aboriginal people for a variety of purposes, including for cooking, the provision of warmth and light at night, to communicate with spirits, to keep travel routes open, and to regenerate food and medicine resources when leaving sites. Fire was and is still used as a meeting place at both the family level for cooking, storytelling and family gatherings, as well as for inter-family and inter-tribal reasons such as communication and ceremony. Cultural burning is consciously and deliberately used by Aboriginal people to promote the well-being of particular types of ecosystems.

Cultural burning is a traditional land management practice that has been used for thousands of years by Aboriginal communities throughout Australia. It is also known as fire-stick farming or cool burning. On Country, cultural burning involves using the right fire, in the right place, at the right time and in the right way. Cultural burning is informed by traditional knowledge that enables Aboriginal practitioners to know their Country and be able to read various cultural indicators that determine the timing and frequency of these burns. Cultural burning is the most used practice for healing or maintaining Country. To restore the health of Country it may be necessary to implement cultural burns in different parts of a forest area over several years.

Individual cultural burns may be undertaken for different purposes or may achieve multiple outcomes. While cultural burns can reduce fuel loads and the risks of bushfires, cultural burns are undertaken to achieve holistic benefits for Country. With cultural burning it is Country that determines when and how to burn, not the prevailing fuel loads. To be effective cultural burning has to be done regularly at each site, but different areas are burnt at different times to achieve the desired patterns of burning and some areas are not burnt.

Cultural burning is different from culturally informed burning. Cultural burning is planned, led, directed and implemented by Aboriginal people who have cultural knowledge of Country where the burn is conducted. Culturally informed burning seeks to achieve cultural burning objectives, where the planning and approval of the burn has been undertaken in partnership with relevant Aboriginal communities, but the implementation occurs through other non-Aboriginal fire practitioners. A culturally informed cool burn is a low-intensity fire designed to improve land health, re-establish appropriate fire regimes, and reduce the risk and impact of wildfires.

To be done properly, cultural burning needs to have knowledge sharing, planning, engagement, site preparation, on-ground burning protocols and practices and reporting back to communities, that need to be undertaken through Aboriginal-led leadership and approaches. Informed by traditional knowledge, cultural burning involves igniting low-intensity fires, in a forest or grassland area, often by using an appropriate 'firestick'. These cool fires burn slowly to create a mosaic of burnt and unburnt areas, while allowing animals to safely take refuge from the flames. Traditionally, Aboriginal fire

practitioners follow the flames on foot, guiding its path until they either self-extinguish or action is taken to extinguish the flames. This process produces patchy or mosaic-patterned habitats that encourage vegetation regrowth. A cool cultural burn shouldn't impact on the tree canopy. The canopy provides shelter and shade, habitat for animals, flowers and the seedbed for the next season. A hot fire may severely impact or destroy the tree canopy.

Cultural burns not only remove flammable vegetation, but they also ensure that seeds and nutrients in the soil are not baked and destroyed and thereby facilitate regeneration of culturally important plants, including native herbs, grasses and small shrubs. In situations where the soil includes an organic horizon, a carefully implemented cultural burn generally will not burn this damper organic matter. Cultural burning can assist in changing vegetation structures by reducing the density of plants such as Bracken fern or Casuarina, which can restrict the growth of other plants or lead to high fuel loads. Due to the current dense condition of many forest areas, it may be necessary to undertake other physical treatments, including removal of dense vegetation or weed control, before a cultural burn can be effectively implemented.

In stark contrast to the current approach in NSW of excluding managed fire for defined periods following a bushfire, under cultural burning approaches Aboriginal people begin selectively reintroducing fire into burnt forests within the first year after the bushfire. For example, following the March 2018 Tathra bushfire, the Bega LALC implemented small areas of cultural burning four months after the bushfire. This was done to help promote healthy regrowth, to control native invasive species such as Bracken fern, and to create more diversity in the plants regenerating after a hot bushfire. Early reintroduction of cultural burning after a wildfire can also help control the density of regenerating eucalypt and acacia trees.

3.2.2. Threat Abatement

Many forested lands suffer negative impacts from the existence of a wide range of exotic weeds and pest animals. These invasive weed species out-compete culturally important native plant species and can impact on cultural heritage sites. They may also impact on the ability to undertake low intensity cultural burning. Foxes and cats kill large numbers of small native animals, while deer compete with kangaroos and wallabies for food and can lower native plant diversity.

Under Cultural Land Management, bush regeneration techniques are used to control weeds. These techniques involve making minimal disturbance to existing native plants and soil through techniques like hand weeding, cutting and herbicide swabbing, as well as spot spraying and slashing. Exotic pest animals are treated using the approved threat abatement methods, such as baiting and trapping, that are used by public land managers.

Under the expected changed weather patterns associated with climate change, it is predicted that more frequent and extended periods of drought will occur. During recent droughts, massive areas of tree dieback have occurred in eucalypt forests in south-east

Australia. Research has shown that dense stands of eucalypts can be more susceptible to tree dieback and death than more open forests. Research also indicates that, as the climate warms, large trees will be affected more because they have proportionally less foliage for photosynthesis than smaller trees and they need to draw water higher to reach the tree canopies. Creating more open forests with Cultural Land Management could enhance the resilience of forests to drought dieback and death.

While reducing fuel hazards is not the primary purpose of cultural burning, any reduction of surface fuel loads or decreases in the vertical connectivity of forest understorey vegetation to tree canopies will lessen the risk of a bushfire burning at high intensity on that site. The implementation of Cultural Land Management practices in densely stocked forests to recreate open forest structures, could assist bushfire suppression operations and help avoid these fires from becoming intense crown fires.

3.2.3. Restoration of Culturally Appropriate Forest Condition

Where damage has been done to the condition of forests through past activities and changed fire regimes, a sustained effort involving multiple Cultural Land Management activities will be required to heal Country and restore the forest to a more open condition, with a better balance between large mother trees and smaller regrowth trees.

Cultural thinning is a contemporary practice being practiced by some Aboriginal communities involving the thinning of dense forests to achieve cultural and ecological outcomes. Cultural thinning involves selectively removing trees in overly dense patches of forest to achieve cultural outcomes such as increased space for existing and future mother trees thereby creating better conditions for a wider variety of plants and animals in the understorey and ground cover. It can also create appropriate ecological and cultural conditions to enable culturally important native animals such as emus to recolonize the forest. Restoring culturally appropriate structures to forests will enable cultural burning to be done more easily and safely and thereby enable it to be undertaken in more areas of native forest.

Small regrowth saplings that are removed during cultural thinning need to be piled for burning, mulched or removed from the site. The large trees that are removed during cultural thinning, can be used to make tools and artefacts or sold to various commercial markets thereby creating income to offset the cost of removing the trees.

