

bnhcrc.com.au



bushfire&natural
HAZARDSCRC

HAZARDS, CULTURE AND INDIGENOUS COMMUNITIES

SOCIO-INSTITUTIONAL MODULES FOR UTILISATION

Jessica K Weir¹, Will Smith², Timothy Neale²

1 Western Sydney University

2 Deakin University



WESTERN SYDNEY
UNIVERSITY





Version	Release history	Date
1.0	Initial release of document	13/08/2020



Australian Government
Department of Industry, Science,
Energy and Resources

Business
 Cooperative Research
 Centres Program

All material in this document, except as identified below, is licensed under the Creative Commons Attribution-Non-Commercial 4.0 International Licence.

Material not licensed under the Creative Commons licence:

- Department of Industry, Science, Energy and Resources logo
- Cooperative Research Centres Program logo
- Bushfire and Natural Hazards CRC logo
- All other logos
- All photographs, graphics and figures

All content not licenced under the Creative Commons licence is all rights reserved. Permission must be sought from the copyright owner to use this material.



Disclaimer:

Western Sydney University, Deakin University and the Bushfire and Natural Hazards CRC advise that the information contained in this publication comprises general statements based on scientific research. The reader is advised and needs to be aware that such information may be incomplete or unable to be used in any specific situation. No reliance or actions must therefore be made on that information without seeking prior expert professional, scientific and technical advice. To the extent permitted by law, Western Sydney University, Deakin University and the Bushfire and Natural Hazards CRC (including its employees and consultants) exclude all liability to any person for any consequences, including but not limited to all losses, damages, costs, expenses and any other compensation, arising directly or indirectly from using this publication (in part or in whole) and any information or material contained in it.

Publisher:

Bushfire and Natural Hazards CRC

August 2020

Citation: Weir J, Smith W & Neale T (2020) Hazards, culture and indigenous communities: socio-institutional modules for utilisation, Bushfire and Natural Hazards CRC, Melbourne.

Cover: Cultural burning in Canberra. Source: Canberra Times



TABLE OF CONTENTS

ACKNOWLEDGEMENTS	3
EXECUTIVE SUMMARY	4
LEAD END-USER STATEMENT	6
PRODUCT USER TESTIMONIALS	7
INTRODUCTION	8
BACKGROUND	9
RESEARCH SCOPE AND APPROACH	10
MODULE 1: GOVERNANCE	11
Indigenous Peoples' governance across Australia	12
State fire governance across the Australian Federation	16
MODULE 2: NATURAL HAZARDS MANAGEMENT SECTOR TERMINOLOGY	19
MODULE 3: LANGUAGE AND MEANING	22
MODULE 4: AGREEMENT MAKING AND MOUS	25
MODULE 5: RESOURCES	27
HCIC PROJECT PUBLICATIONS	28
TEAM MEMBERS	31



ACKNOWLEDGEMENTS

We thank all the Indigenous leaders, scholars and communities that have generously supported our research across southern Australia.

We thank our end-user team and case study partners for their time and consideration in helping to create this information.

Any errors or omissions are our own responsibility.



EXECUTIVE SUMMARY

These Modules provide background information to support existing and potential collaborations between the natural hazards management sector and Indigenous peoples and their communities.

The modules are specifically written for bushfire risk and its mitigation through land management activities, with the focus being Indigenous peoples' burning practices. This reflects where most of the collaborations are occurring in southern Australia, and also our research activities. The modules nonetheless offer support for other natural hazard contexts and other risk mitigation activities.

We have used the term 'module' rather than 'guide' to ensure readers understand these are simply presented as tools and are not intended to provide advice about the priorities and values of Indigenous peoples. It is particularly important for non-Indigenous people to learn directly from the Indigenous people they are collaborating with. Further, each collaboration will have specific cultural, social, legal, institutional and other norms, structures and processes.

In each model we have provided links for further information, and/or suggested reading lists.

Module 1: Governance norms

This module provides a general overview of governance arrangements. In it, we highlight differences and interactions between: Indigenous peoples' governance; and, the statutory governance of fire by state agencies across Australia.

- Indigenous peoples' governance across Australia is extremely varied and complex, with persisting and evolving norms and regulations, according to the cultures, histories and more of specific Aboriginal peoples' and communities, including the influence of state and territory regimes.
- There are many outstanding and contested governance matters between Indigenous peoples and Australian governments. These are the terms on which collaborative relationships between governments and Indigenous communities take place.
- Government fire management and response is a high-risk activity, with its own established cultures and practices, including strict regulations, and is primarily the responsibility of states and territories.
- Firefighting responses are governed by a particularly rigid chain of command and strictly delineated responsibilities during emergency situations.
- For Indigenous peoples seeking a greater role in fire management, the strictness of fire management means engaging with statutory regulatory frameworks is currently unavoidable, especially in southern Australia where the industrialisation of land and land tenure history is more intensive, including many private and public assets within flammable landscapes.

Module 2: Natural hazards management sector terminology



Natural hazard terminology is not widely known outside the sector. This is true for both formal terms used in planning and policy documentation, and also colloquial and informal language.

In this module we define some of the basic concepts used in state fire fighting and mitigation activities.

Module 3: Language and meaning

Misunderstandings surround some of the basic language and meaning of terms and concepts used by different people engaged in the management of natural hazards and Country and this can hinder fair and effective cooperation. Meeting agendas, everyday conversations and well-meaning attempts to build working relationships can be derailed by missed meanings.

This module contains definitions of concepts that are increasingly deployed to foster equitable and just relationships of knowledge and practice within collaborations between Indigenous peoples, state government and other groups interested in land management:

- Colonisation and decolonisation
- Country and Nature
- Culture and traditions
- First Nations, Peoples, Traditional Owners and Traditional Custodians
- Knowledge, Indigenous Knowledge, Research and Science
- Unallocated Crown Land and Crown Radical Title

Module 4: Agreement making

Agreement making, including Memorandums of Understanding (MoUs), are used by diverse organisations to set out mutual terms for engagement and action. An MoU may be less formal than an agreement, but not necessarily.

