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A Successful Indigenous Rangers' Story

Gamay Rangers and Shared Management in Kamay (Botany Bay), Australia

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Abstract

The aim of my thesis is to investigate the relationship between a community of Indigenous Rangers in Australia (Gamay Rangers in Botany Bay, NSW) and the control of natural resources in light of shared management, which presents itself as a possible arena of political and cultural recognition. The Gamay Rangers' experience is introduced as a virtuous example and main case study to understand the power dynamics regarding environmental management. Indigenous Rangers projects can be found all over Australia, and their main aim is to protect the country's natural resources and cultural assets. I will explore the complex exchanges, misunderstandings and conflicts between Indigenous and non-Indigenous perspectives on environmental management, and the advantages of having an Indigenous Rangers' group taking care of Country. I propose that in Australia the management of natural resources is linked with land ownership and land rights. As such, it must be considered within the history of settler-colonial relations. Telling the story of a successful Indigenous environmental stewardship is an important step in spreading awareness of the potential of Indigenous participation in environmental decision-making and its recognition in the political sphere.

Key words: Indigenous knowledge, environmental shared management, settler colonialism, Indigenous recognition

Introduction

In this epoch of environmental degradation and anthropogenic climate change, governments from all over the globe are asked to meet the international long-term goals sanctioned by the Paris Agreement in 2015 and that foresee the reduction of emissions, a joint commitment towards adaptation to climate change impacts and targets on biodiversity and sustainability (United Nations, n.d.). Environmental management, as carried out by Western science, is struggling to halt nature degradation and reach national and international environmental goals and is looking at Indigenous environmental knowledge to address its shortcomings (Berkes, 2012, p. 266). Indigenous Australians' ways of managing the land are the result of knowledge, traditions and ontologies that settlers have only just begun to appreciate. They are the “outcome of ways of knowing and understanding the world” (Rose, 1996) and of the different values accorded to the environment that often clash with the Western resource management hinging on exploitation and dominion over nature and, more generally, over all those considered as subaltern human beings. In this dissertation, the management of environmental resources is considered an arena of encounter and contestation between the diverse ontologies on nature of Indigenous people and Australian settlers. In particular, shared management of environmental assets presents itself as a possible arena of political and cultural confrontation, exchange of knowledge and coexistence which may lead to further recognition for Indigenous people in Australia.

In this thesis, I aim at investigating this space of collaboration by focusing attention on the Rangers Program, an initiative that emerged in 2007 to create meaningful employment and training for Aboriginal and Torres Strait Islander people. Indigenous Rangers' role was designed to be that of protecting not only the natural resources of the country such as native flora and fauna, managing feral animals and invasive species in general or fire management but also the cultural assets, among which tourist facilities, on behalf of all Australians. In particular, I will look at the Gamay Rangers in Kamay (NSW), which were founded in April 2019, as they are the first discreet urban group in the Federal Government's Indigenous Ranger Program. In August 2022 they were appointed honorary NSW National Parks and Wildlife Service Rangers (NPWS): it is the

first time for an Indigenous Ranger group to work together with the National Parks and Wildlife Service as an equal partner in managing a natural area. Therefore, it is an ideal example to illustrate the political negotiations that take place between Indigenous and non-Indigenous people and institutions in a postcolonial context. I argue that even though environmental management still retains a colonial framework, within the system Indigenous people can find a space of encounter and offer an opening for political recognition through confrontation. I highlight how these encounters, which may take place in a conflictual way, can be best exploited by implementing transformative actions and practices to pave a path towards Indigenous recognition.

The nature of the relations between Indigenous people and settler colonies, which underpins contemporary Australian society, is examined in the first Chapter, which introduces the historical origins of settler colonialism in Country, from the arrival of Captain James Cook in Kamay to the First fleet that brought the first European settlers to Australia in 1770. It also investigates the impact that settler colonialism had and is still having on Indigenous populations and their relationship with the land. The negative consequences of the process of forced settlement are visible in every sphere of society, from political and economic processes to cultural ones and majorly affect Indigenous people. The second Chapter looks at the issue of land rights and the question of who owns the land, as it is crucial for environmental management, the enhancement of biodiversity and the restoration of its ecological balance. Access to land is fundamental for Indigenous people to fulfil their duty of care toward Country. Moreover, the recognition or non-recognition of Indigenous people in the political sphere and decision-making through natural resource planning and management affects Indigenous peoples' access to land, other than its enjoyment and use (Porter & Berry, 2018, p. 30). The Chapter starts with a legislative overview of the land claims made by Indigenous people to the High Court that paved the way to the *Native Title Act 1993 (Cth) (NTA)*. Some historical claims are chronologically presented, such as the *Milirrpum v. Nabalco*, also known as the Gove land rights case, the *Aboriginal Land Rights (Northern Territory) Act of 1976* that established the way in which Indigenous people could reclaim the land, and the famous *Mabo v Queensland (No 2)*, the Mabo case, that challenged the doctrine of Terra Nullius. The limits of Native

Titles are examined to underline the reproduction of fundamental inequality in Australian society. A literary overview is offered in the fourth Chapter. The texts of the Australia anthropologist Deborah Bird Rose are presented as she offers an account of Indigenous perspectives, mostly regarding their entanglement with the environment in the context of settler colonialism, through the introduction to the concepts of Country, sacred place and Dreaming. The controversy around the terminology is also displayed through the reading of Patrick Wolfe's work. Donna Haraway and her concept of situated knowledge is presented as a tool to move against scientific objectivity and understand how all knowledge originates from a positional perspective. Universality of knowledge is challenged also by the anthropologist Anna Tsing, whose work is proposed as a key to interpret the system of knowledge established by the settler colonists in Australia. It emerges how the alternative to universality is indeed situated knowledge. I briefly dwell on the differences between Indigenous people and non-Indigenous ontologies by presenting Hannah Arendt work on the loss of value of nature in Western societies and the ecofeminist Val Plumwood concept of 'hyper-separation' between human beings and other living beings. Finally, I introduce the concept of 'contact zones' identified by Mary Louise Pratt to define the spaces of encounter between Indigenous people and non-Indigenous, products of the settler colonial system that bring to light the asymmetrical colonial power relations that created them. This section allows for a better understanding of Indigenous ontology and an anthropological overview of the relationship between Indigenous people and settlers.

Chapter four presents some governmental frameworks and projects that have been developed to address disadvantages of Indigenous people, such as Closing the Gap. However, it emerges how these policies often overlook Indigenous cultural practices and perspectives and ignore requests of sovereignty, resulting in shallow and not effective actions. It presented the Implementation Plan for Closing the Gap of New South Wales, which includes an agenda to increase Indigenous land management and ownership by 2024 and improve shared management (State of New South Wales, Aboriginal Affairs NSW, 2022, p. 15). The Chapter also introduces Local Aboriginal Land Councils (LALCs), which are important Indigenous institutions created to assist Indigenous people in land claims and improve their self-determination. The La

Perouse Local Aboriginal Land Council, operating in Kamay, is presented in detail. As politically recognized bodies, they play a key mediating role between the government and the indigenous peoples they represent. Furthermore, they are invested with the role of advancing land claims. It is under its on-going support that the Gamay Rangers work. Particular attention will be given to the programs of Working on Country and Indigenous Rangers, as they seek to offer a better response to the question of the rights of Indigenous peoples to participate in decisions regarding natural resources and their use. In line with the interdisciplinary approach of the dissertation, the fifth Chapter focuses on the environmental issues of Kamay and Sydney urban space, whose heavy industrialization and consequent degradation not only affects the ecosystem services, but may have effects on the health of the population. In the chapter, the intrinsic correlation that exists between the health of the ecosystems and that of the Indigenous populations emerges in all its importance. The sixth Chapter introduces the main case study, which has as protagonist the group of Gamay Rangers. It offers a space for discussion on the opportunities to have Indigenous people caring for Country and their environmental knowledge engaged in shared management projects, especially in natural parks, the main terrain of encounter. Moreover, it is suggested that environmental shared management in these contact zones allows for an opening of opportunities that Indigenous people can exploit to gain more political recognition. The model that has been developed in Uluru for the shared management of the Uluru–Kata Tjuta National Park, in Central Australia, is taken as an example of the potentialities and limits of joint management and shows the nature of conflicts that can arise when different visions and perceptions of place and its environment collide. The seventh Chapter briefly analyses the differences between Indigenous environmental knowledge and Western scientific knowledge which are employed in resource management and that hinge on the different values characterising the intertwined socio-cultural, economic, moral relations with the land. Even though these two visions are inherently complementary, it emerges once again how settler colonialism has long devalued and dismissed Indigenous knowledge. When imposed, Western environmental management appears as just another form of colonialism. Finally, in Chapter number eight, are presented some transformative practices that can

be employed by Indigenous people in the contact zone of environmental management, such as natural parks, to enhance their inclusion in decision-making and, consequently, recognition on the political level. I assert that these practices can be identified in Gamay Rangers work, both on the physical field of action than on a more abstract level in their ability of self-representation and the way in which they carry on their own narrative on social media. Finally, I underline how Indigenous Rangers groups can improve the health of both Country and people by offering a review of the current literature on the link between well-being and participation in cultural and environmental work. The positive outcomes can be linked to the possibility of Indigenous people of caring for Country through the enhancement of decision-making in management activities. Being able to measure the benefits of the Indigenous Ranger program contributes to proving the importance of devolving funding for the program.

