

# TRANSCRIPT

## LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE

### **Inquiry into Ecosystem Decline in Victoria**

Melbourne—Wednesday, 16 June 2021

*(via videoconference)*

#### **MEMBERS**

Ms Sonja Terpstra—Chair

Mr Clifford Hayes—Deputy Chair

Dr Matthew Bach

Ms Melina Bath

Dr Catherine Cumming

Mr Stuart Grimley

Mr Andy Meddick

Mr Cesar Melhem

Dr Samantha Ratnam

Ms Nina Taylor

#### **PARTICIPATING MEMBERS**

Ms Georgie Crozier

Mr David Davis

Dr Tien Kieu

Mrs Beverley McArthur

Mr Tim Quilty

**WITNESS**

Mr Billy Briggs, Forestry Project Officer, Eastern Maar Aboriginal Corporation.

**The CHAIR:** I declare open the Legislative Council Environment and Planning Committee public hearing for the Inquiry into Ecosystem Decline in Victoria. Please ensure that mobile phones have been switched to silent and that background noise is minimised.

I would like to begin this hearing by respectfully acknowledging the traditional custodians of the various lands which each of us are gathered on today and pay my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge of this issue to the committee or who are watching the broadcast of these proceedings. I would also like to welcome any members of the public who may be watching these proceedings via the live broadcast.

Billy, I will take the opportunity now to introduce committee members to you. My name is Sonja Terpstra; I am the Chair of the Environment and Planning Committee. I also have Mr Clifford Hayes, who is the Deputy Chair; Mr Andy Meddick; Mr Cesar Melhem; Dr Samantha Ratnam; and Mrs Bev McArthur.

All evidence that is taken today is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded, and you will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and posted on the committee's website.

If I could please get you, just for the Hansard record, to state your name and the organisation you are appearing on behalf of.

**Mr BRIGGS:** Billy Briggs, Eastern Maar Aboriginal Corporation.

**The CHAIR:** Great. Thanks for that, Billy. With that, I will now hand over to you to give your opening comments, and I understand you may not want to make any, so if you do not want to make any opening comments that is fine. We will then throw to questions. If I could just remind committee members to keep your microphones on mute when you are not speaking; that will help to keep down any background noise. Billy, did you want to make any opening comments or do you want to have us just throw to questions?

**Mr BRIGGS:** Just some questions, please.

**The CHAIR:** Okay. No worries. All right. Mr Hayes, if I could get you to put your microphone on mute please, and I will throw to Mrs McArthur for first questions. Thanks.

**Mrs McARTHUR:** Thank you, Chair. And thank you, Billy, for appearing before us today. I am just interested in whether you can throw any light on this situation in your area and my electorate which is going to terminate a very viable tourist icon, the Cape Otway lighthouse facility. Now, they will move out in two weeks time. The government has not in any way facilitated the negotiation of an extended lease. I am not sure whether the Eastern Maar corporation are going to take it over, but this is an extraordinarily valuable asset to our area, bringing in millions of tourists and providing full-time employment for about 25 people. But I know the Eastern Maar corporation are involved, and I just wondered whether you can help us, whether you are going to be able to take over the lease, whether you want to, whether you want to work with the existing owners—or is it going to put an end to that facility?

**Mr BRIGGS:** I am not entirely sure around the whole issue with the Cape Otway lighthouse and that area. We have a number of colleagues who sort of work to different parts of the areas where our RAP status is, so I am sorry, I cannot actually answer your question. But with anything, we always want to work with everybody and anybody if there is an opportunity for growth and—anything.

**Mrs McARTHUR:** Perhaps, Chair, if it is all right, the committee might put that question to you, and you might be able to find the people in your organisation that might be able to give us an answer—if that is all right.

**The CHAIR:** Okay. Thanks, Mrs McArthur. Billy, I might just ask a question at this juncture if I could. In your view or in the view of Eastern Maar, what would be some of the biggest drivers of ecosystem decline on Eastern Maar country? And if you could say to us there are three or four key things that really need to happen, what would those things be to address this?