The process of entering into an agreement recognises the existence of substantive joint interests, and the will to establish objectives in relation to those interests. Critically, agreements need to include consideration of:

- The capacity of differently positioned parties to decide to enter into and negotiate agreements; and,
- Support for the agreement with resources for implementation, including procedures for review and mediation.

These capacities are not just about the sharing of financial resources to prepare for and attend meetings, and to implement objectives, but also to ensure that parties are able to engage in meaningful communication with each other.

Module 5: Resources

In this module we provide resources on publications by Indigenous authors about Indigenous governance and culture, as well as weblinks to a range of Indigenous and non-Indigenous sites of relevance.



LEAD END-USER STATEMENT

Dr Adam Leavesley, *ACT Parks and Conservation, ACT*

Despite the best of intentions, many bushfire and land management agencies struggle to gain traction in bringing the views and aspirations of Indigenous Australians into their programs. There are a multitude of reasons for this, many of which are a fundamental part to our different backgrounds, cultures and ways of thinking. This report is intended to bridge that gap and assist in bringing the groups together in a constructive way. At the very least, we hope it will help people start out on the right foot.



PRODUCT USER TESTIMONIALS

Mr Bhamie Williams, *ACT Bushfire Council, ACT and Centre for Aboriginal Economic Policy Research, Australian National University*

The modules in this report outline practical strategies that non-Indigenous land management agencies and personnel can implement to establish positive relationships with Indigenous communities and First Nations. They also outline practical information and norms essential for Indigenous people wanting to engage with the natural hazard sector. This intercultural approach is vital as it helps support more opportunities for learning amongst individuals and institutions. The modules are also written in a way that acknowledges the diversity of experiences, norms and priorities experienced by Indigenous groups throughout Australia, whilst also identifying issues and strategies that can be useful across this diversity. Applying the methods outlined in this document is critical to addressing issues of power imbalances and ensures that both Indigenous and non-Indigenous peoples are meeting half-way, respecting people's the contributions and building on each other's strengths.

Mr Aidan Galpin, *National Parks and Wildlife Service South Australia*

The Socio-institutional Modules for Utilisation document provides users and ultimately agencies and corporate bodies with holistic and clear guidance on how to establish partnerships with and engage with First Nations Peoples. It provides context and examples of the cultural complexities between western bureaucratic processes and First Nations Peoples cultural law and customs, and how a considered and best practice approach should be tailored to each Peoples or context. It supports the identification of behaviours, processes, language and agreement making to garner positive relationship and outcomes. I see this document being a great resource for land management agencies seeking to enhance and maintain meaningful and positive relationships with First Nations Peoples in managing Country.



INTRODUCTION

These Modules are designed to support existing and potential collaborations between the natural hazards management sector and Indigenous peoples and their communities. They provide background information about both the natural hazards management sector and Indigenous peoples and their communities.

In recognizing the importance of meaning in effective intercultural relationships, this module aims to help build a shared language that can facilitate cooperation between Indigenous and non-Aboriginal natural hazard managers and other land management practitioners.

The modules set out general information across five topics:

- Governance norms
- Natural hazards management sector terminology
- Language and meaning
- Agreement making
- Resources

The modules are specifically written for *bushfire risk and its mitigation through land management activities, with the focus being Indigenous peoples' burning practices*. This reflects where most of the collaborations are occurring in southern Australia, and also our research activities. The modules nonetheless offer support for other natural hazard contexts and other risk mitigation activities.

We have used the term 'module' rather than 'guide' to ensure readers understand these are simply presented as tools and are not intended to provide advice about the priorities and values of Indigenous peoples. It is particularly important for non-Indigenous people to learn directly from the Indigenous people they are collaborating with. Further, each collaboration will have specific cultural, social, legal, institutional and other norms, structures and processes.

As non-Indigenous researchers, we have compiled these modules with support from Indigenous and non-Indigenous colleagues working with and within the natural hazards management sector. They arise out of the research activities of the 'Hazards, Culture and Indigenous Communities' (HCIC) project, funded by the BNHCRC (www.bnhcrc.com.au).

In these modules, we mostly use the term 'Indigenous' instead of 'Aboriginal' to be inclusive of all Aboriginal and Torres Strait Islander peoples. However, we note that: a) our research was conducted with Aboriginal peoples in southern Australia; and, b) many prefer to use other terms relating to language, community, region or Country.



BACKGROUND

The HCIC project (from July 2017 to June 2020) investigated how to better support collaborations between Indigenous communities and the natural hazards management sector in southern Australia. Building trust, capacity and knowledge in these intercultural contexts is anticipated to reduce natural hazard risk for Indigenous peoples, the wider community, and the environments in which we live. The extraordinary growth and interest in Indigenous peoples' burning activities meant that this became the focus of the project.

The project had three objectives:

- Investigate the hazard priorities of diverse Indigenous communities in southern Australia, and the emergency management sector's engagement with these communities;
- Conduct collaborative research with Indigenous peoples and sector practitioners to explore how better engagement can be supported, with a focus on the interaction of scientific, Indigenous and other knowledge sources;
- Analyse and report on what this dynamic intercultural context can offer practice and policy, including with respect to the merging of risk and resilience agendas.



RESEARCH SCOPE AND APPROACH

We have taken a national approach in our language and information, in part because government datasets and legislation are difficult to extrapolate into distinctly 'southern' and 'northern' Australian contexts. Suffice to say our expertise for this project lies in southern Australia.

Geography

Southern Australia is a hard place to mark on a map. Instead of using a strict spatial definition we have defined our focus through a working combination of southern jurisdictions and latitudes. There are two assumptions about Southern Australia that need to be addressed:

- "Southern Australia is settled and temperate": this is untrue, as desert lands meet the Southern Ocean, and there are many remote and relatively non-industrialised places throughout the south.
- "Southern Australia is not an Indigenous place": this is untrue, as the majority of Aboriginal people today live in southern Australian states and territories, and Indigenous land rights are legally recognised over significant portions of these jurisdictions. Ngadju native title holders, for example, are the largest land holder in the south.

