

# NSW Forest Monitoring and Improvement Program

## Aboriginal Stakeholder Engagement Plan

### 1 Purpose of the plan

The Natural Resources Commission (the Commission) is guided by its overarching Aboriginal Engagement Strategy in all its work. It describes our commitment to respecting, understanding and working with Aboriginal peoples and their knowledge of natural resource management.

The aim of the Forest Monitoring Aboriginal Engagement Plan is to apply the principles of the strategy in designing a long-term approach to Aboriginal engagement as part of the Forest Monitoring and Improvement Program (the Program). The Scope of the Program encompasses forests on both public and private land, including Aboriginal owned forests. As a result, consideration of issues associated with Aboriginal ownership/jurisdiction over the various categories of forests in NSW is necessary.

This plan complements an overarching Stakeholder and Community Engagement Plan for the Program.

Aboriginal people have a great deal to contribute to natural resource management. They have a diverse and deep connections with lands, including forests, and waters. The Commission acknowledges the resilience and strength of Aboriginal communities, in spite of the long history of destruction of Aboriginal culture and heritage. The Commission respects the diverse range of Aboriginal rights and interests in forests including:

- Ownership, co-management or joint management of forests
- Forest access, uses and rights
- Preservation and protection of cultural values and heritage
- Participation and leadership in the management of forests, using and integrating traditional knowledge
- Forest-related economic development opportunities, employment, education and training.

### 2 Principles of Aboriginal engagement

The key principles of the Commission's Aboriginal Engagement Strategy are to:

- value and integrate cultural knowledge in effective natural resource management
- respect Aboriginal custodianship and connection to Country
- acknowledge the impacts of past and ongoing trauma
- support beneficial relationships to enhance social, economic, cultural and well-being outcomes
- recognise the diversity of culture, knowledge, protocols and obligations
- take the time to plan and deliver meaningful and respectful engagement
- seek advice, feedback and evaluate our engagement.

These principles are based on the *UN Declaration on the Rights of Indigenous Peoples (2007)*, the *UN principle of Free, Prior and Informed consent* and other supporting references.

### 3 Program background

In February 2019, the NSW Government established a Forest Monitoring and Improvement Program to coordinate monitoring, evaluation, research and reporting for improved forest management. The Program will deliver information to support the strategic management of all forests in NSW on both public and private land.

The Premier's terms of reference establishes five aims for the Program:

1. Focus on the information required to improve the adaptive management of NSW forests
2. Provide the public with transparent, independent, accessible, and robust evidence of forest management performance
3. Be adaptable to changes to both research priorities and forest monitoring methods
4. Be cost effective by employing efficient mechanisms to meet Program objectives
5. Satisfy NSW's obligations for national and international forest management reporting.

Under the Program's terms of reference, the Commission is responsible for independently overseeing the design, implementation and review of the Program. A NSW Forest Monitoring Steering Committee, including NSW government agency representatives and independent scientific experts, guides the Program and is chaired by the Commission. NSW agencies are responsible for delivering monitoring, evaluation and research projects under the Program including through external partnerships, as well as reporting on relevant forest agreements.

The Program is supported by \$7.2 million over four years for forest monitoring.<sup>1</sup> This investment will support the design and establishment of the Program. A further \$2 million has been committed over five years for the design and initial implementation of the Coastal Integrated Forestry Operations Approval (IFOA) monitoring program.<sup>2</sup>

### 4 NSW Forests and Aboriginal stakeholders

Aboriginal peoples are key stakeholders in their role as forest owners and managers in NSW. The latest State of the Forest Report 2018 acknowledges that the area of Indigenous forested land has increased over the last 5 years, with around 15 per cent of forests in NSW being owned and/or managed by Aboriginal people.<sup>3</sup>

The Program Framework 2019-2024 (Document reference: D19/2049) acknowledges that forests provide connections to Country for Aboriginal people and includes a deliverable to ensure that priority information needs of Aboriginal people are identified early on to support forest management and monitoring.<sup>4</sup> This Plan goes further to consider the ways that the Program can underpin and facilitate meaningful and ongoing Aboriginal participation in the monitoring and management of NSW Forests.

