

Implementing Cultural Burning in South-east NSW

(A case study of Cultural Land Management
from the Bega Local Aboriginal Land Council)

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Acknowledge and pay our respects to the Traditional Custodians, from the South East Coast and Monaro nations and other Aboriginal people who are participating in the conference.

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I recognise contributions from Leanne Atkinson and Peter Dixon.



Photo: Peter Dixon



Photo: Peter Dixon

Purpose of the Project

- Bega Local Aboriginal Land Council has lands from Tathra-Nimmitable-Jindabyne-Murray R
- Develop documentation on Cultural Land Management (CLM) and the role that cultural burning plays in CLM.
- What are the constraints and opportunities?

Report is available at:

https://irp.cdn-website.com/3d3744cc/files/uploaded/015+Cultural+Land+Management+report_FINAL.pdf

Cultural Land (Forest) Management CONCEPTS, CONSTRAINTS AND OPPORTUNITIES IN SOUTH-EAST NSW

A report prepared for the Bega Local Aboriginal Land Council



Dr. Tony Bartlett AFSM

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Cultural Land Management



Photo: Peter Dixon

- Cultural Land Management refers to the **knowledge and practices that Aboriginal Peoples developed and used** to care for Country to sustain themselves on which they lived and travelled.
- Its implementation **requires a deep understanding of the local plants, animals, soils and climate, consider the condition of the natural resources and respect cultural values** on each site.
- Its methods and outcomes **are always place-specific and holistic**, ensuring all living things prosper. It fosters Aboriginal culture and intangible aspects of heritage and provides opportunities for economic and social growth in communities.

Cultural burns are part of Cultural Land Management but Country determines when to do cultural burns, not fuel loads.

In 2017, Bega LALC had implemented a cultural burn next to Tathra township. No houses were lost in the adjacent street in the 2018 Reedy Swamp-Tathra bushfire that destroyed 79 houses.



Photo: Tony Bartlett

Cultural Land Management in Forests

- Cultural Land Management involves implementing a **set of diverse, site-specific practices that protect and promote the natural ecosystems and cultural values to maintain a healthy Country**. These practices include:
 - **Cultural burning** to heal and care for Country;
 - **Natural resource utilisation** (e.g. hunting and harvesting of bushtucker and medicines in accordance with the knowledge of the seasonal calendar);
 - **Cultural management** (e.g. ceremony, knowledge sharing and management of cultural heritage sites);
 - **Threat abatement** (e.g. weed control, feral animal control, fire management and totem species protection);
 - **Restoration of culturally appropriate forest condition** (e.g. physical removal of dense regrowth or over-represented species);
 - **Restoration of lost species** (e.g. replanting culturally important plants and those that traditionally connected to country);
 - (+ managing soil erosion & generating economic outcomes)

Photo: Tony Bartlett



Healthy Country

- Healthy Country is a Country that has an abundance of resources and wide-open spaces within the forest providing high visibility through the trees.
- There should be wide spacing between the large mother trees, so that smaller shrubs and grasses are present beneath and between the mother trees and they support the mother trees.
- People should be able to see hundreds of metres through the forest and should also be able to walk freely without having to fight their way through shrubs and thickets of vegetation.
- Country cannot be healthy without people implementing Cultural Land Management practices.



Photos: Tony Bartlett

Unhealthy Country

- Unhealthy Country results from a combination of disruption of Aboriginal land management practices, long-term mismanagement of land and the impacts of climate change.
- On unhealthy Country the forest structure has changed and the range and abundance of food and medicinal plants has decreased.
- Unhealthy Country has an over-abundance of trees and shrubs with vegetation connected between the ground cover and the tree crowns and there are fewer different plants and animals.
- When species are missing or limited in occurrence, the Country itself suffers and becomes unhealthy.

Photos: Tony Bartlett



Cultural Burning

- Cultural burning is **informed by traditional knowledge and planned and led by Aboriginal people** for multiple purposes.
- Cultural burning uses the right fire, in the right place, at the right time and in the right way to create a mosaic of burnt and unburnt areas.
- **Country that determines when and how to do cultural burns,** not fuel loads.
- These **cool fires burn slowly** and **minimise impact on tree crowns and the damper organic soil horizon**, allowing animals to safely take refuge from the flames.
- To be effective cultural burning has to be done regularly at each site, but different areas are burnt at different times to achieve the desired patterns of burning and some areas are not burnt.