3.2.4. Soil Erosion Management

Surface soil, or topsoil, consists of high concentrations of organic matter, micro-organisms, minerals and other decomposed bedrock materials. The soil crust is made up of lichens, leaf litter and soil invertebrates that together protect the soil surface and increase its ability to absorb water. Soil erosion occurs when the soil crust and its vegetation cover are damaged or removed and increases on compacted soils, such as poorly managed tracks, during periods of heavy rain.

Soil erosion can be reduced through revegetation and treatment of eroded areas to reduce compaction, decrease waterflow and trap silt. Placement of logs and branches and mulching on less severe eroded sites can slow the flow of water over the ground and catch waterborne soil particles and seeds. On other eroded sites, biodegradable coir logs can be used to trap sediment accompanied by planting of native grasses and shrubs. Severely eroded tracks that are no longer required should be physically closed and revegetated. To reduce erosion in perennial watercourses, simple silt traps can be created using carefully placed tree trunks and branches to slow the flow of water and trap silt.

3.3. *Optional Components of Cultural Land Management*

3.3.1. Restoration of Lost Species

Due to past management and intense wildfires, there are areas of forests where some culturally important plant species are either no longer present or have greatly reduced occurrence. To address this issue revegetation of missing tree, shrub and grass plants is undertaken using either enrichment planting or direct seeding techniques. Where required, local Aboriginal people undertake the required activities including sourcing seeds, raising planting stock in nurseries, as well as conducting direct seeding or enrichment planting on appropriate sites. The involvement of Aboriginal people in revegetation and restoration activities fosters a deeper connection with Country that enables healing of Country and people together.

3.3.2. Cultural Management

Cultural Land Management enables Aboriginal people to maintain a strong spiritual connection to Country and to pass on our cultural knowledge, practices and laws across generations through song, dance and story. It also enables us to undertake important cultural ceremonies and to identify and protect Aboriginal cultural heritage sites. Country is the place where knowledge comes from and is taught, therefore practicing Cultural Land Management is an investment in traditional knowledge, including language maintenance and recovery.

Within Country there are gendered landscapes and women and men express their relationship with the land in different ways. Cultural Land Management also supports the maintenance of customary practices for both women and men and facilitates their different relationships with the land and gendered identities. Working on Country facilitates maintenance of culture by strengthening young people's language and knowledge about Country and enabling them to receive advice and direction from Elders.

3.3.3. Economic Endeavours

To be sustainable, the Local Aboriginal Land Council needs to be economically sustainable and capable of contributing to enhanced livelihoods for local Aboriginal people. Our approach to managing Country is to balance resource use with appropriate

management and protection of natural and cultural values. An important principle in using our natural resources has always been “take only what you need and leave some for others”.

Cultural Land Management can assist in providing secure, worthwhile employment for Aboriginal people and when managed in a culturally appropriate manner our natural and cultural resources can be used to support new commercial enterprises and to provide a secure source of revenue for the LALC. The LALC could operate commercial enterprises that utilise and sell some of the natural resources on its own land, including timber, bushfood and medicines. There is also scope to establish cultural tourism and awareness enterprises, given the proximity of LALC land to towns in which tourism already contributes to the local economies.

There is considerable scope for the LALC to be appropriately remunerated for undertaking Cultural Land Management activities on public and private land, as well as for operating native plant nurseries to assist with native revegetation activities.

3.3.4. Natural Resource Utilisation

Well managed eucalypt forests have the potential to provide a wide range of timber and non-timber forest products and thereby to provide revenue to both cover the costs of Cultural Land Management and support enhanced financial viability of the LALC and/or private forest owners. Undertaking viable natural resource utilization activities requires good business management skills as well as a good knowledge of markets and the complex regulatory requirements. Timber utilization activities could produce firewood, hardwood fencing materials and sawlogs for sale into existing local markets. There is also potential to operate small-scale portable sawmills, to produce durable hardwood timber for use in ecotourism facilities.

In NSW, the harvesting of timber from private forests, including LALC lands, requires approval from Local Land Services through a Private Native Forestry Plan (PNF Plan). All private native forestry operations must be conducted in accordance with the minimum operating standards set out in the relevant regional Private Native Forest Code of Practice, which also requires the preparation of a forest management plan covering the proposed timber harvesting. The Private Native Forestry Code of Practice is designed to support the long-term sustainable management of native forests on private land and Crown land for timber production and ecologically sustainable forest management.

3.4. *Staged Implementation of Cultural Land Management*

When considering the implementation of Cultural Land Management on forested lands, it may be necessary to undertake a staged implementation of different component activities depending on the current condition of the land. The following is an example of the activities that would be undertaken as part of the staged implementation of cultural burning.

- i. Reading Country and preliminary assessment of forest condition
- ii. Physical treatment of dense vegetation and/or weeds
- iii. Preparation of required plans and approvals
- iv. Preparation of cultural burn control lines
- v. Implementation of cultural burn
- vi. Replanting of culturally important species
- vii. Monitoring and follow up activities

4. Constraints to the Implementation of Cultural Land Management

4.1. Resource Constraints

There are many constraints that currently limit the application of Cultural Land Management on public and private lands in NSW. Many of the documented constraints relate to the application of cultural burning. However, some of these constraints, such as the availability of financial resources and the complex regulatory requirements, would also apply to the thinning of dense forest stands to restore a culturally appropriate forest condition. In a review of the challenges and opportunities related to cultural burning in NSW, Williamson (2021) suggests that the NSW Government does not adequately support Aboriginal groups to deliver Cultural Land Management programs, compared with the range of programs and funding to support Cultural Land Management programs in other parts of Australia.

Given that the Bega LALC has more than 720 hectares of its own forested land where Cultural Land Management could be applied, the major factor limiting Cultural Land Management is access to financial resources. While these lands were previously Crown land, they did not come with any regular government funding when handed over to the LALC. At present the funding for the LALC to manage these lands comes from either short-term grants or profits from other contracting work performed by the LALC. In addition, the need for the LALC to obtain an appropriate insurance policy to cover their cultural burning activities is a significant expense that adds considerably to the unit cost of conducting cultural burns, even though they are inherently low risk activities. Ironically, even though much of the LALC's forested landholdings are in close proximity to townships and contain bushfire hazards, the LALC is not eligible to apply for funding under the NSW Bushfire Risk Mitigation and Resilience Program. That program, which was established after the 2019-20 Black Summer bushfires, is only open to Local Councils, State Government agencies that manage public land and RFS brigades. Government approval processes for cultural burns are costly, often require specialist skills and may need to be repeated in situations where either an approved burn is not conducted or multiple stages over several years.

The 2020 NSW Bushfire Inquiry report (Owens and O'Kane 2020) noted that the current regulatory frameworks and the short-term nature of funding arrangements for cultural burning activities are limiting the application of Aboriginal land management, including cultural burning. Aboriginal people expressed the view that they may need to compromise culturally to conduct burns due to the need to comply with fire and land management agency policies. They also expressed concerns that government agencies want to get traditional knowledge about cultural burning from Aboriginal people for free and then utilize or change that knowledge to meet their organisation's objectives. The lack of long-term investment for training to build knowledge and confidence in implementing cultural burning was identified as a significant constraint. The report identified that long-term investment commitment from the NSW Government is needed to ensure there are livelihood opportunities for Aboriginal people from conducting cultural burns governed by strong cultural protocols.