<sup>1</sup> Announced by the Department of Industry in the 2018-19 budget.

<sup>2</sup> Provided by the Environment Protection Authority through the Waste and Environment Levy and contributions from Forestry Corporation of NSW.

<sup>3</sup> Montreal Process Implementation Group for Australia and National Forest Inventory Steering Committee (2018) *Australia's State of the Forests Report 2018*. ABARES, Canberra, December.

<sup>4</sup> <https://www.nrc.nsw.gov.au/forest-monitoring>

Initial stakeholder analysis<sup>5</sup> was conducted prior to commencement of the Program, which surveyed and interviewed forest stakeholders and the general public and included Traditional Owners and Aboriginal people. The research demonstrated that Aboriginal people were more likely to visit forests and undertake a range of activities than other stakeholders. They were also highly supportive of a forest monitoring program particularly to ensure the monitoring of Aboriginal culture and heritage, forest values and uses of forests. Aboriginal stakeholders interviewed as part of the research were also interested in monitoring information regarding jobs and economic activity in forest management, non-Indigenous heritage, recreational use of forests, soil health and stability, feral animals, planned and unplanned fire, change in forest type and structure, and plants.

The research further highlights the fundamental connections between many Aboriginal people in NSW and forests and the importance of genuine involvement of Aboriginal stakeholders as part of the ongoing Program.

In addition, consultation was undertaken with Aboriginal groups as part of the renewal process for the Regional Forest Agreements (RFAs) in 2018. This consultation identified a wide range of interests that Aboriginal communities have in NSW forest management.<sup>6</sup> It also reflected the frustration many Aboriginal people feel in relation to the perception that commitments made to them during the initial RFA process in 1999 to 2001 have not been met.<sup>7</sup>

## 5 Approach to engagement

This plan outlines an approach to working with Aboriginal people as part of the Program. The approach builds on the Program objectives, initial stakeholder analysis and the Program Stakeholder and Community Engagement Plan to tailor our engagement with Aboriginal stakeholders. This also helps to meet a key deliverable in the Program Framework: to “identify priority information needs of Aboriginal peoples in respect to forest management and monitoring by early-2020”.

The approach has also been tailored in response to key agency feedback so as to target our engagement through peak Aboriginal bodies. Further ongoing Aboriginal engagement will be undertaken beyond the scope of this first deliverable, including to co-design approaches to monitoring, evaluation and research of key areas such as:

- access rights and uses of NSW forests,
- employment, skills development, training and economic opportunities in forest-related industries for Aboriginal peoples,
- cultural knowledge opportunities to support forest conservation and health,
- protection of Aboriginal values and sites in NSW forests,
- the extent to which the commitments made to Aboriginal peoples in the Regional Forest Agreements have been met, and any potential barriers in meeting these commitments, and

<sup>5</sup> Schirmer, J., Mylek, M. and Clayton, H. (2019) NSW forest monitoring project: stakeholder and public views about forest monitoring. Report prepared for NSW Department of Primary Industries.

<sup>6</sup> Department of Primary Industries, ‘Renewing Regional Forest Agreements – Consultation with Aboriginal stakeholders – what we heard’ (working paper – not for distribution). (2018)

<sup>7</sup> Department of Primary Industries, ‘Renewing Regional Forest Agreements – Consultation with Aboriginal stakeholders – what we heard’ (working paper – not for distribution). (2018)

- the effectiveness of the NSW Forest Management Framework in delivering the commitments made to Aboriginal peoples in the Regional Forest Agreements.

All work under this engagement plan will consider and align to the Aboriginal Cultural and Intellectual Property Protocol, released by Aboriginal Affairs NSW in December 2019. The approach will promote co-design, ownership and Aboriginal leadership in governance, program management and delivery.

The following includes the engagement objectives, strategies and actions (**Table 1**), and then sets these out in an engagement plan with details around methods, timing and responsibilities (**Table 2**).