Photos: Peter Dixon

Altered Forest Landscapes

- Forest structures have changed due to long-term mismanagement and impacts of repeated intense bushfires and climate change.
- Many forests are too dense to implement cool burning without costly removal of vegetation before the burn.



Photos: Tony Bartlett

Restoration of Culturally-Appropriate Forest Condition

- To heal Country many forests need to be in a more open condition, with a better balance between large mother trees, smaller regrowth trees and open grassland areas.
- Cultural thinning involves selectively removing trees in overly dense patches of forest to achieve cultural outcomes. (need markets for products)
- Reducing tree density and vegetation connection enables cultural burning to be done more easily and safely.



Photos: Tony Bartlett

Key Constraints to Cultural Burning

- Bushfire inquiries recommend increased use of cultural burning.
- There are many constraints that limit the application of Cultural Burning on public and private lands in NSW.

Constraint	Examples
Policy	No clear holistic government policy
Legal	Not legal to light fire for cultural purposes
Resources	Aboriginal groups are not funded and excluded from funding grants for reducing bushfire risks
Altered Landscapes	Many forests too dense to implement cool burning
Environmental Rules	Minimum return periods for fire after bushfire
Insurance	Aboriginal groups require expensive insurance for burning
Recognition and Processes	Very complex processes to access public land and lack of trust in many situations



Photo: Peter Dixon Bega
LALC

Policy and Legal Constraints limiting Cultural Land Management

- Government **agencies have different policies and guidelines for cultural burning** – complex to understand and hinders landscape approaches.
- Currently there is **no legal right to light a fire for cultural purposes** under any NSW laws - the decision makers are not cultural knowledge holders.
- Under *Rural Fires Act, 1997* **cultural burns require a Bushfire Hazard Reduction Certificate** and comply with Bushfire Environmental Assessment Code – **minimum return intervals**.
- **Fire interval thresholds** in the NSW Guidelines for Ecologically Sustainable Fire Management **don't consider cultural fire knowledge on biocultural indicators** which signal how regular, low severity, patchy fire is better for some ecosystems.
- **Complex environmental impact assessment** (Review of Environmental Factors) under the *Environmental Planning and Assessment Act, 1979*, **required in National Parks and for cultural burning on same block within minimum return interval**.
- Under *Local Land Services Act, 2013* **burning is considered as clearing native vegetation**. Under a Private Native Forest Plan, LALCs can only be paid to do cultural land management activities if it is considered environmental restoration.
- The NSW Private Native Forest Code of Practice **restricts the level of thinning which can be achieved and requires specified restocking levels**.

Resources to Implement Cultural Burning



- This is **a major constraint for NSW Local Aboriginal Land Councils.**
- LALCs don't have adequate **ongoing funding to train and maintain teams of skilled staff** capable of implementing Cultural Land Management.
- Most **government agencies have limited funding to engage LALCs** to undertake cultural burning.
- LALC staff **need to operate as volunteers on some public land** to implement a cultural burn.
- **LALCs are ineligible to apply for funding under the Bushfire Risk Mitigation and Resilience Grant Program**, even for reducing hazards identified in a Bushfire Risk Management Plan.
- In private forests, that have an approved Private Native Forest Plan, LALCs can not be paid to undertake cultural burning activities.

Opportunities in NSW

Great Potential – but too complex systems and under-resourced

- Finalise Cultural Fire Management Strategy, resourcing & legislative changes
- Crown Lands Cultural Burn Program funding some burns
- Local Land Services supporting burns in Travelling Stock Routes and funding Property Overviews and Management Plans
- Transport NSW – was to fund cultural burning to reduce bushfire risks on key highways – funding redirected to floods
- Forestry Corporation - Fire, Country and People program in northern NSW, + facilitate burns near Eden and Batemans Bay
- NPWS – lots of documents (26 risk controls), little implementation
- RFS and F&R - developing a Cultural Burning Guide, joint cultural burn in the Tura Beach Flora Reserve



Photo: Peter Dixon

Concluding Remarks

- Cultural Land Management offers great potential to improve the health and resilience of native forests, reduce bushfire risks and generate very positive outcomes for Aboriginal communities.
- There are a many constraints to implementing cultural burning, some of which require State-wide resolution and others which could be overcome through greater local partnerships.



Photo: Peter Dixon