Intercultural similarity and difference

Over time, the lives of Indigenous and non-Indigenous people have become profoundly intertwined. This situation is often described as "intercultural," meaning that our lives involve two or more cultures, sometimes with blurry boundaries between. Within these intercultural contexts, similarity and difference form and reform between Indigenous and non-Indigenous people and institutions.

For example, early British land occupiers started burning the land after witnessing Aboriginal peoples' burning practices. Today, fuel reduction burning is often framed by the natural hazards management sector as both similar and dissimilar to Aboriginal peoples' burning practices. This is not to say these comparisons are correct, or these relationships have been beneficial, but that the comparisons and relationships occur as part of living in the same place.



MODULE 1: GOVERNANCE

This module provides a general overview of governance arrangements. In it, we highlight differences and interactions between: Indigenous peoples' governance; and, **the** statutory governance of fire by state agencies across Australia.

At a glance

- Indigenous peoples' governance across Australia is extremely **varied and complex**, with persisting and evolving **norms and regulations**, according to the cultures, histories and more of specific Aboriginal peoples' and communities, including the influence of state and territory regimes. For people and institutions wishing to engage with Indigenous peoples, an awareness of and respect for this context is crucial to effective collaboration.
- There are many **outstanding and contested** governance matters between Indigenous peoples and Australian governments. These are being addressed retrospectively, and are also informed by Indigenous peoples experiences of inter-generational trauma and discrimination. These are the terms on which collaborative relationships between governments and Indigenous communities take place.
- Government fire management and response is a high-risk activity, with its own established cultures and practices, including **strict regulations**. It is primarily the responsibility of states and territories, and institutionally divided between agencies focusing on urban areas and agencies with responsibility for fire prevention and fighting in rural and peri-urban areas, as well as nature reserves within urban areas.
- **Firefighting responses** are governed by a particularly rigid chain of command and strictly delineated responsibilities during emergency situations. In contrast, the authority to undertake preventative measures (e.g., land clearing and prescribed burning) is less strictly regulated and varies across different institutions and across different types of tenure (e.g., private, council land, parks).
- For Indigenous peoples seeking a greater role in fire management, the strictness of fire management means engaging with statutory regulatory frameworks **is currently unavoidable**, especially in southern Australia where the industrialisation of land and land tenure history is more intensive, including many private and public assets within flammable landscapes.



INDIGENOUS PEOPLES' GOVERNANCE ACROSS AUSTRALIA

Across Australia, Indigenous peoples' governance of their lands and waters – their traditional homelands or 'Country' – is diverse and always has been, according to their specific laws and customs, histories and societies. There is no single set of rules governing how land is cared for, used and accessed but a wide variety of customary, statutory and other mechanisms in use.

Fundamentally, the relationships that traditional owners or traditional custodians have with their Country are respected nationally. They are the first nations of Australia and carry the story for Country.

The relationship between Country and its people is part networks of relations between people, places, landscape features and more. These enduring relationships have been challenged and transformed by land dispossession, the frontier wars, the removal of Indigenous children from their parents, the introduction of English property law, and many other factors.

Some examples of this complexity are:

- Indigenous people have a diversity of understandings about people and Country, including in relation to nations, clans, language groups and other identities.
- Country is often described as part of – not separate to – the people of Country.
- Many Indigenous people will have multiple homelands, such as their father's and mother's Country, and so on.
- Songlines, ceremony, gendered sites, upstream-downstream water relationships and more connect people across Countries regionally and nationally.
- Country can have multiple Indigenous peoples, for example places that are shared Country.
- There can be distinct boundaries between Countries, such as riverbanks, and changes in soil type, and also more porous boundaries such as a range of hills.
- Roads, towns, state borders, and so on are influential in the expression and maintenance of relationships between Indigenous peoples and Country.

Mediations between Indigenous and non-Indigenous governance systems are profuse and constant:

- As Country does not align with the lines of non-indigenous legal and political jurisdictions, the majority of Indigenous people will have to negotiate the presence of multiple local government authorities on their Country, including those relating to local, state and territory and federal government.
- As non-indigenous jurisdictions increasingly seek to collaborate with Indigenous people, they also navigate the complexities of Indigenous peoples and Country. These are co-located authorities.

Further, Indigenous peoples have had their rights and interests as first peoples, as well as their experiences of land dispossession, recognised and partially



addressed through common law, statutory law and policy mechanisms (see Tables 1 and 2). This recognition has resulted in new language, codes and forms for Indigenous peoples' land and water rights and interests. For example, requiring hard boundaries to fit with the non-Indigenous land titling system.

The diversity and complexity of Indigenous peoples' governance means that:

- Indigenous peoples and the natural hazards management sector can draw on a range of structures and processes to more formally support collaborative approaches to fire management. For example, memorandums of understandings, joint management arrangements, advisory boards, and so on. Regional alliances of traditional owner groups have also formed to strategically engage with governments; and,
- This can be very sensitive and nuanced territory for negotiation, which non-Indigenous people may not be aware of or privy too. Supporting such collaborations requires being respectful of the different roles of differently positioned Indigenous people, and the authority of Indigenous people in intra-Indigenous politics.

The retrospective recognition and remediation of Indigenous peoples' rights as first nations is complex but nonetheless important to navigate. These matters of property rights and law making, are also informed by Indigenous peoples' experiences of inter-generational trauma and discrimination. These can be emotional, stressful and deeply contested grounds. There will be people who: consider co-located governance authority issues as outstanding matters that are long overdue for redress; had thought these matters settled and in the past; or, will be ambivalent or not yet aware of their import. Either way, co-located authority is the underlying reason why governments and traditional owners meet.

Native title, land rights and other mechanisms

Native title laws and regulations are the retrospective and partial recognition of Indigenous peoples' prior and ongoing ownership of the lands and waters of Australia, where native title has not been subject to the non-Indigenous legal notion of extinguishment. Each recognition of native title is unique according to: the laws and customs of the native title holders; the local land tenure history; and, the outcomes of the native title recognition process.