**Table 1 Aboriginal engagement objectives, strategies and actions**

Objectives	Strategies	Actions
Establish ongoing, meaningful, and respectful engagement with Aboriginal stakeholders <sup>8</sup>	<ul style="list-style-type: none"> <li>Consider relevant Aboriginal forest management representatives as part of forest monitoring working groups set up for the Program</li> <li>Ensure that efforts are flexible and coordinated with other agencies to avoid overlap and engagement fatigue</li> <li>Seek advice from peak bodies and agencies about appropriate engagement approaches, local issues and concerns – what works and what needs to change</li> <li>Adopt appropriate cultural protocols<sup>9</sup> and ensure tailoring to local settings</li> <li>Notify and allow sufficient time before consultation and milestones</li> <li>Report back to stakeholders on how information was used</li> </ul>	<ul style="list-style-type: none"> <li>Work with peak bodies and agencies to identify relevant Aboriginal stakeholders – specifically the DPIE Aboriginal Executive Network and the NSW Aboriginal Land Council</li> <li>Share Program information early and widely through existing networks</li> </ul>
Include economic and other development and leadership opportunities in the Program	<ul style="list-style-type: none"> <li>Seek advice from peak bodies and agencies about economic and other development opportunities that could be included as part of Program design e.g. integration with LALC business plans, rangers, cultural burning projects</li> <li>Review existing research on effective Aboriginal programs for forest management and monitoring to identify case studies and opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Contact peak Aboriginal groups and consult on Program opportunities</li> <li>Undertake desktop research to identify case studies and investigate feasibility</li> <li>Co-design projects with Aboriginal partners</li> </ul>
Raise awareness and build understanding of the Program	<ul style="list-style-type: none"> <li>Use the Steering Committee, peak bodies and agencies with existing relationships with Aboriginal stakeholders to support awareness raising and engagement activities throughout Program delivery</li> <li>Make sure the expectations of the Program are clear to Aboriginal stakeholders – including scope and limitations</li> </ul>	<ul style="list-style-type: none"> <li>Share Program materials, activities, consultations, request for submissions and milestones through existing networks</li> <li>Leverage existing channels and resources to engage e.g. regional LALC forums</li> </ul>
Better understand Aboriginal rights, interests and values relating to forests and include these in the design of the Program	<ul style="list-style-type: none"> <li>Review existing publications<sup>10</sup> and research on Aboriginal values, interests and uses of forests to identify findings</li> <li>Co-design with Aboriginal representatives projects for monitoring, evaluation and reporting that are led by Aboriginal groups</li> <li>Jointly identify priority information needs for forest management and monitoring by early-2020; and projects for monitoring, evaluation, research</li> <li>Identify any capacity building or support required</li> <li>Identify potential workshop opportunities with universities or NGOS</li> </ul>	<ul style="list-style-type: none"> <li>Partner with Aboriginal researchers undertaking research on Aboriginal forest access, values and uses</li> <li>Partner with Aboriginal stakeholders in identifying forest related values, uses and risks</li> <li>Partner with Aboriginal stakeholders through DPIE Aboriginal Executive Network and NSW Aboriginal Land Council and any other relevant groups in projects to track RFA performance and outcomes</li> </ul>

<sup>8</sup> Aboriginal stakeholders include: Traditional Owners, Registered Owners, Native Title/Land Rights claimants, NSW/Local Aboriginal Land Councils, relevant government agencies and staff, Aboriginal nations, elders, communities and individuals.

<sup>9</sup> See NRC Aboriginal Engagement Strategy, and the Aboriginal Cultural and Intellectual Property Protocol, Aboriginal Affairs NSW (December 2019)

<sup>10</sup> This includes existing NSW Aboriginal Land Council publications and Commonwealth strategies.