4.2. Legal and Policy Constraints

The 2020 NSW Bushfire Inquiry report (Owens and O’Kane 2020) also identified that wider implementation of traditional land management practices will require review of policies and procedures, and potentially regulatory change, with clear acknowledgement of the cultural basis for the practices and Aboriginal ownership of knowledge. It specifically identified that the fire interval thresholds described in the NSW Guidelines for Ecologically Sustainable Fire Management do not consider cultural fire knowledge on biocultural indicators which may signal when and how regular, low severity, patchy fire is better suited to certain ecosystems. During this project, staff from the DEECCW Fire and Culture Section recognised that cultural burning practice is inconsistent with the current fire and environmental regulatory requirements and that more pragmatic arrangements will need to be developed through the statewide policy process.

A recent project (McCormack *et al.* 2024) examined the legal and policy constraints to implementing Aboriginal fire management practices in New South Wales public and private native forests. Following European colonisation, new laws prohibited the use of fire for cultural purposes and established a legal regime that predominantly seeks to control the threat of uncontrolled and unowned fires including those practiced by Aboriginal people following their cultural norms. A key finding was that currently there is no legal right to light a fire for cultural purposes under any of the relevant NSW laws, which under some circumstances creates a barrier to cultural burning because the relevant decision makers under relevant laws are not cultural knowledge holders. Neither do existing laws acknowledge the need for fire for ecological purposes in many ecosystems. The *Rural Fires Act, 1997* does not mention cultural fire, nor does it empower decision makers or create a specific process for assessing and approving fires that are for cultural, rather than hazard reduction, purposes. Under the *Local Land Services Act, 2013* burning is considered to be clearing native vegetation and must conform with the regulatory requirements for private native forests. Because cultural burning does not have a formal place in the legal framework, cultural fire practitioners are not protected from liability in the way that fire agencies, fire brigades and volunteer firefighters are protected.

The current regulatory arrangements for cultural burning are confusing and were not designed for cultural burning, which is conducted quite differently to other forms of prescribed burning. A LALC is allowed to conduct cultural burning on its land at any time outside the Bushfire Danger Period (1 October-31 March), provided it has obtained a Bushfire Hazard Reduction Certificate. Any cultural burning to be conducted during the Bushfire Danger Period (on LALC or private land) would require a Fire Permit (as well as a Bushfire Hazard Reduction Certificate) to be issued by the NSW Rural Fire Service. If the proposed cultural burn is considered to constitute bushfire hazard reduction, then that process requires compliance with the NSW Bushfire Environmental Assessment Code requirements, which establishes the minimum return intervals for fire and these differ for different vegetation classes and in different Fire Management Zones.

Because the concept of cultural burning involves frequent burning of small patches within a larger block of vegetation, there is an inherent conflict with the minimum return

interval concept as it assumes that all the vegetation in the block would be burnt at one time. If this interpretation is applied by the RFS, then a cultural burn could not be assessed under the Bushfire Environmental Assessment Code. Rather, it would need to undergo a more complex environmental impact assessment process (Review of Environmental Factors) under the *Environmental Planning and Assessment Act, 1979* to determine the likely environmental impact of the cultural burn.

In NSW, there are specific regulatory requirements that apply to all harvesting of native trees. If the thinning of dense forest stands is required to restore a culturally appropriate forest condition, then some of the regulatory provisions under the relevant Private Forestry Code of Practice may be a constraint. The relevant Code for forests in Southern NSW requires both the maintenance of minimum basal area of 12 m²/ha and specified levels of forest regeneration to be achieved in areas that have been thinned. These requirements may not be consistent with the desired long-term structure in culturally managed forests.

4.3. Categories and Examples of Constraints

A review of contemporary Indigenous cultural fire management literature in southeast Australia (McKemey *et al.* 2020) has identified 22 categories of barriers which collectively have significantly limited the implementation of cultural fire management. Under the current project, the key constraints to wider implementation of Cultural Land Management have been grouped into 13 categories which are presented in Table 1. Eleven of these constraint categories were identified by the Bega LALC, with reference made where similar issues have been identified in the two reports mentioned above and in a submission to the Royal Commission into National Natural Disaster Arrangements.

Constraint Category	Examples	LALC issue	Literature issue⁶⁷⁸
Resources	LALCs don't have adequate ongoing funding to train and maintain teams of skilled staff capable of implementing Cultural Land Management. LALCs need to operate as volunteers on some public land and excluded from bushfire risk reduction grants.	YES	2, 3 and 4
Policy Issues	Still no Government-wide approach to cultural burning, cultural burning not recognized as a reason for lighting fire.		2, 3 and 4
Legal Issues	Multiple regulatory barriers and complex and differing processes to get approvals. Streamlined approvals don't apply to cultural fire, cultural burn plans not approved for multiple years. If paid to do cultural burns on private land then need approvals under Local Land Services Act.	YES	2, 3 and 4

⁶ McKemey *et al.* 2020

⁷ McCormack *et al.* 2024

⁸ Fletcher. 2020

Capacity	Maintaining sustainable skilled work teams, provision and replacement of vehicles and equipment, LALC fire crew not regarded as a RFS brigade or Parks/Forests fire crew.	YES	2
Training Requirements	Formal certificate level training is required, trained people need to be appropriately paid. Higher training required for some roles on public land.	YES	2 and 3
Insurance	Costly (\$19k per year), all burns to be listed in advance, constraints within 1km of assets (need RFS cover for these). Not covered by Government insurance on some public land.	YES	3
Navigating government departments and processes	Difficult to find the right people to talk to at the right time across so many government agencies that have an interest in cultural and management. Lack of trust in some situations.	YES	2 and 4
Access to Land and Cross Tenure Differences	Access to public land for Cultural Land Management is difficult and there are different approval processes constraining cross tenure operations.		2 and 3
Recognition of knowledge and Cultural Land Management	Lack of awareness and understanding of importance of cultural management practitioners and impacts to community.	YES	2, 3 and 4
Ecological/cultural understanding	Cultural burning conflicts with return fire interval requirements and theory that long unburnt forests become bushfire tolerant. Requirements for Review of Environmental Factors for some sites is very costly (\$20-50K), not funded in grants.	YES	2 and 3
Altered Landscapes	Wildfires and past management of many forests has altered the forest structure which makes it difficult to undertake cool cultural burns without tree/shrub removal. Very high fuel loads increase the risks during cultural burning.	YES	2 and 3
Application of cultural management practices	Importance of incorporating cultural aspects in implementation of cultural burning. Need to enable elders to pass on traditional knowledge on reading Country and how and when to burn. The Private Native Forest Code of Practice may restrict the level of forest stand thinning which can be legally achieved.	YES	2
Body of evidence and Aboriginal representation	Limited published information on practice and impacts of Cultural Land Management. Traditional knowledge is not well represented in fire management strategy and plans.	YES	2, 3 and 4

Table 1: Constraints to cultural land management, identified from literature and discussions with Bega LALC staff.