This dissertation adopts an interdisciplinary approach, in line with the scope of the Environmental Humanities MA degree. The sources to which I referred for the development of the thesis come from different fields of study. I made use of both humanistic and scientific papers, from economic treatises to philosophical essays, from historical documents to legislation texts and papers of ecology. I also rely on digital sources such as online newspapers, websites and Facebook pages, such as the one owned by the Gamay Rangers. It emerged how, while there is plenty of literature and sources on settle colonialism in Australia and on the historical and legislative pathway that led to the *Native Title Act 1993 (Cth)* (NTA), there is still little research on Indigenous Rangers groups and on their potentiality for political recognition of Indigenous people. This literature gap is justified by the fact that it is still a fairly recent project and has yet to fully develop its potential, mostly in the contact zone where environmental shared management takes place.

1. General History of Colonisation: James Cook and Botany Bay

“The Country is woody, low, and flat as far in as we could see, and I believe that the Soil is in general sandy. In the Wood are a variety of very beautiful birds, such as Cocatoos, Lorryquets, Parrots, etc., and crows Exactly like those we have in England. Water fowl is no less plenty about the head of the Harbour, where there is large flats of sand and Mud, on which they seek their food; the most of these were unknown to us” (Cook, 1893, p. 248)

James Cook describes in high detail his arrival on the Australian continent in his journal. The coasts that first welcomed the navigator were those of Kamay (Botany Bay) in New South Wales. His journey on the Endeavour took place from 1768 to 1771. For eight days, starting from April 29, the Endeavor anchored in Kamay. Sailors used the time to replenish supplies, gathered plants and other samples from nature, and weakly attempted to interact with the local population. During this time, James Cook concluded that the level of civilization of the natives he had encountered was too low to allow for meaningful land cession negotiations. This decision contributed to influence Indigenous people’s legal status for decades, as it implied the legal classification of Australia as Terra Nullius and all Indigenous people as subjects of the British Empire and law. Terra Nullius is a Latin word that means ‘land belonging to no one.’ It refers to a doctrine in international legal notions that has been adopted by the British government (National Library of Australia, n.d.).

In 2020 it was the 250th anniversary of the 1770 invasion of the continent and the National Museum of Australia, which is located in Canberra, held an exposition called *Endeavour Voyage: The Untold Stories of Cook and the First Australians*. From 2 June 2020 to 26 April 2021 the museum attempted to re-write the history of the ship's arrival by presenting a double narrative: the one from the sea, represented by the colonisers’ gaze, and the one from the shore. During the voyage, the botanists’ Joseph Banks and Daniel Solander did their utmost to collect samples of plants, many of which are unknown in Europe. The two botanists classified and named the plants according to the European scientific system, the Linnaean System. They never sought a dialogue with the Indigenous populations. Then, the specimens were drawn and subsequently transformed into watercolour studies by Scottish naturalist and illustrator Sydney

Parkinson (National Museum of Australia, n.d.b). The plant specimens collected at Kamay have been instrumental in shaping the all-European idea of Australia as an exotic and essentially wild place (Department of Climate Change, Energy, the Environment and Water, 2022). However, there already were Dharawal names for Kamay flora and fauna. Local Indigenous knowledge made use of a classification system and had practical knowledge of plants' harvest time, how to manage them in the local environment and their medicinal uses and purposes. At first, the British named the bay Stingray Bay, but then the name shifted to Botany Bay because of the great number of plants collected by Banks and Solander (National Museum of Australia, n.d.a).

The British were looking for a way to get rid of the convicts that were cluttering up the prisons available in Britain (Gascoigne, 2020). The idea was to insert them into the broader strategic and commercial objectives of the British Empire: a new convict settlement might have provided an opportunity to expand British power. Joseph Banks' testimony prompts the British government to evaluate Botany Bay. The botanist argued that the Botany coast would be the best site for a penal colony. The climate, he argued, was similar to the Mediterranean and would have been fertile (Gascoigne, 2020). In 1788, when the British arrived in Australia, an estimated 1500 Indigenous people lived between Broken Bay and Botany Bay (La Perouse Local Aboriginal Land Council, 2023a). The Indigenous people originally from this area identify themselves in different ways as Gweagal, Gadigal, Bidiagal, Gamayngal, Dharwal and Gadhungal. In a video released by ABC Australia (2020)¹ and made for the aforementioned National Museum of Australia's exhibition, an exponent of the Gamayngal people explains how these names depict different levels of identity and how "some refer to family, to the region where they were born and lived, the language they spoke, their connection to their spirit ancestors and the cultural status they held." The landing of James Cook on the coasts of Kamay was challenged by two Indigenous men from the Gweagal clan of the Dharawal nation standing on the beach when the longboats of Cook's men approached the shore. As soon as the boats got close enough to the shore, they started to throw spears and stones to scare Cook's men away. In response, Cook loaded a musket and fired one shot between the

¹ https://www.youtube.com/watch?v=Rwa1qct0F_w

men and then twice more. The gunfire ended up wounding one of the two Indigenous men who retreated, allowing the fleet to dock ashore (National Museum of Australia, n.d.b). In Dharawal culture, entering in contact with strangers causes spiritual consequences. It is behind this consideration that lies the reason why, from that moment on, they avoided James Cook and his crew (National Museum of Australia, n.d.b). Dharawal elders also tell of how their ancestors knew of the Endeavour's arrival as they had received letter sticks from other tribes in the south warning about "the coming of the white man" (The Sun, 1937). On the other hand, in his journals James Cook expressed the belief that the local Indigenous people did not intend to meet them. The different narratives that emerged on the first encounter underline the issue of 'mistranslation' of intentions and beliefs that existed and remain between 'white Australians' and the Indigenous people (Nugent, 2005, p. 13). In fact, meetings between strangers are methodical affairs characterised by rituals and ceremonies, such as the 'welcoming ceremony' (Tamisari, 2015). The behaviour that is shown by the two Indigenous men that confronted the Endeavour, from the practice of ignoring the strangers' arrival to the display of strength with the throwing of the spears can be interpreted along this line (Nugent, 2005, p. 13).

Numerous were the arguments pushing for a first settlement in Botany Bay. In August 1786, the Prime Minister William Pitt and his Cabinet accepted the proposal (Gillen, 1982). The First Fleet of convicts arrived in January 1788 under the command of Captain Arthur Phillip. Later on, he decided to establish an alternative site for the new colony in Sydney Cove, which was located a little farther north (Nugent, 2003). On the way to Sydney Cove, Captain Arthur Phillip encountered the French sailing expedition led by Jean-Francois de Galaup, Comte de la Perouse. In 1785, Comte de la Perouse had started a long sea voyage to explore Australasia sponsored by the French king, Louis XVI. Behind the expeditions lay the desire to show the world that also France could dominate the oceans, as inspired by Captain James Cook's Pacific voyages (State Library of NSW, 2023a). The expedition consisted of two ships and during the trip, the onboard scientists mapped the coastline and uncharted areas of the ocean. In March 1788, La Perouse ships sailed out of Botany Bay. The French expedition remained 6 weeks in Botany Bay after the British moved to Sydney Cove. They needed to refurbish the fleet for the last leg of the trip. Moreover, La Perouse

was commanded to observe the new British colony and report to the king (Nugent, 2003). It was probably the last time the ship was seen. On the way to France, traces of the fleet were lost forever (State Library of NSW, 2023a). Both the stories of La Perouse and James Cook share the same geographical and moral space. Both move from the imperial scientific curiosity from which colonialism gained momentum. Historical documents redacted by the colonists signalled the presence of at least a group of about five Indigenous families who lived on the northern headland around 1870. By 1881, the Protector of Aborigines George Thornton had become concerned for the presence of the Indigenous group. The settlers believed the presence of Aboriginal people in Sydney was growing and measures had to be taken (Nugent, 2003). The suggested solution was to remove them from the urban areas. Consequently, he organised a “census of Aborigines and recommended that those living in Sydney should be sent back to their own districts” (Rutledge, 1976). The Indigenous settlement at La Perouse, on the outskirts of Sydney was allowed to stay. Subsequently, it became the destination for the relocation of the Indigenous people present in the urban area. The settlement grew with time becoming a permanent, visible and political feature of the territory (Nugent, 2003). It currently shares the space with the memory of the La Perouse expedition and the colonialist memory.