**Mr BRIGGS:** The biggest thing foremost for me would be climate change. It has a massive impact on the way the land itself is today—and coastlines, majorly. The Maar—we do cultural heritage protection but also there is a lot of biodiversity that is hurt in the sense of bigger swells and more rainfall and so forth. It is just killing the dune systems and our coastlines. The plants that are there that hold a coastal shell midden in situ are washing out because of the massive swells that are coming up and chewing out the sand dunes and so forth. I do not know really how to answer that question, because it is not one or four things, it is a never-ending list, and there are a number of different things to it. So I am sorry, I would not be able to just answer the question directly.

**The CHAIR:** No, that is okay, and the way you answered it actually is a good answer, because we are hearing similarly from many witnesses the same sorts of responses—that a lot of the things that impact country are interlinked and interconnected. So it is not like we can improve one system and that is going to fix all the problems. It is a range of things that include water and fire. We heard from other First Nations people in other evidence that you cannot get the fire right if you do not get the water right. So all of these things are interconnected, and they are critically important across a range of things. Everything is connected is the thing. Everything is interconnected, so one small thing can have a big impact across country. Would you agree with that?

**Mr BRIGGS:** Yes. Exactly. I have noticed for myself when I have gone for a weekend drive up along the Great Ocean Road, and you have got a number of freshwater rivers and freshwater creek systems that run into the ocean, and they have got signs there saying like, ‘Oh, yes, we have got some short-finned eel that lives in here’, or freshwater crays or a number of species, but you look in the water and you cannot see one living thing living in it. It is like they think that the issue is happening in that particular area, but initially it is something that has happened further upstream, and that could be the impact of a farming industry that is close by to a flood plain that usually would fill up and then run into that. It is a domino effect. Where there is one issue, there are going to be a number of other issues that are continuing on. You cannot just pick one part of country and say, ‘This is what’s happening here; this is how we’re going to fix it’, because if you fix that, that is going to change how something over here works the way it would.

**The CHAIR:** Exactly. No, thank you. That is awesome. I will throw to Dr Ratnam. Thanks, Billy.

**Dr RATNAM:** Thanks so much, Billy, for being here. I had a question about whether you would be able to outline how Eastern Maar works—what kind of work you do if you do any work—on ecosystem restoration, and particularly if there is anything that you would like to be doing more of and what the gaps are. Is it funding, or what are the kind of gaps to doing more of that restoration work of ecosystems?

**Mr BRIGGS:** I do not think there is a gap. We work with a number of different landholders and agencies and community-based associations that work with biodiversity. It is more around how can Eastern Maar as an Aboriginal corporation get economic growth off it? How can it benefit our community members? It is not a company, where it is like ‘Oh, you’re going to do this because it benefits the company. It’s going to help us grow’, in the sense of a business venture. It is more or less, ‘How can we make it help our community people?’, like my daughter, how can it benefit her in 20 years time—she is an Aboriginal person—in the sense of her connecting to country?

**Dr RATNAM:** It is a really important point. I was wondering: in your work are there enough opportunities for genuine partnership? You talked about working with lots of different organisations. It is certainly what we have heard from a number of First Nations traditional owner groups in terms of the model that has been set up for ecosystem restoration, so lots of partnering with other organisations, which is great. I guess my question would be then: is there enough opportunity for that partnership? Should there be more? Are there any areas there needs to be more work done in?

**Mr BRIGGS:** It is touch and go. I mean, you are not always going to build great relationships with everybody you work with. Particularly for Eastern Maar, we have got such a massive service area that we cover. With the partnerships, a lot of our work is based around cultural heritage protection, so they work with a lot of developers and then other heritage advisers and so forth. But when it comes down to people who care for the land and stuff like that, it is touch and go. It could be the state in particular. It is very touch and go.

**Dr RATNAM:** Okay. Some good examples.

**Mr BRIGGS:** There are areas that could be improved to help them work better with First Nations peoples, definitely.

**The CHAIR:** Thanks, Billy, and thanks, Dr Ratnam. Mr Meddick.

**Mr MEDDICK:** Thank you, Chair, and thank you, Billy. Before we get started, I acknowledge where I am today—that I am on Wadawurrung country. I fully understand the depth of the land which the Eastern Maar have to look at and take care of. It is a vast area. I also recognise the fact that it takes into account an enormous variety of different landscapes and it takes into account not just the land but the water and the sky as well and all those animals that dwell in that too. So it is an enormous responsibility that you have.