Native title holders are required to establish and run corporate bodies (RNTBCs),¹ to hold and manage their native title rights and interests, including meeting with others with interests on native title lands.

Native title is not the same as land rights in two important ways, as Weir and Duff explain:

First, statutory Indigenous land rights were created within already familiar categories and concepts of Australian property law, while native title is entirely *sui generis* [unique], with a different legal status and comprised of different substantive rights compared to forms of

¹ Registered Native Title Body Corporate, which are often called a PBC (Prescribed Body Corporate) – the name these corporations are called before they are registered after the native title determination.



property existing under British-derived Australian law. Second, statutory land rights were granted by governments in a deliberate exercise of executive or legislative power; by contrast, native title is recognised as a consequence of judicial decision making without any requirement for governmental action.²

Native title has been accompanied by much legal uncertainty and poor policy alignment. Governments have had to respond to the 1992 *Mabo (No. 2)* High Court decision and its development through subsequent court cases and legislative reforms. There has also been tension between the Commonwealth, who enacted the *Native Title Act 1993*, and the States and Territories who have constitutional responsibility for land and water.

Indigenous Land Use Agreements (ILUAs) and Futures Acts are specific native title mechanisms that involve Indigenous people in land governance:

- ILUAs are agreements entered into between traditional owners and other parties (such as private industry or governments) about the use and management of land and waters. These agreements do not depend on the existence of a native title determination over the land.
- Future Acts are a proposed activity that may affect native title rights and interests. For example, public infrastructure, a mining tenement, and the compulsory acquisition of land.

In addition to native title and land rights, there are many other mechanisms to address land dispossession and support Indigenous governance of lands and waters:

- The Indigenous Land and Sea Corporation is a Federal body to assist Indigenous people to purchase and manage land for economic, environmental, social and cultural benefits.
- Indigenous Protected Areas (IPAs) are voluntary agreements made between the Federal government and Indigenous groups to manage lands for conservation purposes.
- States, Territories and the Commonwealth have entered into a spectrum of joint-management, co-management and other arrangements for the governance of reserved lands.
- To varying degrees, legislative protections for cultural heritage involve Indigenous people in the governance of land.

² Weir, JK and N Duff, 2017, 'Who is looking after Country? Interpreting and Attributing land management responsibilities on native title lands', *Australian Journal of Public Administration*, 76(4):426-442, pp.427-8.



	Exclusive (sq. km)	Non-exclusive (sq km)	Sub-total
ACT	0	0	0
NSW	685	4,137	4,822
NT	8,278	298,995	307,273
Qld	41,788	446,253	488,042
SA	6,094	537,631	543,725
TAS	0	0	0
Vic	0	14,905	14,095
WA	950,106	703,153	1,653,259
Total	1,006,952	2,005,074	3,012,027
Offshore	0	87,982	87,982

TABLE 1: NATIVE TITLE RIGHTS AND INTERESTS BY JURISDICTIONS.³

ACT		Tasmania	
Land rights/acts	No	Land rights/acts	Aboriginal Lands Act 1995 (Tas)
Cultural heritage	Heritage Act 2004 (ACT)	Cultural heritage	Aboriginal Heritage Act 1975 (Tas)
New South Wales		Northern Territory	
Land rights/acts	Aboriginal Lands Rights Act 1983 (NSW)	Land rights/acts	Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)
Cultural heritage	National Parks and Wildlife Act 1974 (NSW) Heritage Act 1997 (NSW) Aboriginal Lands Rights Act 1983 (NSW)	Cultural heritage	Northern Territory Aboriginal Sacred Sites Act 1989 (NT) Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) Heritage Act 2011 (NT)
Victoria		South Australia	
Land rights/acts	Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987 (Cth) Aboriginal Land Act 1970 (Vic) Traditional Owner Settlement Act 2010 (Vic)	Land rights/acts	Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 (SA) Maralinga Tjarutja Land Rights Act 1984 (SA) Aboriginal Lands Trust Act 2013 (SA)
Cultural heritage	Aboriginal Heritage Act 2006 (Vic)	Cultural heritage	Aboriginal Heritage Act 1988 (SA)

³ At 1 January 2020, as listed by the National Native Title Tribunal. There are no current native title applications in the ACT or Tasmania.



Western Australia		Queensland	
Land rights/acts	No	Land rights/acts	<i>Aboriginal Land Act 1991 (Qld)</i> <i>Torres Strait Islander Land Act 1991 (Qld)</i>
Cultural heritage	<i>Aboriginal Heritage Act 1972 (WA)</i>	Cultural heritage	<i>Aboriginal Cultural Heritage Act 2003 (Qld)</i> <i>Torres Strait Islander Cultural Heritage Act 2003 (Qld)</i>
Commonwealth			
Land rights/acts	<i>Aboriginal Land Grant (Jervis Bay Territory) Act 1986 (Cth)</i>		
Cultural heritage of national and international significance	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)</i> <i>Environment Protection Biodiversity Conservation Act 1995 (Cth)</i>		

TABLE 2: LAND RIGHTS, LANDS ACTS, AND CULTURAL HERITAGE LEGISLATION BY JURISDICTION⁴

STATE FIRE GOVERNANCE ACROSS THE AUSTRALIAN FEDERATION

The management of fire risk in Australia is governed primarily by states and territories who hold responsibility for land and emergency management, while also acting in compliance with federal environmental laws.

The governance of fire risk is often divided into:

- **The operational response aiming to suppress unplanned fires (firefighting);** and,
- The **pre-emptive mitigation of fire risk (fire prevention)** through land management activities (e.g., prescribed burning).

A range of agencies responsible for different forms of land tenure will often, but not always attend to both of these concerns. The state and territory jurisdictions, typically split responsibilities between an urban and rural forces, with the rural force having authority over the rural, remote, peri-urban, and nature reserves within urban areas. As noted, our focus is with the rural forces.

Fire operations and mitigation is **strictly regulated** by states and territories across Australia, as also part of and coordinated with multinational emergency management systems and global norms. **Firefighting** operates through the Australasian Inter-service Incident Management System, a scalable system of emergency management that divides an emergency incident into sector of individual or team responsibility. This means that:

⁴ Not including 'deed of grant in trust' lands in Queensland, nor specific joint management arrangements for national parks.