For as long as 52 years, the colony continued to receive shipments of criminals arriving from overseas. They provided a free labour force, which was exploited in the implementation of the British colonial project in Australia both by the government and by private settlers. Most of the convicts, once atoned for a sentence, decided to remain to work, while others acquired land to establish their own businesses. With the passing of time, the British Government encouraged migrants to go to Australia as free men and women. By the 1820s, the area of Sydney became characterised by the presence of a thriving pastoral industry dedicated to the production of meat and wool. The industrial area became an important attraction for migration. Soon enough, Sydney had become an important metropolis. It was the centre of both the settlers’ government and main port of the colony (Encyclopedia Britannica, 2023). In the 19th century, Sydneysiders called La Perouse as ‘home of the aborigines’ (Nugent, 2003). It became a representative site for Indigenous people as it witnesses the continual

relation between the local community and the land, in spite of the discontinuity brought about by the British colonisation.

1.1 Settler Colonialism in Australia

Settler colonialism is more generally confused with colonialism. Although they are two different phenomena, the historian Lorenzo Veracini (2013) suggests that colonialism and settler colonialism can be fully understood only in their dialectical relationship. According to Veracini (2010, p. 3) the word 'colony' can be conceived in its political nature, therefore, as a political body, a "localised ascendancy of an external element." Veracini (2014) uses an effective multispecies metaphor, viruses and bacterias, to reflect on the difference between the two terminologies and phenomena. Viruses and bacteria are in fact external living entities that tend to gain control over the destination prey. It is a type of symbiotic species interaction called parasitism, similar in a way to predation, in which the parasite remains closely associated with the prey and rarely kills the host (Britannica, T. Editors of Encyclopaedia, 2022). The difference between the two stands in the way in which viruses attack living cells, while bacterias do not need to rely on the organisms they get attached to. In a parallel and analogous manner, the colonial system differs from settler colonialism as it is based on the presence and the subsequent dominion over a local population, and their exploitation as the main premise. Although both are based on exogenous domination, the difference lies in the settlers' inherent willingness to replace the original population of the colonised territory with a new society of settlers (LeFevre, 2015). The success of colonisation relies on access to a certain territory. Settler colonialism can be inherently defined as "permanent residency and sovereign entitlement" (Veracini, 2010, p. 20). Another core difference between colonisation and settler colonisation is the perception of the land of destination. If a colonialist country aims at expanding its political control over other territories to exploit their resources, while still keeping the two societies separated, settler colonialism entails an immersion in the conquered territory and an exercise of political power from within (Ivi, p. 6). Settler colonial phenomena are linked to colonialism but also to migration, as both migrants and settlers end up staying for good in the new arrival country. However, settlers are

products of conquest and imperialist stands, as they carry with them their political regime and power (Ibid., p. 3). As it happened in Australia, there has been a first flow of settlers and subsequent flows of migrants that were included in the settler colonial system.

At the base of a settler colony there is the slow removal or assimilation of native societies: as the historian Patrick Wolfe (1999, p. 2) makes explicit in his writings, invasions are “a structure not an event.” The aim is not the mere exploitation of the local workforce but its replacement. Colonisation projects are driven by the insatiable need to satiate the unbridled consumerism of the West. The demand for products leads to the expansion of industries. The expansion of primary and secondary sectors necessarily results in the search for new territories and spaces, even at the cost of going beyond national borders. In Australia, the colonised land had an important economic use. In particular, the land was exploited for pastoral settlement from which the industry later developed. Thus, an exclusive use of the land was a fundamental requirement. The local fauna and flora was, therefore, gradually eliminated by the introduction of new species, such as cattles and sheeps, that entered in direct conflict with the local species for resources (Wolfe, 1999, p. 27). After the first and fast phase of colonisation, characterised by direct violence on Indigenous people, from homicides to the deadly consequences of the introduction of new diseases, it followed a phase of slow violence in which the elimination of the Indigenous people went hand in hand with the appropriation and disruption of their vital resources (Wolfe, 1999, p. 29). Native labour was exploited and subordinated to the economical imperial dream. From 1880 to 1936 there was a period of policies that promoted either segregation or protection. Settler colonists believed that Indigenous peoples were in danger of extinction, and as such, in need of protection, in line with Darwinian evolutionary paradigm (Tamisari, 2006, p. 256). The assimilation policies followed shortly after, they were approved at the federal level in 1937 and lasted till 1971. Wolfe calls it the third strategy of settler colonisation. Assimilation, in its various forms, is a process through which a certain social group conforms to the dominant culture, aimed at integrating Indigenous people into Anglo-Australian society through education (Ibid.). At the end of the 19th century, the policy of assimilation envisaged the expulsion of the children of both Indigenous people and colonisers from Indigenous reserves, liminal spaces of

social and cultural isolation. In the 20th century, the official policy changed and called for their forced incorporation in settlers' society through their removal from the community of origin. They are known as the Stolen Generation, the generation of Aboriginal and Torres Strait Islander people who were coercively taken away from their families at a very young age to be relocated in white families or orphanages, so that they could be integrated into white society. Social conformity and uniformity are the basis of the assimilation projects as they are considered to be of vital importance in nation building (Haebich, 2015). In 1972, there was a shift in government which saw the Labour party replacing the Conservative one, which had ruled for over thirty years. The new prime minister of the Labour party, Gough Whitlam, initiated the policy of self-determination. This policy aims at recognizing, at least on paper, the right of Indigenous people to be consulted on all decisions made by the government regarding their community (Tamisari, 2006, p. 257).

Settler colonialism is based on the need to create social collectives and unity and project it toward the future. Therefore, it becomes necessary to cleanse historical wrongs. In the Australian case, it felt necessary to obliterate the original memoir of invasion, of dispossession of Indigenous people from their land and violence. Settler colonisation is marked by what Wolfe calls 'selective amnesia' of which historical oblivion becomes a structural feature (Veracini, 2007). The lack of an historical past goes hand in hand with the need of rewriting history and building a mythological origin that links the settlers to the land creating 'belonging' and, at the same time, legitimation (Ibid.). The way in which the narratives of the past are told become crucial elements in the building of collective identities, especially national identities. Those in power are aware of the importance of controlling the transmission of collective memory. However, settler colonial stories and memories of the past are products of what Marco Armiero (2021, p. 18) defines as "wasted relationships." According to Armiero, waste not only characterises the Anthropocene with its materiality, from carbon emissions to microplastics, but it also defines socio-ecological relations that are consequences of the production and reproduction of inequalities between and within societies. Inequalities create "wasted people and wasted places" (Ibid., p. 9). Waste, as intended by Armiero, is strictly linked to the practice of 'othering' and is considered as a social process through which injustices of class, race and

gender become an integral part of the socio-ecological fabric. When stories are considered to be not worth being remembered they become waste. History oblivion is a matter of erasing “what does not fit the mainstream narrative” (Ibid., p. 19). Another method is that of domesticating the memory of an historical event by modifying it and creating a purified version of it. When talking about the creation of toxin narratives, Armiero illustrates some deceptions that are usually put in action. First, there is the concealment of historical events from society's collective memory, followed by the naturalisation of injustice. Another important element is the dismissal of different points of view and knowledge, such as those of Indigenous people. Finally, there is the transfer of all the responsibility and blame onto the victims (Ibid.). All these elements can be traced in the historical trajectory of settler colonialism in Australia. The memories of Indigenous peoples have always been easily dismissed and their social conditions have been deemed to be the result of their own actions and dispositions. Moreover, settler colonisation is characterised by what Strakosch (2018, p.114) defines as “historical continuity.” Structural transformations of settler colonies are difficult to be carried out and the conflict is both historical and contemporary as its consequences have been dragged to our days. Contemporary settler colonial studies allow for an analysis of the state of reconciliation processes within Australian society (Ibid.). Settler colonialism has had an impact on Indigenous populations and their relationship with the land, but also on the societies that were born from the process of forced settlement. The consequences of this system are still visible today, and are present in every sphere of society, from political and economic processes to cultural ones. The next paragraph looks at the possibilities of decolonisation in settled colonial societies.