I guess the question that I have then goes to that. In the Eastern Maar country plan you note that through negotiations you are looking at going into joint partnerships of management on certain parcels of land. The first part of the question is, I suppose: can you broaden that out a bit for us, to tell us what types of land you are talking about? Are we talking about forestry wholly and solely or are we talking about lakes and river systems as well—the Great Ocean Road, as you quite rightly put, around that area there—and moving up into the other areas, such as Framlingham and other places like that? Can you just expand upon that a little?

Then second to that, one of the things I was involved in recently was around Panmure and the application for blasting of a quarry there—a basalt quarry—and the fact that there are First Nations peoples' graves in the riverbank there that have been identified. There was concern, because the area sits just outside the fence line of the property, that a CHMP was not required. That was something I tried to pursue, but with no luck. I want to go down the path of exploring with you, if I can, that when we look at development, CHMPs often seem—to me at least, and you can set me right here if I am wrong—to be one of the last considerations. There are surveys done on the land. There is drilling to see what ore might be underneath it or what landscapes might be altered and water flows might be altered if they put houses here or there or a building of some description. Then we start to talk after that about 'Well, are there any considerations for First Nations people here?'. It seems to be an afterthought sometimes. Is that right? Do you think then it should be elevated to be the first consideration when we start to look at 'Well, we want to put a development in here'?

**Mr BRIGGS:** Yes. Unfortunately I cannot comment on the Panmure quarry or stuff like that, but if you want more information, I would be more than happy to contact Eastern Maar and talk to our CEO. But yes, it is a tricky one. Sorry, what were the other couple of questions that you asked earlier on?

**Mr MEDDICK:** The first part was about the parcels of land that you want to seek joint management of. I just wanted to find out what varieties there are in that joint management proposal and I suppose how those negotiations are going. Are they fruitful for you or do you feel that they have kind of stalled? Where are they at, basically?

**Mr BRIGGS:** Yes. So a lot of our staff sit in with TOSA and native title as well. I think Eastern Maar is getting closer to our TOSA friends, so the *Traditional Owner Settlement Act*, and a lot of that will come with joint management with Parks Vic and DELWP and other land managers. We have nominated a couple of areas that we would want to take management over, and those areas particularly look like natural wetlands, unscathed country, if that makes sense—area that does not have a massive impact from European contact with country and stuff like that. As you said yourself, you are aware of the massive area that covers. There are some areas like stony rise country, it could be coastal areas, inland—it is a number of different areas.

**Mr MEDDICK:** Okay. And just to the final part of the question, then, about CHMP. If we put the Panmure issue aside for the moment, do you feel that the CHMP should be the first port of call whenever there is a development plan?

**Mr BRIGGS:** Yes. It is very tricky. I am still learning about how the legislation works myself. I am not entirely over it. It is very tricky to understand the way the *Aboriginal Heritage Act* works itself and the cultural heritage management plan. The particular thing that I am more or less aware of with the cultural heritage management plan is if there is activity or ground disturbance within 200 metres of a natural creek or freshwater line, the CHMP does occur. Yes. They are a funny one, CHMPs.

**Mr MEDDICK:** Perhaps those can be clarified when we get down to the final stages of the treaty negotiation then.

**Mr BRIGGS:** Yes, I am more than certain and would not be surprised if that was brought to the table.

**Mr MEDDICK:** Great. Thanks so much, Billy. Cheers.

**Mr BRIGGS:** Thank you.

**The CHAIR:** Thanks, Andy, and thanks, Billy. Mr Hayes, over to you for a question.

**Mr HAYES:** Thanks, Chair. Thanks very much, Billy, for what you are telling us today, and I also have to thank you for the wonderful submission you guys have put together. It is really great to read. I just wanted to ask you how you see Indigenous people, the Eastern Maar people, being able to create dialogue with, say, DELWP, Parks Victoria or even local Landcare groups to have more influence in the way that the country is managed—preferably managed under your scope and direction.