- Emergency situations are managed by an Incident Controller, typically the senior officer present at the situation. The incident management system may be initiated by any organisation responsible for firefighting.
- Sectors are allocated Sector Officers or Commanders, and at larger incitements these sectors may be grouped into Divisions with a Division Officer or Commander. These are functional roles allocated *in situ* that aim to allocate responsibility.
- At very large incidents, Incident Management Teams are appointed to assist the Incident Controller.

In comparison with firefighting, **fire prevention and hazard reduction** activities in rural and peri-urban areas are supported by specific state and territory legislation (see Table 3). Prevention activities such as prescribed burning and some forms of land clearing are undertaken by a wide range of actors who might enter into a range of agreements. This might include rural fire services, local councils, private land holders, rural fire services, parks services and forestry corporations. Broadly:

- Parks services across each retain responsibility for managing fire risk on public lands and national parks, and often have highly detailed targets and yearly plans for fuel reduction. Controlled burns may also coincide on public lands and parks with the burning of vegetation for ecological purposes.
- The responsibility and authority for hazard reduction on private lands largely rests with the landowners, who coordinate with and may be supported by rural fire services for controlled burns.
- Local councils often hold and manage fire risk for significant tracts of land. These controlled burns activities are often undertaken directly by council environmental staff in conjunction with rural fire services.
- Noting that, during fire suppression these arrangements can change. For example, during fire suppression, the ACT Parks and Conservation Service becomes a brigade under the ACT Rural Fire Service, and in South Australia the Department for Environment and Water becomes a brigade under the SA CFCs during fire suppression.



ORGANISATION	RESPONSIBILITY	ORGANISATION	RESPONSIBILITY
ACT		Victoria	
ACT Parks and Conservation Service	Public lands	Country Fire Authority	Public and private lands
ACT Rural Fire Service	Public and private leasehold lands	Forest Fire Management Victoria	Public lands
New South Wales		Northern Territory	
NSW Rural fire service	Public and private lands	Tasmania Fire Service	Public and private lands
Office of Environment and Heritage	Public lands	Parks and Wildlife Tasmania	Public lands
Forestry Corporation of NSW	State forests	Sustainable Timber Tasmania	State forests
Queensland		Western Australia	
Department of Natural Resources, Mines and Energy	Public lands	Department of Fire and Emergency Services	Private and public lands
Queensland Fire and Emergency Services	Public and private lands	The Department of Biodiversity, Conservation and Attractions	Public lands
Department of Environment and Science	Parks	Parks and Wildlife Service	Parks
South Australia		Northern Territory	
Country Fire Service	Private and public lands	Northern Territory Fire and Rescue Service	Private and public lands
Department for Environment and Water	Public lands	Department of Environment and Natural Resources	Public lands

TABLE 3: RURAL, REMOTE, PERI-URBAN AND RESERVED LANDS FIRE MANAGEMENT BY JURISDICTION (EXCEPT DURING FIRE SUPPRESSION)



MODULE 2: NATURAL HAZARDS MANAGEMENT SECTOR TERMINOLOGY

Natural hazard terminology is not widely known outside the sector. This is true for both formal terms used in planning and policy documentation, and also colloquial and informal language. Here we define some of the basic concepts used in state fire fighting and mitigation activities.

Aerial Control Burn (ACB)	The use of incendiaries dropped from helicopters or small aircraft to start hazard reduction burns over large or remote areas not accessible by ground transport.
Asset Protection Zone (APZ)	APZs are delineated areas of where vegetation should be cleared to prevent the spread of fire to valued assets such as houses or infrastructure.
Controlled burning	The controlled use of fire to reduce fuel loads as part of hazard mitigation activities.
Division Commander	In extremely large emergency situations, sectors may be organizationally grouped together. The officer with responsibility over several Sector Leaders is referred to as a division commander.
Dozer lines	Strips of land cleared by bulldozers (referred to as 'dozers') before or during wildfires to create fire lines. Like other suppression techniques, the use of dozer lines can potentially affect Indigenous cultural heritage such as scar trees, burial sites, middens and other landscape values.
Drip torch	A tool that can slowly 'drip' an ignited fuel mixture in a controlled manner during prescribed burning
Fire break	A strip of land where bushfire fuels are removed before a fire occurs, and usually accessible by a firefighting vehicle, and formed by grading, cultivation or spraying with herbicide. It is used in operations to access a prepared fire line from which to backburn the fuel load or make a stand against an approaching fire.
Fire line	A natural or constructed barrier such as a graded track or cultivated soil free from flammable vegetation, used both to limit the spread of fire and to provide access for fire fighters.



Fire suppression	The activities connected with restricting the spread of a bushfire.
Fuel	Any material such as grass, leaf litter and live vegetation which can be ignited and sustains a fire. Fuel is usually measured in tonnes per hectare.
Fuel load	The dry weight of fuel per unit area. It is often expressed as tonnes per hectare.
Incident Control Centre (ICC)	The location where the Incident Controller and various members of the Incident Management Team provide overall direction of operations activities
Incident Management Team	A multi-agency team that responds to a fire emergency. Headed by an Incident Controller, the team is responsible for implementing appropriate fire management strategies and post-incident recovery measures.
Hazard mitigation	The pre-emptive reduction of fire risk through land management activities, such as controlled burning, as opposed to fire suppression.
Mobile Data Terminals (MDT)	Portable electronic devices that display information relevant to an emergency situation, such as maps, utility locations, weather information and hydrant locations.
Mosaic	Describes the spatial pattern of burnt and unburnt fuels at either a local or a landscape scale.
Operations	The firefighting response, as compared with land management activities.
Personal protective clothing (PPC)	The clothing designed to mitigate the risk of a person's injury from the chemical, physical and thermal hazards that may be encountered at an incident.
Prescribed burn	A burn which is authorised by government regulations with the purpose of minimizing fire risk by reducing fuel load, and it may also have ecological and cultural objectives.
Personal protection equipment (PPE)	The equipment and clothing designed to mitigate the risk of a person's injury from the chemical, physical and thermal hazards that may be encountered at an incident.