5. Stakeholder Views on Opportunities to Scale Up Cultural Land Management

5.1. *Commonwealth Disaster Resilience and Risk Reduction Program*

National Emergency Management Australia (NEMA) manages the Australian Government's Disaster Ready Fund. This five-year program, which commenced in 2023, will provide \$1 billion for projects that address the physical and social impacts of natural disasters, including bushfires, on communities. These projects require matching funding from a State agency and have to be submitted through the NSW Reconstruction Authority. NEMA has already funded one very substantial project in NSW that supports scaling up the implementation of traditional Aboriginal fire management practices. Applications for projects under Round Three of the Disaster Ready Fund, closed on 2 April 2025. The Forestry Corporation of NSW is seeking funding for a second Fire, Country and People style project that partners with Aboriginal communities in the South Coast region.

5.2. *Commonwealth Indigenous Programs*

The Commonwealth Government has a program to support Indigenous land and sea management projects which is managed through the National Indigenous Australians Agency (NIAA). This includes establishing Indigenous Protected Areas and Indigenous Ranger Program groups. Currently, the Bega LALC is receiving NIAA funding under the Indigenous Ranger Program and its Junior Ranger Program.

5.3. *NSW Cultural Fire Management Unit*

The statewide Cultural Fire Management Unit (now known as DCCEE's Healthy Country Team) that was established in 2020 has funded ten Aboriginal community-led projects that embed traditional knowledge into land management practices, including the use of cultural fire. At the present time, there are no opportunities for funding of additional projects through this Unit. It is understood that the Cultural Fire Management Strategy, which is currently being finalised, will primarily focus on government processes related to cultural fire. It will include targets and actions for government agencies that promote the use of and expand the understanding of cultural fire on public land. It is understood that this will include actions related to insurance coverage, and achieving some changes in policy and legislation, such as removing the commercial barrier for Aboriginal cultural activities on private land. It is unclear whether the NSW government will support funding for additional cultural fire projects implemented by Local Aboriginal Land Councils.

5.4. *NSW Crown Lands*

5.4.1. Current Policy Arrangements

The NSW Crown Lands agency has established a Cultural Burn Program following the 2019-20 bushfires. The program facilitates and supports the Aboriginal community, including Traditional Owners and local Aboriginal Land Councils, to undertake cultural fire management practices on Crown land. The program has three aims:

- Provide an opportunity for Aboriginal communities to further develop and enhance their skills in caring for Country, including opportunities to be reimbursed for their time and knowledge.
- Traditional Owners partnering with the department across NSW to support and undertake cultural fire management.
- Facilitate cultural fire management with the objective of getting Community out onto Country. This contributes to wide ranging benefits.

5.4.2. Support for Cultural Burning

Within its structure, Crown Lands has a bushfire officer and a project officer (Josh Cameron) who is responsible for developing and supporting the cultural burning program on Crown Lands. Currently, the project officer is working with LALCs in south-east NSW, to identify priorities for cultural burning over the next 5 years, with a primary focus on Crown Land blocks that have high cultural heritage values and are in the process of being handed over to LALCs. The program has funding to support about five small cultural burns per year and there is scope for the LALC to be covered under Crown Lands government insurance cover while implementing the cultural burns. Under this program, funding to cover site inspection, planning is covered and it can also fund a Review of Environmental Factors, where this is required. A pragmatic risk management approach is used, considering factors such as cultural burning experience, training and knowledge of Country. LALC fire crews can be covered by Crown Lands insurance arrangements when working on Crown Lands.

There are good prospects for scaling up implementation of funded cultural burning activities on Crown Land blocks that are identified in collaboration with the cultural burning project officer. Crown Lands can also contract LALC crews to undertake required Bushfire Risk Management Plan works on Crown Land blocks.

5.5. **NSW Local Land Services**

5.5.1. Current Policy Arrangements

Local Land Services (LLS) has the responsibility for overseeing the management of private native forests in NSW and also manages blocks of Crown Land designated as Travelling Stock Reserves, many of which provide Aboriginal people with access to Country including areas to undertake cultural practices and for the protection of cultural heritage. LLS staff indicated that LLS is in the process of developing a Cultural Burning Policy and associated Procedures.

The legislative requirements for implementing Cultural Land Management on private land are somewhat confusing. Land management activities on LALC land or private native forests are controlled under Part 5 (a) of the *Local Land Services Act, 2013* as felling, thinning, poisoning or burning, all of which are considered to be clearing of native vegetation and need to be covered by an approved Private Native Forestry Plan. Schedule 5A of the Act defines clearing native vegetation activities that are allowable without any other approvals. Clause 18 of that Schedule provides a general authorisation for traditional Aboriginal cultural activities, which would include cultural burning, on land covered by a Private Native Forestry Plan as long as those activities are

not conducted as a commercial activity. Private lands within the Bega LALC area would be covered by this authorisation and the cultural activities can be conducted either by the landholder or by a LALC on behalf of the landholder. However, if the landholder makes a payment to the LALC to undertake any form of Cultural Land Management, this Schedule 5 Clause 18 authorisation does not apply. In such circumstances, LLS advises that for land that is not subject to an approved Private Native Forest Plan, landholders/LALCs/other service providers can conduct cultural burns that aim to rehabilitate land towards its natural state under Schedule 5 Clause 19 which covers Environmental Protection Works. Under that authorisation, there is no exclusion covering commercial activities.

5.5.2. Collaboration with LALCs

LLS has an Aboriginal Engagement Strategy, which seeks to facilitate sharing of traditional knowledge to enhance land management practices, to increase the number of Aboriginal community partnerships and to support sustainable growth of Aboriginal-owned businesses. LLS has prepared a useful step-by-step guide for landholders wishing to connect with LALCs to implement Cultural Land Management practices on their property. In 2022-23, LLS ran a pilot Forest Stewardship Program which provided landowners, including Aboriginal forest owners that had an existing Private Native Forestry Plan, with advice and grants to improve environmental, cultural, social and productive outcomes of private forests. In 2022, the then NSW government announced a \$28 million five-year Farm Forestry program to support LLS implementation of the new Private Native Forestry Codes of Practice. However, the LLS website does not show any grant funding schemes related to this program.

Local Land Services has been collaborating and supporting the Bega LALC over the years, particularly in relation to developing management plans for LALC forest blocks and there are proposals to implement cultural burning on some forested Travelling Stock Reserves. To date, funding has been provided to prepare Property Overviews and Basic Property Plans for seven LALC forest blocks and one Forest Management Plan for the Wallagoot West forest block. A summary of these plans is contained in Appendix 1. The opportunity that exists now is to support some pilot implementation of Cultural Land Management in at least one of the LALC blocks, involving both restoration of culturally appropriate forest condition and cultural burning.