Even though settle colonial societies are defiant to decolonisation, Veracini identifies three approaches to the decolonization of settlers, which often overlaps. Firstly, he mentions the evacuation of the settlers, which is rarely feasible, followed by various processes of reconciliation with the Indigenous people, and, finally, the explicit refusal of the possibility of reforming the system. By definition, decolonization implies a certain degree of reestablishment of Indigenous political sovereignty (Veracini, 2010, p. 115). To interrupt colonial practices it is necessary to build a narrative of reconciliation, which was launched in Australia in the '70s and '80s. In 1991, the Commonwealth Parliament

established the Council for Aboriginal Reconciliation under the *Council for Aboriginal Reconciliation Act 1991* that designed a 10 years reconciliation process (Short, 2003). The text underlined the commitment of the Commonwealth to reduce the economic and social disadvantage of the Indigenous people by recognizing the historical causes. On 13 February 2008, there was an attempt to apologise for past wrongs. The Prime Minister of the time, Kevin Rudd, made a formal apology to Aboriginal and Torres Strait Islander peoples with special mention to the Stolen Generation. However, taking responsibility for past mistakes does not necessarily equal commitment for a post-settler future (Veracini, 2010, p. 115).

1.2 Political Implications of Settler Colonialism: a Matter of Race

In Australia, settler colonialism and its continuity in contemporary society renders race relations complex. Nowadays, those with British heritage, followed by late migrants from Europe, East and South-East Asia or South America (Habibis et al., 2016), form the dominant social group in Australia. When Indigenous structures started to be incorporated into settler colonial policies, through the dispossession of land, the removal of Indigenous presence from the occupied terrains, Indigenous sovereignty started to fade and disappear (Haebich, 2015). In 1770, when James Cook landed at Botany Bay, he concluded that the level of civilization of the natives he had encountered was too low to allow for meaningful land cession negotiations. This decision influenced Indigenous people's legal status for decades, as it implied the legal classification of Australia as Terra Nullius and all Indigenous people as subjects of the British Empire and law. Terra Nullius is a Latin word that means 'land belonging to no one.' It refers to a doctrine in international legal notions that has been adopted by the British government. After the settlement of the British in Australia, the Crown automatically became the owner of all land within the colony. It implied that the Crown assumed a completely beneficent right to the land. Under colonial rule, according to this principle Indigenous people were deemed to have no property rights in their own land. Later on in Australia's history, one of the reasons that used to be advanced by the Court in terms of land acquisition was the lack of an established and pre-existing legal system as

understood by the British (Behrendt et al., 2009). Although the term may have not been in use during colonial times, the idea that a State could occupy and annex a supposedly inhabited land or a territory not already under political sovereignty was rooted in colonial practices (D. Meyers et al., 1993). Indigenous Australians lived in distinct communities across the country. However, at the basis of the legal principle, there was not a lack of recognition of the existence of Indigenous peoples, but the belief that they were nomadic, hunter-gatherers with no system of law, social organisation or property rights. Thus, the colonists felt entitled to invade the continent without the need for compensation or treaties (Ibid.). At the time of Australian unification of the colonies, the possibility of a federal Australia meant a white Australia. On 1 January 1901, Australia became a federation. The Commonwealth of Australia was established and the Federal Constitution soon came into effect with the status of an autonomous nation within the British Empire. The term 'aboriginal native' emerged in the early years of the new Commonwealth as central to the discourse on citizenship. All those who fell into this category were subject to a restrictive non-citizenship regime. They were denied, among other things, the right to vote in federal elections - determined by Federation by the Commonwealth Franchise Act 1902 (Cth) - and other basic civil rights such as maternity or pension benefits. People considered to be of mixed ethnicity were given the derogatory term of 'half-cast.' Within the policies of assimilation, they enjoyed the rights of federal citizenship (Chesterman & Galligan, 1997). The Commonwealth Constitution also excluded Indigenous peoples from the census policy. They were counted for the first time in 1971.

During settler colonialism in Australia, land was acquired according to the principle of Terra Nullius and following English and international law. In the first part of a collective work on Indigenous legal relations in Australia carried out in 2009 by a team Indigenous and non-Indigenous authors provides an account of the laws applied by settler colonists in Australia. The first chapter is dedicated to the matter of land dispossession and it is stated how the application of law was complex in Australia. For the first 40 years of colonisation, matters concerning Indigenous peoples were handled by a mix of 'customary' law, that is, unwritten norms that are based on behavioural patterns, and English law (Behrendt et al., 2009). However, all these laws were applied in an arbitrary way

to Indigenous people. Most of the time, land acquisition was carried out through the use of force, making it difficult to believe that settler colonists were completely unaware of the possibility that an understanding of the concept of land tenure existed among Indigenous peoples. Between 1788 and 1827, when faced with violence between settlers and Indigenous people, the Court never challenged the justification of self-defense carried out by the settlers, which was usually supported by apparent lack of evidence, as Indigenous people were given little credit (Ibid.). Undoubtedly, opportunism and racism are the basis of the policies carried out during the colonisation of Australia against Indigenous peoples. The legislation enacted by the new Australian parliament was based on racially discriminatory policies. For example, already in 1901 an *Immigration Restriction Act (Cth)* was enacted to impede immigration towards Australia from any non-European citizen (Chesterman & Galligan, 1997). In the first period, between 1901 to 1920, the Commonwealth restricted citizenship to 'white' Europeans, while those born on Australian soil were granted the title of native, with exception for Aboriginal Australians. Moreover, for decades, the question of Aboriginality was conceived as a matter of 'blood' instead of one regarding identity. By the end of World War II, Indigenous people still had to see the improvement of their legal status in Australia. In 1948, with the *Nationality and Citizenship Act*, Australian citizenship was established, also Indigenous people were contemplated in the law. However, once again, it did not affect the rights and duties of the Indigenous, as no changes were made to the existing legislation regulating their existence (Ibid.). International pressure became the main push for a change in Indigenous people's policies. Consequently, Indigenous people obtained the possibility to vote in federal elections in 1962 with the *Commonwealth Electoral Act 1962*. In 1966, they were included in social security laws. However, social forms of exclusion were still in effect, most of all in the countryside through what Chesterman and Galligan (1998, p. 179) define as "petty apartheid." It was necessary to wait until 1967 to eliminate the negative and excluding clauses from the Constitution. That year, a federal referendum was held and for the occasion, more than 80 percent of the population voted in favour of the modification. From that moment on, the responsibility of Indigenous people's well-being went to the Commonwealth. Although the referendum deleted the discriminatory provision from the Constitution, the social

status of Indigenous people did not in fact change. The provision was not replaced by any other indication on Indigenous people's rights (Williams, 2000). From the referendum onwards, the matter of land rights became central on the discourses around Indigenous people.

According to the latest Census, which was carried out in June 2021, New South Wales presents the largest Indigenous population (339,500 people), although the Northern Territory has the highest proportion of Indigenous people compared to the total size of the population, due to the history and geographical characteristics of settler colonialism (Australian Bureau of Statistics, 2021). For this reason, in New South Wales, there were fewer legislations directed to Indigenous people. The first one was the *Liquor Act 1898 (NSW)* which aimed at forbidding 'aboriginal natives' to be served with alcohol, while the *Aborigines Protection Act 1909 (NSW)* was the first protection legislation of the State, and it was enacted to control Indigenous people's lives, from their employment to their residency and other aspects. In 1883, it had in fact established a Board for the Protection of Aborigines and whose goal was, for example, the relegation of Indigenous people in reserves. In 1915, the power of the Board increased, a reform to the *Aborigines Protection Act 1909* allowed for the removal of Indigenous children from their families for the policy of assimilation already mentioned before which created the Stolen Generation (National Museum of Australia, 2022). It had deep consequences in New South Wales society and Australian society at large. This forced removal from their community and family meant a detachment from the land and, therefore, it became difficult for them to demonstrate their right to native title. This topic will be further explored in the next chapters. Legislation in New South Wales had full power on Indigenous people's freedom and the assimilation logic was soon extended to all Indigenous individuals.