Prescribed burn plan	A plan which approves a prescribed burn. It often contains a map identifying the area to be burnt, the specifications under which the operation is to be conducted, as well as the weather, fuel and wind conditions on the day.
Sector Leader	Under the Incident Management System, emergency situations may be divided into areas of responsibility called sectors. A sector leader refers to the officer allocated responsibility for a sector.
TOBAN	An abbreviation of Total Fire Ban. Total Fire Bans are declared by fire services for fire districts or local areas, and prohibit the use of open flames or other activities likely to ignite dry fuel
Units	Fire trucks, fire vehicles and so on.



MODULE 3: LANGUAGE AND MEANING

Misunderstandings surround some of the basic language and meaning of terms and concepts used by different people engaged in the management of natural hazards and Country and this can hinder fair and effective cooperation. Meeting agendas, everyday conversations and well-meaning attempts to build working relationships can be derailed by missed meanings.

This module contains definitions of concepts that are increasingly deployed to foster equitable and just relationships of knowledge and practice within collaborations between Indigenous peoples, state government and other groups interested in land management.

Colonisation and decolonisation

'Colonialism' is the maintenance of political, social, economic, and cultural domination by a colonial power. Historically, this has involved the violent seizure of land from Indigenous peoples and the exploitation of the land and the people. Many Indigenous peoples consider colonialism to be an active and ongoing process today.

'Decolonisation' describes the process of reducing colonisation and addressing its social, psychological, economic, environmental and cultural ramifications. For many Indigenous peoples, the goal of decolonisation is to have greater sovereignty or authority over the lands that have been taken from them through colonisation. An associated term is 'self-determination', though this typically describes Indigenous people and their communities having a greater role in decision-making over their own lives.

Country and nature

'Country' is a word Aboriginal people use to generally describe their homelands, although it has a much broader meaning than just territory. Country connects people with places, through multi-layered multi-species and sentient kinship relationships, that are also known through and expressed as ethical and cultural domains, including knowledge systems, laws and reciprocal relations of care. People live within and with Country. As Adjunct-Professor Mary Graham, a Kombu-merri person with Wakka Wakka heritage, has written:

The land is a sacred entity, not property or real estate; it is the great mother of all humanity. The Dreaming is a combination of meaning (about life and all reality), and an action guide to living. The two most important kinds of relationship in life are, firstly, those between land and people and, secondly, those amongst people themselves, the second being always contingent upon the first. The land, and how we treat it, is what determines our human-ness. Because land is sacred and must be looked after, the



relation between people and land becomes the template for society and social relations. Therefore all meaning comes from land.⁵

'Nature' and 'environment' are terms whose meanings arise out of Western knowledge practices that have increasingly come to separate nature and society. In this way, nature has come to be understood as plants and animals, landscapes, and so on, that are separate to humans. From this perspective, land management for bushfire risk mitigation is often understood as human management of an external nature, which is not part of ethical or cultural considerations. This is contrasted with cultural burning, which is undertaken within relationships of responsibility and care.

In intercultural Australia, the meaning of Country, nature and environment are influencing each other. In recent decades, the Federal government and other non-Indigenous parties have adopted the term 'Country' to describe their environmental and natural resource management programs.

Culture and traditions

'Culture' is the shared meanings, norms, logics and practices that determine what is considered normal and appropriate for a cultural group. All people have culture. For example, this can be seen in different cultural understandings about nature – whether nature is an ancestral homeland, an economic resource, wilderness, ecological systems, biodiversity, the source of all life, or some combination of these and more.

The term 'intercultural' rejects notions of cultures as exclusively bounded, self-defining and self-reproducing. Instead, all cultures are interdependent on other cultures in their formation and identity, with complex histories of interaction and negotiation. Through shared experiences, cultural features are exchanged, influencing and transforming each other, whether as a result of consent, force or both. People from different cultures negotiate issues of difference and similarity with each other every day.

All societies have traditions, which are constituted in the present, with their defining feature being an expressed continuity with the past.

First Nations, Peoples, Traditional Owners and Traditional Custodians

'First Nations' identifies specific political-legal groups of people, as distinct to an Aboriginal or Indigenous identity. First Nations have territorial and self-determination rights, whether formally recognised by the Australia government or not. The term connects with the experiences of First Nations people in North America.

The term 'peoples' also signifies a political-legal entity. For example, as expressed through governance norms, territories and internal memberships.

⁵ Graham, M. (2008). Some Thoughts on the Philosophical Underpinnings of Aboriginal Worldviews. *Australian Humanities Review*, 45, 181–194.



'Traditional custodians' are a group of Aboriginal people who have responsibilities for a certain area of land, their Country. The term is often explicitly used as an alternative to 'traditional owners', which is critiqued for representing relationships with Country as ones of ownership. The term 'traditional owner' was popularised by the *Aboriginal Land Rights Act 1976 (Northern Territory)*, and is now commonly used throughout Australia, sometimes as the shorthand 'TO'.

Knowledge, Indigenous Knowledge, research and science

'Knowledge' is familiarity, awareness or understanding of something. In all societies, knowledge is made and re-made in the present, and is a composite of different sources.

'Indigenous knowledge' is a term often used to identify the unique knowledge inheritance of Indigenous peoples. Indigenous knowledge is often viewed as the product of engaging with the environment for thousands of years, and/or a specific worldview. For example, many Indigenous people described Country and knowledge as inseparable – the knowledge comes from knowing the land.

'Research' is a form of knowledge that is generated through systematic methods, such as observation, experimentation, interpretation and/or argument. Academic research is just one form of research, and is formally organised into disciplinary, interdisciplinary and transdisciplinary scholarship.

'Science' often refers to the formal knowledge-production institutions and practices of Western societies to produce accounts of the phenomenal world. If understood broadly as a process of observation and experimentation to systematically build knowledge, then all cultures have science.