**Table 2 Aboriginal engagement plan**

Stakeholder	Interest/ Influence/ Expectations	Engagement Level <sup>11</sup> / Objective	Engagement approach/method	Responsibilities and timing
NSW Premier Minister for Planning Minister for Lands and Forestry Minister for the Environment Minister for Aboriginal Affairs	Delivery of Program meets terms of reference Concerns about public scrutiny	<b>Inform and consult</b> to keep updated on key Program milestones	• Briefings	• Assistant Commissioner and Executive Director as required
Aboriginal Affairs NSW (DPC)	Program is inclusive of Aboriginal stakeholders Integrates Aboriginal rights, interests in Program design Ensure outcomes for Aboriginal people in forests	<b>Consult</b> to identify key stakeholders and update on progress at key Program milestones	• Direct liaison (phone) • Briefings • Email updates	• Director and relevant staff prior to key milestones
Relevant sections/staff of FCNSW, DPIE, NPWS, EPA, LLS	Providing input into Program design Program is inclusive of Aboriginal stakeholders Integrates Aboriginal rights, interests in Program design Outputs are useable	<b>Collaborate</b> to identify key stakeholders and update on progress at key Program milestones and receive feedback on outputs	• Direct liaison • Briefings • Email updates	• Director and relevant staff at key milestones
NSW Aboriginal Land Council	Program is inclusive of Aboriginal stakeholders and LALCs Program integrates Aboriginal rights, interests Ensure outcomes for Aboriginal people in forests	<b>Collaborate</b> as part of program governance and ongoing program design	• Direct liaison by phone and meetings • Email updates • Emails to LALCs, registered owners	• Program staff at key milestones and through Program design stages

<sup>11</sup> International Association for Public Participation (IAP2) participation spectrum levels: Inform, Consult, Involve, Collaborate, Empower.

Stakeholder	Interest/ Influence/ Expectations	Engagement Level <sup>11</sup> / Objective	Engagement approach/method	Responsibilities and timing
<i>Note written submission<sup>12</sup></i>				
Local Aboriginal Land Councils	LALCs are aware of and providing input into Program Ensure outcomes for Aboriginal people in forests	<b>Collaborate</b> in Program design and implementation	<ul style="list-style-type: none"> <li>• Direct liaison by phone and meetings</li> <li>• Email updates</li> </ul>	<ul style="list-style-type: none"> <li>• Program staff at key milestones and through Program</li> </ul>
<b>Other groups</b>				
DPIE Aboriginal Executive Network	Focal point for the 457 Aboriginal staff across the DPIE cluster Coordinates a range of Caring for Country Aboriginal Initiatives	<b>Collaborate</b> in Program design and implementation	<ul style="list-style-type: none"> <li>• Direct liaison by phone and meetings</li> <li>• Email updates</li> </ul>	<ul style="list-style-type: none"> <li>• Program staff at key milestones and through Program design stages</li> </ul>
Boards of management for jointly managed parks (including under ALRA/Native title agreements) <sup>13</sup>	Boards of management are aware and providing input Ensure outcomes for Aboriginal people in forests	<b>Collaborate</b> in program design and implementation, including through requests for submissions, and reviews	<ul style="list-style-type: none"> <li>• Direct liaison by phone and meetings</li> <li>• Email updates</li> <li>• Letters to boards</li> </ul>	<ul style="list-style-type: none"> <li>• Program staff at key milestones and throughout Program</li> </ul>
Research institutions / NGOs / experts	Shape outcomes for Aboriginal people	<b>Consult</b> in research, program design and implementation	<ul style="list-style-type: none"> <li>• Direct liaison by phone and meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Director and program staff</li> </ul>

<sup>12</sup> NSW ALC made a written submission (3/7/19). Key points: Aboriginal engagement approach needs to meet UN declaration principles; include objectives and performance measures to protect Aboriginal culture and heritage, uses and management of forests; engage Aboriginal stakeholders in genuine, ongoing and respectful ways and seek to work with cultural knowledge.

<sup>13</sup> Joint management boards have the care, control and management of parks, this can be as part of Aboriginal Land Rights, Native Title or other land use agreements.

## **6 Reporting and evaluation**

Reporting and evaluation will follow the schedule set out in the Program Framework and will include any Aboriginal priorities and performances measures for forest monitoring identified and agreed throughout the Program. Feedback will be sought from Aboriginal stakeholders on key indicators set out in the Program Evaluation Plan.