2. Who Owns The Land?

The question of who owns the land is crucial for better management of natural resources but is also legally complex, as it is a legacy of colonial relations. The term 'land right' has not always been of common use, although from the 70' and 80' started to signify "seen as a promise of better things to come" (Palmer, 2018, p. 14). Land rights and the related lawmaking processes have been and still are one of the most complex challenges facing the Australian legal system. The recognition of Indigenous rights to land is a discourse that initially started in the Northern Territory. The claim has its origin in the unsuccessful attempt to obtain recognition of land rights on the Gove peninsula in 1971. *Milirrpum v. Nabalco*, also known as the Gove land rights case, which saw Indigenous Yolngu groups taking to Court a mining company claiming possession over land in Arnhem land. Land reclamations were denied by the Supreme Court of the State as the judge did not recognise the Indigenous system of law and right to the land (Chesterman & Galligan, 1997). The land was sold as a fee simple title, that is, property over land under common law and without a time limit. Other lands could be handed over after a land claim if requirements were met. The main thrust behind these legislations was a general awareness of the need for justice and the willingness of righting the mistakes of the past. However, there was no recognition of prior Indigenous laws and rights nor an understanding of their survival despite colonisation and the imposition of British rule.

An important step towards land claims in the Northern Territory was the *Aboriginal Land Rights (Northern Territory) Act of 1976*. It was the first law made by an Australian government to legally recognize the Indigenous land tenure system. It established the ways in which Indigenous people could reclaim the land. However, Indigenous rights to land at national level were recognised only in 1993 with the *Native Title Act 1993 (Cth)*. The recognition by the High Court of land rights in the famous Mabo case in the 1980s is considered the genesis of the Native Title reclamation. In 1982, Eddie Mabo and a group of Indigenous people from Murray Islands, which is an island off the coast of Queensland in Torres Strait, filed a lawsuit to the Australian High Court. Historically speaking, Murray Islands were annexed to the colony of Queensland in 1879. Islanders wanted to defend their legal right over the land, a title that was still valid according

to their customs and laws. Murray Islanders have a historic tribal law called the law of Malo, whose name comes from the god Malo. Malo is believed to have lived in their community many years ago. Therefore, when the colonists arrived, a traditional system of rules governing the use of the land already existed. Evidence of the survival of Meriam customs and Malo laws resides in the records of the court of justice established in 1898 by the state of Queensland. The real point of the argument, according to the High Court, was not whether Eddie Mabo's claims to specific parcels of land were valid, but whether Australia had been colonised by Britain on the Terra Nullius basis and if the Indigenous system was still valid. The presentation of the report by an anthropologist, A.C. Haddon, was of decisive importance in the decision-making of the court: he noticed that Queensland's annexation had not impacted the islanders' traditional notion of ownership (Kloth, 1994). The Court ended up rejecting the Terra Nullius claim and recognised how it had deprived Indigenous people of any form of legal recognition. They confirmed the existence of Indigenous laws and customs while recognizing and incorporating the different characteristics and nuances existing among Indigenous communities into the concept of land ownership (Pain & Pick, 2020). The naive assumption that Indigenous people were mere nomadic hunters and gatherers incapable of any civilisation, as intended by Western society, was therefore dismantled. As a consequence of the Mabo trial, the doctrine of Terra Nullius was replaced with the native title which acknowledges the existence of a pre-existing Aboriginal land right (Kloth, 1994). The decision was then extended to all of Australia and it started a chain of events that opened up the possibility of a reconciliation between Indigenous people and non-Indigenous people. Subsequently, the Court decided that Native Title should also be established on the mainland. Unfortunately, Eddie Mabo died just six months before the Court's historic decision. In 1993, the United Nations established the International Year of the World's Indigenous People, while the Australian Government introduced national legislation on Native Titles, that is, the *Native Title Act 1993 (Cth)*, which was passed by the High Court of Australia. A specialised tribunal was established to settle Indigenous land claims across Australia (Commonwealth of Australia, 2017b). Under this Act, the rights and interests of Aboriginal and Torres Strait Islander people are recognized both on land and on the water according to their traditional laws and customs. The Act

establishes the process required to claim and recognize Native Title lands and waters in Australia. The features and extent of Native Titles are set according to the laws and customs of the Indigenous peoples (Patton, 1996). Many Indigenous people have to date back to 1788 their continuous attachment to the land as the colonisation of mainland Australia took place way before that of Murray islanders. However, there was a lot of confusion on the limits of the Native Title, the judges of the High Court themselves debated whether constituted a “proprietary right conveying exclusive ownership of land or whether it merely had to be regarded as a personal, usufructuary right” (Kloth, 1994, p. 331). Moreover, immediately after the Mabo case and the recognition of the land right by the Indigenous people, some expressed doubts and fears about the consequences that this decision would have on society (Palmer, 2018). Many feared a sudden and generalised land claim, from families who had built their homes on a specific plot of land to companies, but also miners, developers and pastoralists feared that the decision could jeopardise their plans for development in the name of neoliberal progress. Essentially, the Native Title Act was “an act of necessity” (Ivi, p. 16), which was handed down to the government by the Mabo decision. Other States followed the lead. For example, in 1983, the New South Wales Government passed a law called *Aboriginal Land Rights Act* (Ibid.). Under this Act, Aboriginal Land Councils were established. The Act recognises Indigenous ownership of the land and the importance of Country. Land Councils were entitled to claim back the land for Indigenous communities as “compensation for historic dispossession” (State of New South Wales, Aboriginal Affairs NSW, 2020b). The role of Land Councils is important for the development of Indigenous rights and will be detailed in the next chapters with the introduction of the case study.

2.1 Native Title

Native Title rights are a collection of rights such as camping, hunting, using water sources, holding meetings, performing ceremonies or protecting material heritage. The preamble to the Native Title Act refers to the United Nations text on human rights, a text that Australia has ratified. It is made explicit that the law is based on acceptance of obligations to protect the rights of all its citizens and in particular its indigenous peoples. Therefore, the “recognition and regulation of

native title in Australia is rooted in international law” (Marks, 2006). Native Titles recognise the activities but not the laws themselves. In the majority of cases, it co-exists with non-Indigenous property rights, which means that is a non-exclusive kind of possession. In these cases, Indigenous people might have the right to access a certain land to hunt or camp, but not the right to control the access to and external use of it. Exclusive possession of Native Title rights also exists and they are considered freehold titles. Native Titles can only be extinguished or ceased to the Crown. Native Title regulation falls under the category of “anti-discrimination legislation rather than land law” (Kloth, 1994, p. 335). State jurisdiction is thus avoided. According to the Act, in the case of conflict between Native Title and past grants, the latter will prevail until expiration. After that, Native Title will gain rule once again. Following the Native Title Act, Indigenous land title holders can request compensation from the government when their title is extinguished through "validation of a past grant" (Ibid., p. 341) or by claiming other kinds of non-monetary compensation.

In 2012/2013, a group of Torres Strait Islanders applied to the Australian Federal Court to have their property rights and Indigenous interests recognized in an important part of the Torres Strait maritime area, including the right to fish for trade. They were opposed both by the Queensland government and the Commonwealth which argued that Native Titles were subordinate not only to their Statute but also to fishing regulations that had been put in place since the 1850s. According to their claim, these regulations had caused the abrogation of some of the Native Title rights, most specifically the right to fish for trade. On the other hand, the Indigenous contested that fishing licensing solely regulated commercial fishing, but it did not prohibit it. Therefore, they had indeed established their Native Title. The case is known as *Akiba on behalf of the Torres Strait Regional Seas Claim Group v Commonwealth of Australia*. On this occasion, the High Court made a historical claim by sentencing that native title claim groups had the right to take and make use of natural resources in Native Title areas for any purpose (*Akiba v Commonwealth*, 2013). According to the verdict, Native Title holders could continue to sell and trade fish as they had done under their traditional laws. It was the first ruling to recognize that Native Title rights included commercial rights. However, native property rights have some restrictions. According to Australian law, they cannot be claimed concerning

minerals, gas or oil. In sea areas, they can only be non-exclusive. Exclusive native title is considered to conflict with other common law rights relating to maritime access and navigation and it does not extend to ownership to commercial use of water (The State of Queensland, 2020). Under current law, to make commercial use of water resources, Native Title holders must apply for a specific permit through existing State and Territory water management regimes. On the National Native Title Tribunal website, it is noted that Aboriginal and Torres Strait Islander people can apply for recognition of their Native Title rights under the *Native Title Act 1993 (Cth)*. They need to fill out an application form, more specifically a claimant application, in the Federal Court (Commonwealth of Australia, 2017a). However, in 1996, a Conservative government was elected which made changes to the legislation. Since 1997, the Federal Government at the time led by the Liberal Party developed and applied some amendments to the Native Title Act. The result was the introduction of limits on the property rights of the natives and many processes available to the holders of property titles to negotiate the uses of their land were interrupted. In 1998, the Native Title Act was amended. As a result, it became more difficult to file native title claims and reduced rights in land-use negotiations (Marks, 2006). The Committee on the Elimination of Racial Discrimination (CERD) together with the international community has become alarmed and requested further information on changes to land rights.