LLS's Natural Resource Management team has also been collaborating Aboriginal communities on the south coast, particularly through a Fire on Country project with the Walbunja Rangers from the Batemans Bay LALC to implement cultural burning on the Braidwood Travelling Stock Reserve. South East LLS also has Commonwealth funding to support activities related to linking habitat and improving the biodiversity condition of the south-east Coastal Ranges. That funding includes a component on the need for changed fire regimes in the endangered Lowland Grassy Woodland vegetation community that occurs in the Bega and Cobargo valleys. The team is also developing a cost/benefit relationship for Cultural Land Management compared to restoration techniques on degraded lands. The LLS team recognizes there are some challenges with the government procurement process for contracting LALCs to implement cultural

burning on TSRs, though they consider that this should be overcome by registering as an Aboriginal Business Provider (which Bega LALC has already done).

There are continuing opportunities for the LALC to undertake contracts to implement cultural burning on Travelling Stock Reserves as well as the potential to establish a Total Forest Management Service for LALC lands covered by Forest Management Plans.

5.6. NSW National Parks and Wildlife Service

5.6.1. Current Policy Arrangements

The NSW Department of Environment and Heritage has a Cultural Fire Management Policy, prepared in 2016, which applies to all lands acquired or reserved under the *National Parks and Wildlife Act 1974*, including lands managed by the National Parks and Wildlife Service (NPWS) under Part 11 of the Act, does not apply to NPWS managed lands under Part 4A of the Act covering Aboriginal Ownership and Leaseback. The Policy indicates that the NPWS recognises Aboriginal people's use of fire is important to enhance and protect natural and cultural values; to express and maintain culture, kinship and identity; and to continue to share knowledge and practice.

It establishes the policy that NPWS will allow for opportunities across the full spectrum of cultural fire management from Aboriginal communities informing burns that are performed by NPWS staff and other appropriately qualified community members (culturally informed burning), through to community participation in low risk burns. In essence it takes an unusual position of defining Aboriginal cultural burning as community (low risk) cultural burning, language that is not used by Aboriginal people. The policy indicates that community (low risk) cultural burning has the objective to enable Aboriginal community participation in cultural informed burning activities with NPWS. It is any cultural informed burn that would not normally meet the competency, PPE or other provisions of the NPWS Fire Management Manual, but can be safely undertaken within the community led (low risk) cultural burn guidelines.

The Cultural Fire Management Policy also indicates that the requirements of the Guidelines for Low Risk Cultural Burning on NPWS Managed Lands must be met to undertake a Low Risk Cultural Burn, and where a burn operation can not meet those requirements it must meet all the provisions of the NPWS Fire Management Manual. Importantly, the 2024 version of the Fire Management Manual contains a new section (1.1.5) on Cultural Fire Management. As well as referencing the need to apply existing Cultural Fire Management Policy and associated Guidelines, it also requires application of the Cultural Burning Decision Support Package, that includes guidance on the application of the Bushfire Environmental Assessment Code and a template for recording the decision-making process and consultation undertaken.

The Guidelines for Low Risk Cultural Burning on NPWS Managed Lands focus on risk management and are designed to ensure that minimum standards for risk assessments and risk controls set by the NSW Government Office of Environment and Heritage are met. These guidelines identify 26 common risk controls, or requirements, all of which must be met for the cultural burn to be considered a community low risk cultural burn. However, it does allow for

exemptions to the competency and personal protective equipment requirements of the Fire Management Manual. The Guidelines assign roles for a Community Liaison Person, an Incident Controller and Competent Firefighters, though it is unclear what competencies are required for each position. At low risk cultural burns, Aboriginal people without fire competencies can participate in or observe the burn if under the supervision of a Competent Firefighter. At present, Aboriginal people participating in a cultural burn can only be covered by the NPWS insurance arrangement if they do so as volunteers.

A senior NPWS fire management officer indicated that both the Cultural Fire Management Policy and the Guidelines for Low Risk Cultural Burning are both currently under review. There is a recognition within NPWS that cultural burning policy should be influenced by Aboriginal community perspectives, but it will still need to be framed around ensuring such burns can be conducted safely and constitute a low risk to the agency.

5.6.2. Biamanaga National Park

Biamanga National Park was handed back to the Yuin People in May 2006. It was then leased to the NSW Government through a joint management agreement under Part 4A of the *National Parks and Wildlife Act 1974*. In partnership with NPWS, the Biamanga Board of Management is responsible for the care and control of the park. The majority of the Board are Aboriginal members and their main priorities are:

- Protecting and managing sacred sites and places for present and future generations.
- Conserving biodiversity and maintaining ecosystem functions, and natural landscapes.
- Sharing Mumbulla Mountain with visitors and the community in a way that deepens understanding and respect of the cultural importance of the lands to Aboriginal people.
- Providing for appropriate research and monitoring.
- Supporting traditional fire and land management practices on Country.
- Delivering sustainable, ongoing and continuous employment for Yuin People.

Currently, Bega LALC receives some funding for a small number of rangers to work in the Biamanga National Park, but funding for implementation of Cultural Land Management activities, including cultural burning is very limited.

5.6.3. Implementation of Cultural Burning

NPWS is committed to partnering with Aboriginal people to undertake culturally informed burning and community (low risk) cultural burning on NPWS reserves. NPWS is required to specify Service Delivery Commitments for cultural burns annually and staff advise that it has been exceeding the nominated SDCs each year, with 10 to 15 cultural burns being undertaken annually across its 7.6 million hectare estate. In practice this means that currently only one or two cultural burns are done on NPWS land across the South Coast region each year. Sites proposed for cultural burning are generally identified by local Aboriginal communities and then planned and implemented in a partnership manner with the community. NPWS can assist with preparation of the required burn plans and will ensure that at least one NPWS fire crew is present at each burn in order to meet its insurance requirements. NPWS does not have a budget to pay LALCs to undertake cultural burns, but covers Aboriginal participants as volunteers under its insurance arrangements.

In March 2024, NPWS in partnership with the Brungle Tumut Local Aboriginal Land Council and Duduroa elders conducted a cultural burn on Wolgalu Country in Kosciuszko National Park near the critically endangered southern corroboree frog conservation enclosures. The Aboriginal community used traditional methods using grass torches and cool burning techniques, to improve the health of Country, and also protect the frog conservation enclosures from fire by reducing fuel loads in their vicinity.

There are opportunities and a desire to enhance the implementation of cultural burning on NPWS managed lands within the Bega LALC area, but the current policy and administrative arrangements indicate that scaling up cultural burning on NPWS land is likely to occur very slowly, unless the funding arrangements change.