**Mr BRIGGS:** We have a number of conversations with everybody, and the conversation will be the same conversation every time. It is almost like you are stuck in a time loop when you have these conversations about how you can care for country. Not just Eastern Maar people particularly, but I can probably say for all First Nations people that when they have been talking to all these land managers and carers that care for country we as Indigenous people want to care for country in our customary ways in the sense of being able to reconnect, because it is a thing that is part of us as Aboriginal people. To implement our fire practices, to implement our land management practices and for us as Aboriginal people to write management plans for country—for our country—helps with the sense of bringing other people in and reconnecting them to their country, showing them where their grassroots are. It is an identity thing as well, a sense of belonging.

**Mr HAYES:** I see great scope there for educating young people and taking them along the journey with you and helping get them integrated in caring for country too.

**Mr BRIGGS:** Yes. That is what is happening.

**Mr HAYES:** I will leave it. Thanks, Billy. Thanks, Chair.

**The CHAIR:** Thanks, Mr Hayes. And just to follow up on I think what Mr Hayes was saying, we have certainly heard this from other witnesses, First Nations people who have helped us in the inquiry, that First Nations people have a very strong connection to country, so part of ensuring the health of our First Nations people is about ensuring country's health. Would you agree with that?

**Mr BRIGGS:** Yes, most certainly. I would like to reiterate this: that we as Aboriginal people, we do not own country—we belong to it. It is like if you have children, you do not own your children, but they belong to you, so they are a part of you. You care for your children, and when you get older your children are going to look after you. It is the same sort of scenario with country. I mean, when I first started with Eastern Maar I had massive ideas in the beginning. Like, you look at particular parts of country where there is all farmland when it would have once been massive grey boxes or red gums, and you think, 'I just want to restore that land back to what it was'. But it is a lot harder to do that than saying it because there is 250 years of impact from European people coming in, introducing species to Australia that have been wiping out these natural bushlands and so forth to farm them. That country is sick now. You have to take a different approach, and it is going to take a long time to get there. But, I mean, yes.

**The CHAIR:** Yes. So it is possible. And I think that is certainly the evidence that we have heard. So like, you know, being able to look at—exactly what you said—what country used to look like and what used to be there and how do we explore possibilities to restore country. Could we enhance the relationships with First Nations peoples and traditional owners who have, I guess, been in a better position to advise government on how country should be restored? Are there those relationships now, or could they be improved?

**Mr BRIGGS:** I think there are some of those relationships, yes. But yes, they could be improved. And like any relationship, regardless if it is government, anybody and everybody in Australia's relationships with First Nations people could be improved. I believe it gets stronger with more people involved and more people understanding how we as First Nations people have knowledge about country to care for it in a particular way. I mean, there is evidence there. It is just to have everybody supportive and wanting to work with traditional owners. And yes, if the government could push more for First Nations land management practices to be on the ground and doing it, most certainly.

**The CHAIR:** Because it is really going to improve the health of our First Nations peoples first and foremost, which is fantastic, but it also benefits everyone really, doesn't it? And it benefits then our ecosystems as well. If we are supporting the health of country, then it is able to support the benefits of ecosystem—plants, animals, insects, whatever that live on country.

**Mr BRIGGS:** Exactly. And, as you just said before, to improve the health of First Nations Aboriginal people, people that are disconnected from their culture—I mean, they might be in trouble with the law or something like that—they are missing their identity of who they are.

**The CHAIR:** We have very much heard that as part of evidence from other people, other First Nations people, that that connection, because it has been broken, has severely impacted the health of our First Nations people.

**Mr BRIGGS:** Certainly, yes.

**The CHAIR:** Okay. Thanks for that, Billy. I will just see if any other members have questions. Dr Ratnam, any other questions from you? Mr Meddick, no. Mr Hayes, any other questions? Mrs McArthur, any other questions? No. Okay. Well, it looks like then we can have a bit of an early mark, but Billy, I would just like to thank you so very much for coming in and giving evidence today to our hearing. It has been really fantastic, and I would just like to thank you very much for your contribution and your time today.

**Committee adjourned.**