An example of the consequences of these changes in the legislation can be witnessed in fishing regulations. These laws are generally made by each State and aim at protecting native fish stocks from unsustainable fishing. Australia relies a lot on its marine resources and unique marine biodiversity and, for example, Indigenous communities living along the NSW coast base their culture and economy on the continued fishing of native species, which are supposedly recognised in NSW legislation. With the recognition of Native Title and the passage of the *Native Title Act 1993*, the display of proof regarding fishing practices based on Native Title should provide a defence to the prosecutions under the legislation. However, the enforcement of the *Fisheries Management Act 1994 (NSW)* is considered by Indigenous communities in NSW to unjustly target cultural fishers (Pain & Pick, 2020). Many NSW Indigenous people feel that the legislation and regulations governing current fisheries and environmental

management do not sufficiently take into account the uniqueness of Indigenous fishing activities. There have been numerous reports of unfair attacks and harassment of Indigenous fishermen by law enforcement. Also, there has been a continued lack of understanding of the Native Title rights and generally a long-term decrease in local fish stocks due to overfishing (Ibid.). An important part of the cultural practice of the Kamay community, which lives in Botany Bay, as well as that of other groups that reside around the coast of New South Wales, is the annual mullet run hunt. The fishes begin to travel across the bay in early spring and their hunt is significant for the community at a spiritual, social and economic level. It is a traditional hunting method that has been able to sustain many families and has been practised for hundreds of years (Skovranova, n.d.). Due to NSW fishing legislation for the management of fish stocks, the Indigenous fishermen of Kamay have also lost the ability to hunt as commercial fishing licences became extremely expensive for them to purchase. As a result, many of them found themselves forced to work on non-indigenous commercial fishing fleets and had to abandon traditional fishing. After years of press for political actions against the NSW Government, Kamay fishermen have now regained the right to practise cultural net fishing again by obtaining a restrictive fishing licence. During the annual mullet run that took place in April 2020, during Sydney's lockdown, local fishermen provided 300 meals to people in need (Ibid.). Skills and practice are needed to practise cultural net fishing. The entire community is involved: the elders are in charge of spotting the fish from the clifftop, while the younger ones gain traditional knowledge by observing the fishermen and their traditional hunting methods. Fishermen row a small dinghy into the bay filled with heavy nets that are placed in the water. Time and patience are key factors in Indigenous fishing practices (Ibid.).

2.2 The limits of Native Title and Some Examples

Unfortunately, for many mainland Indigenous people, it is much more difficult to provide proof of their steady attachment to the land as they have been forcibly removed from their Countries due to the colonial conquest. Moreover, they might not be able to provide a written testimony of their laws as it is traditionally orally transmitted. This back-dating of the evidence has many anthropologists

involved. They have to recover past systems and social formations. They have to go through archival research by reading diaries and journals of early explorers, anthropologists and European settlers (Palmer, 2018). It is important to note that Land Law is a state issue as they are holders of the title, while relations of race are the rule of the Commonwealth (Kloth, 1994). Therefore, the concept stands at the border between common law and the systems of customary law. In a few simplified words, the common law provides the basis for the defence of Indigenous property rights. However, the contrasts between Indigenous law and custom and European law, that is, the colonist law, is just partially recognised (Patton, 1996). Unfortunately, the many bureaucratic interventions that characterise the Native Title Act have divisive potential. The Act is 500 pages long within which are enlisted a whole range of procedures for the recognition of Native Title and its management, among which

“issues of extinguishment, proposals to undertake work or development on land subject to claim (known as ‘future acts’), agreements, compensation, corporate bodies that would administer native title if recognised, representative bodies that would progress applications for recognition of native title and the role of the Federal Court” (Palmer, 2018, p. 17)

A National Native Title Tribunal (NNTT) was created to facilitate the process. However, nowadays its role has been eroded and its functions have been taken up by the Federal Court. The belief that Native Title recognition could be “accomplished through consensus and mediation” (Ibid.) has faded away, replaced by trials and litigations. According to the legislation, only rights about land and water can be considered of appeal for native property rights. Hunting, gathering or fishing activities are also included, while the Indigenous criteria and systems of property rights are not considered, contrary to what happens in the aforementioned *Aboriginal Land Rights Act* of the Northern Territories.

Indigenous people who want to appeal to the law have to prove before the court or the NNTT the existence of a continuous system of laws or customs. They have to demonstrate that the laws and customs of their community had remained substantially intact since sovereignty. Moreover, Native title had only survived on Crown Land, that is, the land that had not been “granted by the state for a particular purpose” (Ibid., p. 21) as was the case for freehold held land. Australians’ houses were safe from land claims. Native Title also co-existed on pastoral properties and reserves. The prior connection to the land is often difficult

to demonstrate, especially where there has been strong urbanisation or invasive agricultural development. In both cases, as already mentioned, there would still be no conditions for regaining the Native Title as it is land granted by the Crown for a specific use. Nowadays, there has been the tentative to allow as proof of the presence of continuous cultural traditions as Indigenous knowledge takes time to build up and collocates culture back in history. Data is required to support and prove the persistence of contemporary observance of the laws and customs, among which the exercise of rights, the granting of permission to enter Country, the concept of trespassing and the exercise of duty and care toward Country (Ibid.). Indigenous Land Use Agreements (ILUAs) are the voluntary agreements between Indigenous people and their counterparts regarding the management and use of land and waters wherever there have been native title's claims or those have already been recognised (Commonwealth of Australia, 2017c). They are contracts, and as such, they might be convoluted or difficult to understand but they entail real-life consequences. Moreover, in some jurisdictions, it is not required for a mining company to interface with Indigenous communities if Native Title has not been determined for that area (Korff, 2021). Even in that case, there is no certainty that the mining activity would not take place. An important example is the contested case of Adani's Carmichael coal mine. The group is one of the most important private coal companies in India. In 2010, the company announced the Carmichael coal mine project. They wanted to build the biggest coal mining operation in Australia's history in Queensland, more specifically in the lands of the Wangan and Jagalingou people. Both the Queensland State and the Australian Commonwealth Governments approved the project. However, since the first announcements, there has been strong public discontent and mobilisation against it. The coal mine is thought to damage the wetlands of Doongmabulla Springs by extracting billions of litres of water every year. As a consequence, it will drive a lot of species on the verge of extinction and threaten the survival of the Great Barrier Reef as the coal will be moved via ship (#StopAdani, n.d.). In the Adani case, the National Native Title Tribunal allowed the mining company to go ahead with the scouting regardless of the traditional owner's consent, providing that there would be no termination of their native title (Carey, 2019). In the nine years that the Stop Adani campaign has been going on, the mine has received support from all levels of government without

hesitation. The appeals in court by the minority group of five Wangan and Jagalingouto invalidate the Indigenous land-use agreement (ILUA) approved by some native title applicants was rejected. The judges dismissed the claims that the agreement “did not meet the legal requirements of the Native Title Act” (Smee, 2019). This highlights another issue concerning Native Title claims: disagreements and clashes between and within Indigenous groups.

Over time it became apparent that the Native Title Act was not helping nor simplifying the recovery of land rights for Australia's Indigenous minority. Central to the proof of Native Title is the law's ability to acknowledge the indigenous law system. However, the Act had set a high bar for Indigenous people that wanted to prove that their land rights had not been extinguished (Palmer, 2018). States, territories and representatives of both mining interests and primary industries have always been against the legislation. Nowadays, they have become more accepting as the Act was gradually bent to accommodate their concerns and profits. For those appealing the Act, the way that carries the least risk of failure is obtained through compromises, which often involve the loss of the rights themselves (Ibid.).

Despite the wind of change that followed the Mabo case regarding Indigenous land property recognition, the hierarchy of cultures and powers as established during colonial times, which sees the British culture and knowledge prevailing, is still pervasive. The Mabo case must be seen as an important legal happening that mirrors a wider push for change that is taking place within Australian society. Although equality before the law of Native Title and therefore of Indigenous land ownership was established after the case, the awareness of the permanence of fundamental inequality in Australian society remains (Patton, 1996).