5.7. Forestry Corporation of NSW

5.7.1. Current Policy Arrangements

The Forestry Corporation of NSW, which is a State-owned Corporation, manages about 2 million hectares of State forests and it is one of NSW's four statutory fire authorities. As a State-owned Corporation it receives most of its revenue from the sale of timber from its plantations and native forests. Forestry Corporation manages hazard reduction and bushfires in State forests and protects life and property as part of the State's coordinated bushfire response arrangements.

The Forestry Corporation's website indicates that is partnering with Aboriginal communities to continue culture and lower the risk of bushfire by lowering fuel levels through cultural burning. Its Hardwood Forests Division has an Aboriginal Partnerships Team. Its current Fire Management Policy does not specifically mention cultural fire management, but it does indicate that it collaborates with other landowners, land managers, fire authorities and the community to implement its programs for bushfire prevention, mitigation, preparedness, response and recovery. Its Fire Management Plan indicates that cultural burning operations should be planned according to the Bush Fire Environmental Assessment Code and managed in the same way as prescribed burning.

The Aboriginal Partnerships Team engages with local Aboriginal communities to integrate cultural burning practice across cultural lands. The integration of cultural burning follows a five-step engagement process:

- i) Aboriginal Partnerships Team engagement with local community groups;
- ii) local community groups identify which members of their community will participate in cultural burning activities and require training (cultural burning training by the community, and firefighter training by FCNSW);
- iii) relevant training (as above) is provided and local communities undertake cultural burn program planning in partnership with Hardwood Forests Division;
- iv) ceremonial aspects of cultural burning are conducted; and
- v) cultural burning program is implemented (ongoing).

5.7.2. The Fire, Country and People Program

After the 2019-20 bushfires Forestry Corporation has increased its activities on partnering with local Aboriginal communities to restore traditional fire management

practices to public native forests. In June 2023, The Fire, Country and People program received \$2.9 million funding over three years under the Australian Government's Disaster Ready Fund, including the \$1.48 million investment by the Forestry Corporation. The program will expand the use of traditional fire management to increase bushfire preparedness on the mid and north coasts of NSW. This region was chosen for the project because there were significant areas of State forests that were not burnt in the 2019-20 bushfires and therefore environmental approvals for cultural burning would not be complicated by the Minimum Return Intervals specified in the Bush Fire Environmental Assessment Code.

The program will be guided by communities and will combine professional fire management with traditional knowledge to deliver better outcomes. Aboriginal communities will co-design this program, identifying local Aboriginal aspirations and requirements for natural disaster readiness, response and recovery. This project will:

- demonstrate the use of traditional knowledge and practices in effective bushfire management
- engage local Aboriginal people in the co-design of the program
- provide training and employment for Aboriginal people in disaster readiness and response
- improve the community's resilience to major bushfire events.

Aboriginal communities are involved in the co-design this program, identifying local Aboriginal aspirations and requirements for natural disaster readiness, response and recovery. This includes how traditional ecological knowledge, such as traditional fire management regimes and practices, is integrated with forested land fire management regimes. A research program is being established to understand the effect of traditional Aboriginal fire management practices and regimes on the intensity and extent of bushfires. Partnerships between Aboriginal communities, universities and government agencies will supply data on the social, cultural, economic and ecological benefits that can be achieved at the landscape level. Aboriginal communities are working with Forestry Corporation staff to identify suitable locations to conduct a series of cultural burning trials. Training and employment for Aboriginal communities and Rangers is being provided throughout the program, guided by the evidence base and co-design process. Under this program, Forestry Corporation has recruited 80 new firefighters through six Aboriginal communities, with the people able to gain permanent employment after 2 years of contract employment.

5.7.3. Potential for Collaboration

Forestry Corporation has also established standard contract rates, including management overheads, for undertaking cultural heritage surveys, forest restoration and weed management activities. It has a system for paying more experienced Aboriginal staff, including those who obtain fire competencies at higher rates. It has been preparing grant applications for Indigenous Rangers funded through the National Indigenous Australians Agency (NIAA). It intends undertaking cultural burning training in collaboration with the Bega, Eden and Merrimans LALCs. When undertaking cultural burning on State forests, the Aboriginal participants are covered by the NSW government insurance ICare. It is intending to facilitate cultural burns near Eden and

Batemans Bay in the autumn of 2025. It indicated it could potentially assist a LALC to find markets for some timber products from Cultural Land Management operations.

There appears to be good prospects for building a partnership with the Forestry Corporation to undertake cultural burning on areas of State forest in southern NSW. This would clearly be enhanced if grant funding could be obtained under the Commonwealth Disaster Ready program.

5.8. NSW Rural Fire Service and Fire & Rescue NSW

5.8.1. Legislative Requirements for Burning

In NSW, lighting a fire outdoors on private land during the Bush Fire Danger period (nominally 1st October to 31st March) requires a Fire Permit issued by the NSW Rural Fire Service (RFS) or Fire & Rescue NSW. A Fire Permit is also required if the burn is likely to endanger a building and all year round if it is in a Fire & Rescue NSW district. Public authorities are exempt from requiring a Fire Permit, but are required to notify officers of RFS or Fire & Rescue depending on the location of the burn. A Fire Permit imposes conditions on the way a fire is lit and maintained. It also informs the authorities exactly when and where landowners intend to burn. Fire Permits for private land management burning or hazard reduction burning must comply with the guidelines of local regulations and environmental approvals, and the permit holder must notify neighbouring properties 24 hours prior to the burn.

Under the *Rural Fires Act 1997*, specific environmental approvals are required for all bushfire hazard reduction activities. On lands covered by a Bushfire Risk Management Plan the environmental assessment for a hazard reduction burning activity can be carried out under a Hazard Reduction Certificate (HRC) in accordance with the provisions of the Bush Fire Environmental Assessment Code (BFEAC). Currently, cultural burning can be assessed under the BFEAC and a Hazard Reduction Certificate issued, if it includes a stated objective of hazard reduction, thereby overcoming the requirement for an environmental assessment under Part 5 of the *Environmental Planning and Assessment Act 1997*. On National Park lands, Section 100C of the *Rural Fires Act 1997* provides an exemption for the requirement to prepare a Review of Environmental Factors (REF), if the activity is conducted under a Hazard Reduction Certificate and is in accordance with the relevant Bushfire Risk Management Plan and the provisions of the Bush Fire Environmental Assessment Code. This may mean that cultural burns on National Park lands may require a REF if the burn sites are not listed as part of a current Bushfire Risk Management Plan.

5.8.2. Funding for Bushfire Risk Reduction Activities

Following the 2019-20 bushfires, the NSW RFS has been charged with administering funds for projects that will increase the resilience of NSW communities to bushfires. This includes the Bushfire Risk Mitigation and Resilience Grant Program, which assists public land managers or owners to undertake additional bushfire mitigation works, to provide access for firefighting and to deliver projects that increase the resilience of communities to bushfire. Local Councils, State Government agencies and the Forestry Corporation of NSW are all eligible to apply for these grants, but LALCs cannot apply

even if their lands adjoin communities at high risk from bushfire and are listed on the current Bushfire Risk Management Plan. Advice from RFS is that this is because LALC lands are regarded as private land and that to apply for these grants the application would need to be submitted by the RFS, but the LALC would need to prepare a Burn Plan and the information for a Hazard Reduction Certificate. If the funding application was successful, the RFS would support the implementation of the burn with the LALC's consent.