Unallocated Crown Land and Crown Radical Title

Many Indigenous people and others dispute the appropriateness of the term 'Unallocated Crown land' because of the implication that the land is the State's to allocate.

In the common law, the pre-existing rights of Aboriginal people to land under their continuing traditional laws and customs are recognized as 'native title', unless they are specifically extinguished by legislation or by land grants that are considered inconsistent with those rights. In this sense, native title is a 'burden on the Crown's radical title' — meaning that any claim that the Crown has to an area of land is subject to the pre-existing native title rights of the traditional owners.

Thus, the term 'vacant Crown land' is clearly obsolete in this era where the existing Indigenous rights and interests are recognised. The term 'unallocated Crown land' is less obsolete, as unallocated Crown land is 'unallocated' in the sense that it has not been granted by the State to private owners or lessees, or claimed by the State for public uses. It is 'Crown land' in the sense that the State holds the 'radical title', that is the legal power under Australian law to allocate rights to others or to vest rights in the State itself.



MODULE 4: AGREEMENT MAKING AND MOUS

Agreement making, including Memorandums of Understanding (MoUs), are used by diverse organisations to set out mutual terms for engagement and action. An MoU may be less formal than an agreement, but not necessarily.

Agreements might be made to set out relationships between traditional owners and state governments, for example the Dja Dja Wurrung Recognition and Settlement Agreement in Victoria, under the *Traditional Owner Settlement Act 2010* (Vic). Agreements can also be made specifically in relation to natural hazard mitigation and management.

The process of entering into an agreement recognises the existence of substantive joint interests, and the will to establish objectives in relation to those interests. Critically, agreements need to include consideration of:

- The capacity of differently positioned parties to decide to enter into and negotiate agreements; and,
- Support for the agreement with resources for implementation, including procedures for review and mediation.

These capacities are not just about the sharing of financial resources to prepare for and attend meetings, and to implement objectives, but also to ensure that parties are able to engage in meaningful communication with each other.

Typically, an agreement or MoU will have clauses that:

- Identify the parties who are signatories to the agreement
- Define the key terms
- State the objectives
- Describe the nature of the relationship between the two parties established by the agreement
- Provide a list of mechanisms to support the objectives, including the responsibilities of the different parties, reporting structures,
- Provide for dispute resolution
- Address any liability matters, and
- Outline the term of the memorandum and when it comes into effect.

The parties may also wish to include a preamble and/or shared vision at the start of the agreement.

For example, non-Indigenous policy analyst Ciaran O'Faircheallaigh⁶ identifies seven areas that are relevant to agreements between mining companies and Aboriginal companies:

- Financial benefits

⁶ O'Faircheallaigh C, 2013 Registered Native Title Bodies Corporates and mining agreements: capacities and structures in Bauman, Strelein, Weir (eds) *Living with native title: the experiences of registered native title corporations*, Aboriginal Studies Press, 275-291.



- Education, training and employment
- Business development
- Cultural heritage protection and land access
- Environmental management
- Community consent and support, and
- Liaison, communication, review and amendment.



MODULE 5: RESOURCES

Further Reading

Publications by Indigenous authors about Indigenous governance and culture:

- Behrendt, Larissa 2012. *Indigenous Australia for Dummies*, Wiley Blackwell, Queensland.
- Langton, Marcia. *Welcome to Country: A Travel Guide to Indigenous Australia*. Ultimo, NSW: Hardie Grant Publishing, 2018.
- Norman, H. (2017). *Aboriginal land recovery in New South Wales: Historical legacies and opportunities for change*. Sydney: Aboriginal Affairs NSW.
- Pascoe, Bruce. *Convincing Ground: Learning to Fall in Love with Your Country*. Canberra: Aboriginal Studies Press, 2007.
- Pascoe, Bruce. *Dark Emu: Black Seeds: Agriculture or Accident?* Broome, WA: Magabala Books, 2014.
- Steffensen, Victor. *Fire Country: How Indigenous Fire Management Could Help Save Australia*. Ultimo, NSW: Hardie Grant Travel, 2020.

For general information about the natural hazard sector:

- Handmer, J. and S Dovers (2016). *Handbook of Disaster & Emergency Policies & Institutions*, Routledge.

Weblinks

Information about native title, land rights, cultural heritage and similar can be found in the AIATSIS Native Title Information Handbooks:

<https://aiatsis.gov.au/publications/products/native-title-information-handbooks>

Information and examples of agreements and MoUs:

<https://www.atns.net.au/>

<https://www.nativetitle.org.au/learn/pbcs-making-it-work/best-practice-agreement-making>

Information about cultural burning:

<https://culturalburning.org.au>

Information about the Australian natural hazard management sector:

<https://afac.com.au>

<https://aidr.org.au>

<https://bnhcrc.com.au>

See also the websites of the institutions listed in Table 3 of Module 1.



HCIC PROJECT PUBLICATIONS

BOOK CHAPTERS

Weir, J.K, Sutton, S and Catt, G. (2019) 'Indigenous peoples' fire management and the theory/practice of Disaster Justice', in A Lukasiwicz and C Baldwin (eds), *Disaster Justice: How Australia rises to the challenge of a disaster laden future*, Palgrave Macmillan: Chicago.

Williamson, B, Weir, JK and V Cavanagh. (In Review), 'Strength from perpetual grief: how Aboriginal peoples experience the bushfire crisis' in Komesaroff, P, Anderson, P, Gardner, S and P James (eds), *A Continent Aflame: Responses to the Australian bushfire emergency*, Palaver Press: Melbourne.

JOURNAL ARTICLES

Neale, T., Carter, R., Nelson, T., and Bourke, M. (2019). Walking together: a decolonising experiment in bushfire management on Dja Dja Wurrung country. *Cultural Geographies*. In press.

Thomassin, A., Neale, T., and Weir, J. (2019). "The natural hazard sector's engagement with Indigenous peoples: a critical review of CANZUS countries." *Geographical Research* 57.2: 164-177.