3. Land, Country and People: A Literature Review

Lands are an integral part of Indigenous identity. Discourses around land and the concept of Country are deeply examined in the works of Deborah Debby Rose (Rose, 1996, p. 7). The Australian anthropologist had dedicated her life to the ethnographic study and understanding of Indigenous ontologies in Australia, mostly regarding their entanglement with the environment in the context of settler colonialism. Rose is among the founders and one of the most significant scholars of the emerging discipline of Environmental Humanities. Her research method, which combines different disciplines, and the use of a multispecies and decolonial perspective, is particularly useful for the purpose of this thesis, which itself tries to make use of an interdisciplinary approach. In her work *Nourishing terrains: Australian Aboriginal views of landscape and wilderness* (1996) she offers an account of Indigenous perspectives. It also relates the outcomes of her field research on the spiritual and emotional significance that land has for Indigenous people. Rose (Ibid., p. 10) underlines the difference between 'land' and 'landscape' from an Indigenous point of view. With the use of the term landscape, Indigenous communities indicate a distance between the person or the community and the place considered, which is the opposite meaning they give to land as Country. Country is a living entity and, as such, it has a past, a present and a future. Although it is embodied in the present, its spirituality crosses the temporal dimension. Country has its own conscience and Indigenous people relate to it as they would to a person. Country is also 'multi-dimensional' as it encompasses people, animals, plants, and Dreamings (Ibid., 8). There are numerous Countries and each one borders other Countries and they are all connected. The term 'law' can be referred both to rules of social behaviour and modes that determine access to Country and permissions to do so. Country is sentient and relational, it is the framework of life itself while, at the same time, it is shaped by the people living in it (Rose, 2013, p. 10). Each Country has its own people, laws and customs, origins, and dangerous and sacred places. Indigenous relations with land connect people to the ecosystems in a horizontal rather than a vertical relationship characterised by one-sided dominance. From her work emerges how Indigenous land management know-how is complex and relies on a deep environmental knowledge. It is not

separated from physiological, symbolic, religious, social and political relations with land and is one of the highest and most profound purposes in Indigenous people's lives (Rose, 1996). Indigenous people share with Country a relationship of mutual 'care' and their land management practices have helped thriving productivity and biodiversity. They have a clear understanding and perception of their role in the ecosystem and how everything is connected. Self-interest cannot exist independently of another human being or other-than-human being's interest, especially in the long term. Therefore, borrowing Rose's words, it appears clear that among Indigenous people there is awareness of how "those who destroy their country ultimately destroy themselves" (Rose, 1996, p. 10). The existence of Country is due to the presence of the beings who inhabit it and participate in its life, Country prospers through "tangled relationships" (Rose, 2013, p. 100). It is a system of connectivities and, as such, there is no outside of it. The existing connection between human beings and other-than-human beings is also extended to Country. This connection, which is sustained by various rules and expressed by symbolic schemes, goes under the system of belief known as 'totemism'² in which humans have a strong connection with other beings, a multispecies kind of kinship.

Rose (1996) also explores the concept of a 'sacred place' for the Indigenous people, which is characterised by a long and troubled history. The category of 'sacred' and its meaning may have different nuances as it is a construct of the culture that makes use of the term. Sacred sites tend to be specific places within the landscape that hold special significance in Indigenous tradition. They derive their status from the connection that Indigenous people make between the site and particular aspects of their social and cultural tradition (Northern Territory Government of Australia, 2018). For example, they may mark a particular moment of creation in Indigenous mythology, in Dreaming. Sacred sites may include "burial grounds, sites where particular ceremonies are or were held, where sacred objects are or were stored and hidden rock art sites" (Central Land

² Totemism is a notion that has been highly discussed in anthropology, from Malinowski to Durkheim. Lévi- Strauss asserted how totemism is "an intellectual moment in a broader classification system" and cannot be reduced to rigid dichotomies that, instead, characterise the Western line of thought (Tamisari, 2022, p. 100).

Council, 2021). They are often considered powerful places and the violation of their sanctity is deemed dangerous not only for those who break the law but also for the Indigenous communities who fill the role of guardians of the site (Ibid.). Protecting sacred places is a crucial task as it helps maintain the culture and connection to the land and Indigenous identity. Moreover, taking care of a sacred site means protecting the environment that constitutes it “to ensure its physical safety and so its spiritual integrity” (Palmer, 2018, p. 237). The kinship kind of relationship that characterises Indigenous lives requires taking responsibility for the relationship with other species (Rose, 1996, p. 28). As happens in any relationship among kins, there will be duties of nurturance. If the totemic relationship also involves the land, it means that the well-being of people will be linked to the well-being of the land. Therefore, it will be necessary to foster care and responsibility towards it. When the Country is taken care of and it is well, those who live in it are most likely to be well too. As a consequence, people would get a feeling of order and fulfilment (Rose, 1996, p. 28). In Chapter 6.2 the implications of the different perceptions of sacredness between Indigenous people and non-Indigenous emerge from the Uluru story, where power disparity in joint management has at the centre of the conflict the sacredness of the place.

3.1 Dreaming: Terminology and Controversies

The Aboriginal concept of ‘history’ is determined by the aforementioned term Dreaming. Dreamtime is a term coined by Frank Gillen in 1899 and later popularised by Baldwin Spencer, the first ethnographic researchers that focused on Central Australia at the end of the 19th century (Tamisari, 2015). Their work with the Arunta Indigenous community in 1896 is at the base of the term ‘dream-time’ that has been read as the union of the words ‘alchera’ (dream) and ‘alcheringa’ (of/belonging). In their translation it was understood as ‘belonging to dream’ (Spencer & Gillen in Wolfe, 1991, p. 203). It signifies a time in the past, but it also embraces the present and future times. It also encompasses the Ancestral Beings associated with vital forces that have been created during that time. Dreaming Narratives serve to identify human behaviours, both appropriate and inappropriate, as it provides “models or templates for all human and non-human activity, social behaviour, ethics and morality” (Nicholls, 2014). They also

provide crucial information on local flora and fauna, knowledge of Country, where to find water and so on. Any place believed to have been created in Dreaming is considered sacred. As such, it is given rules governing its visit or use. Highly secured or esoteric objects are considered active manifestations of Dreaming. Furthermore, these can also create a spiritual relationship between a person and the place (Palmer, 2018). At the beginning of time, Country was given to a prime group of humans in Dreaming. Subsequently, it was passed on from generation to generation till the current Indigenous owners, along with a whole range of knowledge (Palmer, 2018).

The adoption of Gillen's terminology was gradual but, over time, the term Dreamtime gained more and more popularity. However, nowadays the word Dreaming should be preferred to the term 'Dreamtime' as it is the term preferred by Indigenous people. Terminology has had a crucial role in the creation of identity under the context of settler colonialism, as it has been used for the purpose of subjugating Indigenous people. Words are charged by meaning and may be used in a manipulative manner. Patrick Wolfe (1991) was an Australian anthropologist and historian who worked on settler colonialism and the way in which subjection of Indigenous people is still present in Australia and is legacy of the past. In its essay *On Being Woken Up: The Dreamtime in Anthropology and in Australian Settler Culture* (1991), Wolfe points out how the first anthropologists doing ethnographic research among Indigenous community ended up applying the term Dreamtime to all the groups encountered and, therefore, smothering all the different nuances and meanings. The effect was of putting together under the same label of 'Aboriginal' all Indigenous communities. Anthropologists contributed to the creation of the dichotomy between Indigenous Australians, conceived as 'Others', and settlers by underlining their differences (Wolfe, 1991, p. 203). The simplification and generalisation of the terminology facilitated the eradication of the differences and complexities of the original notion. In fact, for each Indigenous language and culture, there is a different concept of Dreaming, as well as diverse dispositions towards reality, religion and Law (Nicholls, 2014). Contrary to the case of Genesis, the Biblical book, Dreaming is not conceived as belonging to a historical past but it is "conceptualised as an eternal and continuing process" (Nicholls, 2014). The term seems to imply that Indigenous people live in another time and that,

consequently, they are indifferent to Western social and political reality. Moreover, it denies them contemporaneity by relegating them to a time that does not exist (Wolfe, 1991). Dreaming was invested in significance by the culture of settlement, as the colonial invasion was thought to be the awakening (from a dream-time) that Indigenous people needed, that is, progress and order (Wolfe, 1991, p. 210). This conception helped to strengthen the colonial project as it demonstrated the political and juridical absence of the Indigenous concerning land property (Tamisari, 2015). As an English word, Dreaming could not help but be a product of the settler colonial historical system (Wolfe, 1991, p. 218). As the feminist scholar Donna Haraway states “translation is always interpretative, critical and partial” (Haraway, 1988, p. 589).