5.8.3. Engagement with Aboriginal Communities

The NSW RFS has an Aboriginal Communities Engagement Strategy (2018) which seeks to establish strategic partnerships between RFS districts and Local Aboriginal Lands Councils to develop mutual understanding, appreciation, engagement and participation. It also identifies the need to partner with people, stakeholders and communities that wish to maintain and enhance the use of Cultural Burning practices to mitigate fire risks on land managed by Traditional Owners. The RFS is currently developing a Cultural Burning Guide to assist districts and brigades with the integration of cultural burning as a component of fire management. It is currently participating in the work of the statewide Cultural Fire Management Unit.

RFS staff indicated that they have been engaging with LALCs in the South Coast area for about 15 years to enable cultural burning on LALC land, including training people to supervise burning and when working together they can cover cultural burns under their insurance arrangement. The RFS staff acknowledged that there are some tensions to be overcome between hazard reduction and cultural burn practitioners and some challenges over listing cultural burns in Bushfire Risk Management Plans given the requirement that listed burns must be completed.

In May 2024, the RFS provided the Merrimans LALC with a purpose-built four-wheel drive firefighting vehicle, that was recently retired from the RFS fleet. The vehicle transfer occurred after the NSW Cultural Fire Management Unit approached the RFS on behalf of the Merrimans LALC with the request for a firefighting appliance. The LALC is able to use the vehicle to carry out its statutory obligations relating to bushfire and to facilitate Aboriginal community undertaking cultural burns in the Wallaga Lake region.

Fire and Rescue NSW (FRNSW) has started using traditional cultural practices to reduce bushfire risk on the Far South Coast when conducting hazard reduction activities. FRNSW and the RFS jointly supported the Bega LALC to carry out low-intensity cool burns on 1.2 hectares of the Tura Beach Flora Reserve in August 2023.

5.9. *Transport for NSW*

In early 2024, Transport NSW commenced an Aboriginal Cultural Landscapes Project, with an investment of \$4.5 million over two years. This pilot program, which will have sites near Grafton, Coonabarabran and along the Princes Highway near Batemans Bay and Bega, is designed to reduce bushfire risks and keep key regional roads open during future bushfire emergencies. Under this program, Traditional Owners will use traditional land management methods, such as slow cultural burns, to control vegetation hazards

on roadside strips of Aboriginal land. Researchers from Latrobe University will monitor the impacts and effectiveness of this land management approach. Planning for a series of cultural burns in a LALC Block adjacent to Merimbula Drive occurred in 2024 and the burning should occur in 2025. Unfortunately, this seems to be a one-off initiative.

5.10. *Bega Valley Local Government*

The Conservation unit of the Bega Valley Local Government is supportive of cultural burning and is interested in exploring a program of cultural burning on Council land. The Council manages significant parcels of forested land, including blocks of Council owned land and other blocks of Crown land. Many of these blocks are located adjacent to urban land or Bega LALC blocks, presenting opportunities to use integrated cross-tenure Cultural Land Management practices. They also manage Road Reserves and Cemetery sites, some of which have high value grassy woodland vegetation in which ecologically and culturally appropriate fire regimes need to be re-established. Some of these sites, such as the Bemboka Reserve may qualify for DCCEEW funding.

There are some opportunities to progress cultural burning on Bega Valley Council land as well as to explore a cross tenure integrated approach to Cultural Land Management in areas surrounding the Tathra township, partnering with the Council and the Tathra Forest Wildlife Reserve.

5.11. *Private Landowners*

There is a considerable area of private forest within the Bega LALC region, including areas in the coastal forests, the escarpment ranges and the Monaro tablelands. Following the 2019-20 bushfires, many private forest owners have expressed interest in having cultural burning undertaken in their forests. Clause 18 of Schedule 5A of the Local Land Services Act would enable cultural burning to be undertaken in private native forests without any other approvals, provided it is not regarded to be a commercial activity. Given their current financial situation, a LALC is unlikely to be able to undertake such activities without receiving payment.

Clause 60ZQ of the Local Land Services Act defines forestry operations to include both cutting and removal of timber for timber production and other ongoing forest management operations including thinning, burning and other silvicultural activities related to the management of land for timber production. If a payment is made to a LALC to implement cultural burning, in order to be legal, it is likely that the private forest would need to be covered by an approved Private Forest Management Plan. However, it is unclear what level of approval would be required if the private forest landowner was not managing the forest for timber production but intended to make a payment to a LALC to implement a cultural burn. A cultural burn would need to be assessed under the provisions of the Bush Fire Environmental Assessment Code and a Hazard Reduction Certificate issued. If the burn is to be undertaken during the Fire Danger Period or within a Fire and Rescue NSW district, then a Fire Permit would also need to be issued.

6. Engaging Local Aboriginal Land Councils to Undertake Cultural Land Management

6.1. *Public Land Managers and Other Government Agencies*

Most NSW Government agencies have existing Aboriginal Engagement Strategies or policies and procedures related to such collaborations. For example, the Local Land Service's Aboriginal Engagement Strategy⁹ articulates its model for engagement and opportunities for partnerships based on co-design between Aboriginal people and communities and Local Land Services. The Strategy is designed to provide an action-oriented approach to enrich relationships, create opportunities and enhance respect for Aboriginal peoples and communities. Despite these commitments, most government agencies have little funding to support implementation of partnership projects related to Cultural Land Management. Some agencies, such as Crown Lands, Transport for NSW, Local Land Services and the Forestry Corporation have been supporting aspects of Cultural Land Management and may have dedicated staff to support such programs.

As indicated in the Local Land Service's Aboriginal Engagement Strategy engagement with Local Aboriginal Land Councils should be based on these key principles:

- Acknowledge, value and embed Aboriginal cultural knowledge and world views in program delivery and business as usual.
- Respect Aboriginal people's rights, obligations and roles as Traditional Custodians of the land, sea and waterways.
- Promote and strengthen connections to culture and identity.
- Prioritise economic independence for Aboriginal people through increased employment and enterprise development.
- Establish and maintain meaningful ongoing relationships with Aboriginal people and Country.
- Recognise appropriate engagement and connection with Aboriginal people and Country as core to our service delivery.

The Bega LALC is keen to enhance its partnerships with Government agencies to strengthen implementation of Cultural Land Management within its region. While it is ready to do this on an agency-by-agency basis, it sees benefit in fostering periodic cross-agency dialogue to support consideration of cross tenure of programs and working towards overcoming constraints to the implementation of Cultural Land Management. Engagement with the Bega LALC for high-level dialogue or development of new Cultural Land Management partnerships should occur through the Chief Executive Officer. Engagement related to existing projects or opportunities to enhance collaboration on specific Cultural Land Management activities should occur through the LALC Projects Coordinator.