Smith, W., Neale T., and Weir, J. (2019). Persuasion without policies: The work of reviving Indigenous fire management in southern Australia. *Asia Pacific Viewpoint*. Under Review.

WORKING PAPER

Williamson, B., Markham, F., & Weir, J. (2020). *Aboriginal peoples and the response to the 2019–2020 bushfires* (Working Paper No. 134). Centre for Aboriginal Economic Policy Research, ANU.

BNHCRC REPORTS

Thomassin, A, Neale, T and JK Weir (2018) The natural hazard sector's engagement with indigenous peoples: a critical review of CANZUS countries. Melbourne, Vic: Bushfire & Natural Hazards CRC.

Smith, W., Weir, JK., and Neale, T. (2018) Southeast Australia Aboriginal fire forum. Bushfire and Natural Hazards CRC, Melbourne.

Weir, J. and Freeman, D. (2019) Fire in the south: a cross-continental exchange. Bushfire & Natural Hazards CRC, Melbourne.



INDUSTRY PUBLICATIONS AND OPINION PIECES

- Neale, T. 2020. What are whitefellas talking about when we talk about cultural burning?, *Inside Story*, 17 April 2020.
- Neale, T., Smith, W., and Leavesley, A. (2019) Indigenous people in the natural hazards management sector: examining employment data. *Australian Journal of Emergency Management*.
- Schultz, L, Weir JK and H Langley, 2019. Changing fire policy for the Good Earth. *Policy Forum*, 3 October 2019.
- Schultz, L, Weir JK and H Langley, 2020. Living with fire demands a long term perspective. *Policy Forum*, 14 January 2020.
- Weir, JK. In press. Bushfire lessons from cultural burning. *Australian Journal of Emergency Management*.
- Williamson, B, Markham, F and Weir JK, 2020. 1 in 10 children affected by bushfires is Indigenous. We've been ignoring them for too long, *The Conversation*, 2 April 2020.
- Williamson, B, Weir JK and V Cavanagh, 2020. Strength from perpetual grief: how Aboriginal people experience the bushfire crisis, *The Conversation*, 10 January 2020.

INQUIRY SUBMISSIONS

- Neale, T., Weir, JK. and Smith, W. 2020. Submission to the NSW Independent Bushfire Inquiry, 17 April 2020.
- Neale, T., Weir, JK. Smith, W. and A. Zahara. 2020. Submission to the Royal Commission into National Natural Disaster Arrangements, 4 May 2020.
- Weir JK, Williamson, B, and Markham, F. 2020. Submission to the independent expert inquiry in to the 2019-2020 bushfire season, NSW, 17 April 2020.
- Weir JK, Williamson, B, and Markham, F. 2020. Submission to the Royal Commission into National Natural Disaster Arrangements, 4 May 2020.



POSTERS

Smith, W, Weir, JK, Neale, T, Wouters, M, Galpin, A, Leavesley, A, Carter, R, Blair, S, Cook, B, Costello, O, Curry, S, Eccleston, M, Foley, R, Freeman, D, Gooding, O, McGee, TK, Nugent, D, J Russell-Smith, J, White, K, and T Wall. (2019) 'What is normal? Learning to do risk management together', poster presentation, AFAC, 27-30 August 2019, Melbourne.

Smith, W, Weir, JK, Neale, T, Leavesley, A, Carter, R, Blair, S, Cook, B, Costello, O, Curry, S, Eccleston, M, Foley, R, Freeman, D, Gooding, O, McGee, TK, Nugent, D, J Russell-Smith, J, Schauble, J, and White, K, (2018) 'Intercultural collaboration on Aboriginal country', poster presentation, AFAC, 5-8th September 2018, Perth.

Freeman, D and JK Weir, (2017) 'Cultural burning – join us for a fireside chat in chilly Canberra', Poster, AFAC/BNHCRC conference, 5-8 September, Sydney, NSW.

Weir, J.K, Cook, B, Costello, O, Curry, S, Dore, J, Freeman, D, Gooding, O, Gunning, S, Leavesley, A, Mackintosh, L, McGee, T, Nugent, D, Russell-Smith, J, Schauble, J, and K White, 2017, 'Hazards, Culture, and Aboriginal peoples in Southern Australia', Poster, BNHCRC Showcase 2017 – Research Driving Change, Adelaide, 4-5 July 2017, and, AFAC conference, Sydney, 4-7 September 2017.



TEAM MEMBERS

PROJECT LEADERS

Dr Jessica K. Weir, Institute for Culture and Society, Western Sydney University

Email: j.weir@westernsydney.edu.au

Dr Timothy Neale, Alfred Deakin Institute, Deakin University

Tel: +61 3 924 68494

Email: t.neale@deakin.edu.au

PRINCIPAL INVESTIGATOR

Dr Will Smith, Alfred Deakin Institute, Deakin University

Tel: +61 3 924 46558

Email: will.smith@deakin.edu.au

ADDITIONAL PROJECT TEAM MEMBERS

Dr Brian Cook (University of Melbourne)

Oliver Costello (Firesticks Initiative)

Associate Professor Tara McGee (University of Alberta, Canada)

Adjunct Professor Jeremy Russell-Smith (Charles Darwin University)

END-USERS

Dr Mark Eccleston (Aboriginal Victoria)

Dr Adam Leavesley (Australian Capital Territory Parks and Conservation Service)

Dean Freeman (Australian Capital Territory Parks and Conservation Service)

Owen Gooding (Country Fire Authority, Victoria)

Aidan Galpin (Department for Environment and Water, South Australia)

Mike Wouters (Department for Environment and Water, South Australia)

Lyndal Mackintosh (Department of Environment, Land, Water and Planning, Victoria)

Dr Simone Blair (Department of Environment, Land, Water and Planning, Victoria)

Rodney Carter (Dja Dja Wurrung Clans Aboriginal Corporation)

Simon Curry (New South Wales Rural Fire Service)

David Nugent (Parks Victoria)

Stuart Gunning (Office of Emergency Management, New South Wales)

Kate White (State Emergency Service, Victoria)

Trish Wall (Department of Fire and Emergency Services, Western Australia)