⁹ https://www.lls.nsw.gov.au/__data/assets/pdf_file/0008/1292651/Aboriginal-Engagement-Strategy-web.pdf

6.2. Private Landowners

Unlike government agencies, LALCs do not receive government funding to enable them to engage with or provide services to private landowners. However, LALCs do have an interest in engaging with private landowners who are interested in developing culturally appropriate land management practices and are willing to fund the required activities.

Local Land Service's Hunter Region has developed a useful guide¹⁰ for private forest owners who are interested in connecting with Aboriginal organisations to undertake traditional land management practices, such as cultural burning, in their private forest. It directs the landowner to contact the Aboriginal land management team in the relevant LALC and to provide some basic information about the property and the proposed burn. The LALC would then consider the information and if it considered cultural burning to be appropriate it would provide a quote to undertake the required planning and to implement the cultural burn. If the landowner wishes to proceed the LALC would then prepare a project management schedule and an access agreement and then commence undertaking the necessary assessment, planning, implementation and monitoring activities.

¹⁰ https://www.lls.nsw.gov.au/__data/assets/pdf_file/0005/1292738/Connecting-Landholders-to-Traditional-Practices.pdf

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Appendix 1: LALC Property Management and Forest Management Plans

The greatest opportunity to enhance implementation of Cultural Land Management within the Bega LALC lies in scaling up such activities on its own forest land. Significant areas of the LALC's forest estate are currently in an unhealthy forest condition and therefore require implementation of Cultural Land Management to restore it to a healthy condition. In some patches of forest, cultural burning could be implemented without the need for other activities. However, in those areas of forest that are densely stocked with regrowth trees and other large understorey plants it is very difficult to undertake cool cultural burns. Cultural thinning activities can restore a more culturally appropriate forest structure, but they are expensive to implement unless the products generated by the thinning can be sold.

The Bega LALC currently has ownership of substantial forest blocks that were previously Crown Land but have been transferred to the LALC. In the Tathra to Merimbula area alone these blocks cover more than 720 hectares. These blocks are considered to be Private Native Forest under the *Local Land Services Act, 2013*. Therefore, the implementation of some components of Cultural Land Management on these areas will need to be consistent with the regulatory requirements for Private Native Forest.

The LALC also has obligations to manage parts of its properties to reduce bushfire risks, particularly where sites are listed on the Fuel Management Register of the Far South Coast Bushfire Risk Management Plan to be completed within the five-year planning period. This includes areas zoned as Asset Protection Zone; Ignition Management Zone; Strategic Fire Advantage Zone; Land Management Zone; and Fire Break.

Local Land Services has funded the preparation of Property Overviews and Basic Property Plans for seven LALC forest blocks and one Forest Management Plan for the Wallagoot West forest block. These plans provide a strategic basis for the LALC to progress the implementation of Cultural Land Management on these blocks and they will reduce the work required to meet the regulatory requirements for Private Native Forest, particularly for the Wallagoot West property.

The Forest Management Plan for the Wallagoot West property identifies Bega LALC's Shared 20 Year Vision for its properties as:

Through careful forest management and revival of cultural practices, we will bring this land alive again. The local Aboriginal community will use this land to promote cultural learning and to create jobs and income for our people.

Cultural Land Management is seen as the way to restore Country to a healthy condition and in doing so generate both cultural and economic benefits for the Aboriginal community. Thinning of native forest is generally undertaken using contracted feller-buncher machinery, which is costly unless the income from the felled trees exceeds the contract cost. Thinning of small patches of forest could be undertaken by well-trained manual workers, potentially at a lower cost, but the recovery of the felled timber would still need to be done using appropriate machinery. Development of procedures and a cost-effective business model for restoring culturally appropriate forest condition

probably requires financial support through an appropriate government program. The best site to trial such activities would be the Wallagoot West Block.

The Wallagoot West Forest Management Plan sets out forest management zones and provides long term objectives and directions for the silvicultural management for each zone on the property. It explains how forest management fits within the constraints imposed by cultural and biodiversity management requirements. It also sets out a proposed silvicultural management regime for the property that is consistent with Cultural Land Management principles. It also provides a link with the Fire Management Layer for the property management plan.

If a cost-effective way of implementing cultural thinning can be developed, then it could potentially be replicated in at least 200 hectares of the LALC forest blocks. Some of the details, extracted from the Management and Property Plans are shown in Table 2.

Forest Block	Area (ha)	Area Suitable for Cultural Burn	Area Suitable for Timber Harvest	Comments
Wallagoot West	59	37 ha	46 ha	Burn 10 x 0.25ha patches per year; thinning over 5 years produce 4,500 tonnes
Tathra West	121	75%	40%	
Turingal North	47.4	50%	50%	Sits in Turingal Strategic Fire Advantage Zone
Turingal South	59	65%	40%	25% sits in Wallagoot Strategic Fire Advantage Zone
Tura West	65	65%	70%	
Merimbula Top Lake North West	54	40%	?	Sits in a Strategic Fire Advantage Zone
Merimbula North West Hinterland	246	60%	25%	Property sits in a Strategic Fire Advantage Zone
Wolumla East	26	60%	10%	Suitable for minor timber harvesting (firewood, fence posts)

Table 2: Potential Cultural Land Management treatment areas in selected LALC blocks.

Appendix 2: Indicative Costings for Cultural Land Management

The activities undertaken during Cultural Land Management are primarily dependent on the condition of the forest at the time Cultural Land Management is undertaken. This means that cost of implementing Cultural Land Management within a particular forest area will depend on four factors:

- the size of the area to be treated (whether it needs to be managed in blocks);
- the number of personnel required to safely implement the activities;
- which components of cultural management are to be included; and
- the magnitude of any removal of trees that may be required (both numbers and sizes of trees to be removed).

To date there is only limited information available on the specific costs of implementing different components of cultural land management, with very limited data available on the size of the areas being treated. A small cultural burn implemented over 2 days by the LALC had an average cost of \$3,500 per hectare. Weed control costs about \$1350 per hectare.

Site	Cultural burning	Weed control	Sapling removal	Erosion control	Total
1	\$16,000	\$4,000	\$5,000	\$10,000	\$35,000
2	\$36,500	N/A	\$7,500	N/A	\$44,000
3	\$25,000	\$3,000	\$5,000	N/A	\$33,000

Table 3: Indicative costings for Cultural Land Management in small forest blocks.

Table 3 provides some indicative costings of implementing components of Cultural Land Management in small forest blocks. These indicative costings for Cultural Land Management demonstrate both the relative costs for different components and the variability of activities that are required on different sites. The cost of implementing the cultural burning component, which includes preparation for the burn, implementation of the burn over multiple days and post burn patrol and monitoring, is likely to be at least 50% of the total cost. These costs include labour, materials and overheads.