3.2 Situated Knowledge and Universalities

By stating that Country is an “entangled matrix of multispecies situatedness” (Rose, 2013, p. 100), Rose leans into the concept of ‘Situated Knowledge’, coined by Donna Haraway (1988), which is important in the discussion around the process of knowledge production in settler colonial contexts. Haraway is a scholar of gender studies and leader of the feminist thought. She always proclaimed herself against the dichotomy schemes that characterise contemporaneity, such as human/non-human, feminin/masculin or nature/culture. This refusal develops into a hostility towards the Western and dominant line of thought, which is still ruling in Australia, and manifests itself in the division of knowledge, while suggesting the Indigenous perception of Country where there is no nature/culture divide as a new approach. The cyborg theory introduced by her essay *A Cyborg Manifesto* (1985) contributed to Haraway's fame. It is a tentative method of overcoming the antinomic schemes by suggesting how contemporary identity can be conceived as a hybrid form of both technological and organic components. The concept of situated knowledge appeared in her essay *Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective* (1988). At the time of writing, Haraway was referring to the specific societal context in which she was immersed: a “scientific and technological, late-industrial, militarised, racist, and male-dominant society [...] in the United States in the late 1980” (Haraway, 1988, p.

581). Her aim was to challenge the meaning of the term 'objectivity'. Objectivity is conceived as only apparently neutral while it is the subject and result of power relationships, that is, the point of view of the white, western, cisgender and heterosexual human-male. In an overly simplified way, the concept hinges on the idea that all knowledge originates from a positional perspective and the way knowledge gets shaped reflects it. Situated knowledge is in fact a tool to move against the scientific objectivity of her time, which has continuity in our days. She asserts how knowledge is a player in an "agonistic power field" (Haraway, 1988, p. 577) and the concept of power itself is crucial in her discourse: situated knowledge invites recognition of one's own power positionality in society and in relationships. Therefore, objectivity is not universal as it depends on the specific context in which it is situated and universality is perceived as 'reductionism'.

Donna Haraway (2016, p. 2) worked together with the American anthropologist Anna Lowenhaupt Tsing in coining the term Plantationocene which they suggested as an alternative to the popular Anthropocene to define our epoch. The suggestion hinges on the idea that not all humans are responsible for the current environmental crisis and the true change started as a consequence of plantation policies proper of colonialism and settler colonialism. Her research works are interdisciplinary and adhere to the principles of the Environmental Humanities. She worked a lot with Indigenous people in Indonesia, as she was interested in the relation between local and global and how these interactions can have unpredictable outcomes. She further developed this idea by developing the concept of 'friction', that is, a conflict that can emerge when different ontologies or entities meet. Anna Tsing also talks about universalities, arguing that it is the way in which settler colonialism and imperialism projects conceived nature and the environment. The concept of a nature universally conceived was the result of the establishment of general scientific laws under the Enlightenment in Europe, and it can be traced back to Carl Nilsson Linnaeus' *Systema Naturae*, published in 1735. The book laid the way for the consistent use of binomial nomenclature in botany and a broader tendency to classification and dichotomisation. According to Anna Tsing, the process of universalisation is related to the creation of global connections, as it has been produced in the "colonial encounter" (Tsing, 2022, p.1) and, at the same time, allows us to participate in the globalisation flow. Universal knowledge also helped colonists

as they established in foreign lands, such as Australia, to approach the unfamiliar landscape and shape it into something more familiar. Nature as universal is, therefore, a concept created historically. Universality is called out by situated knowledge as a product of the all-encompassing perspective that emerges from the coloniser's gaze. The alternative to universality is partiality, that is, situated knowledge, which allows for the rewriting of the current narrative to open up a space, a common ground for shared conversation (Haraway, 1988, p. 584). Both concepts emerge in Chapters 7, in which the differences between Indigenous environmental knowledge and Western scientific knowledge are highlighted as well as their implications in environmental management.

3.3 Different Ontologies and the Struggle for Coexistence

The philosopher and political theorist Hannah Arendt (1961) in a chapter of her work *Between Past and Future*, which is called *The Concept of History*, examines the evolution of the Western perspective on nature and history. Although it is a convoluted text, an important examination of the modern conception of nature emerges between the lines. The account of the changes that have occurred through time to both concepts are equated as they both went through a similar path of devaluation. According to Arendt, the advancement of scientific thought, the discoveries in natural sciences and the development of technologies led humans to be able to reproduce and recreate nature. Arendt quotes Descartes' *de omnibus dubitandum est*,³ to indicate the earliest account of human alienation from the surrounding world. Scientific discoveries, such as Cartesio's realisation that the sun is a still celestial body and it is indeed the earth that revolves around it, had underlined how it was no longer possible to rely on human senses. As a consequence, "natural sciences turned toward the experiment, which, by directly interfering with nature, assured the development whose progress has ever since appeared to be limitless" (Arendt, 1961, p. 55). With the discovery of nuclear fission, scientists were able to "start new natural processes" (Ibid., p. 58) and 'make' nature. These discoveries brought unpredictability into the natural realm, which has always been conceived as

³ N.B. "everything must be doubted"

regular and predictable (Ibid., p. 63). If everything can be manufactured then everything is possible and nature becomes meaningless. Therefore, the loss of value of nature is linked to the acquired ability of humans to act into it and recreate its processes. Nature is not experienced anymore, but has turned into an externalised object and humans are not conceived part of it anymore. The different values characterising the relations with the land here introduced, are crossed-referenced in Chapter 7 and in particular are expanded in Chapter 7.1. Australian philosopher and ecofeminist Val Plumwood is well-known for her extensive research and work on anthropocentrism. For the purpose of the thesis I will report a term that she uses in her works to critique the effort of Western societies to draw a clear dividing line between human beings and other living beings, that is, 'hyperseparation.' Human beings and nature are considered radically opposite and different and this relation is managed in a hierarchical manner, where the former dominates. Dualisms are conceived as "an emphatic and distancing form of separation" (Plumwood, 2002, p. 101). By defining a centre, automatically those subordinates get identified as such. This line of thought is at the basis of utilitarianism over nature, but also over other human beings. Plumwood talks about how 'radical exclusion' of the subordinates, the 'Others', marks them as inferior. Human beings, by separating themselves from nature to exploit it, have also lost the ability to place themselves within it and recognize themselves as "one among millions of species, stewards of nothing" (Gold, 1993, p. 64). I take up the concept again in Chapter 7, where I investigate the ontological differences of Indigenous and non-Indigenous people regarding the perception of nature and the relationship that humans have with it.

American critical linguist Mary Louise Pratt makes use of a term which fits well in the examination of 'contact zones' in which Indigenous people and settlers meet and, often, enter into conflict in context of asymmetrical power relations "such as colonialism, slavery or their aftermaths" (Pratt, 1991, p. 34). Professors Libby Porter and Janice Barry (2018), both scholars of contemporary planning practices in urban spaces, make use of Pratt's concept to refer to the possibilities of land-use planning for the recognition of Indigenous people's rights to land. Contact zones can be all those environmental spaces, such as natural parks, in which shared management practices between Indigenous people and settlers take place. However, they argue that contact zones are not

static and immovable places, but are the product of a mediation between different social actors who meet within their boundaries (Ibid., p. 6). According to them, in contact zones it takes place what they call the “struggle for coexistence” (Ibid., p. 7). Responsibilities from both Indigenous people and settler colonists are at play in contact zones and, more generally, in “shared places” (Ibid., p. 19). Pratt (1991, p. 35) also employs the term “arts of the contact zone” to refer to the actions Indigenous people can put in place to negotiate within the contact zones, within the asymmetrical power system. These strategies are conceived as an attempt to communicate and bridge the understanding gap between the groups. By inserting the Indigenous language into the mainstream terminology and language of the settlers of the colonies, they attempt to self-represent themselves within the system. These practices, which are introduced in Chapter 8, can allow for a broadening of the space to create a real transformation.

4. Addressing Disadvantages: Closing the Gap

The relationship between Indigenous people and white Australia is complex. In 1970, celebrations took place for the 200th anniversary of the *Endeavour's* arrival in Kamay. However, some counter marches were held as Indigenous people declared a 'Day of Mourning' (State Library of NSW, 2023b). Beside the historical evidence of marginalisation, the 1971 national Census finally brought to light the inequalities that permeate Australia's social and economic spheres and afflict Indigenous people (Altman, 2009). The 1970s were a decade of clashes and land rights claims brought about by Indigenous people. In 1972, a demonstration for land rights was held by a group of Indigenous people in front of the Old Parliament House, in Canberra. They set up an Embassy Tent to underline the 'alien' status of Indigenous people in their own land, which ironically would require an embassy to finally be recognized by the State (Korff, 2022). Mabo's decision in Court represented the definitive change of mindset regarding Indigenous land rights in Australia. During the years, many policies have been suggested and developed to address the disparity existing within Australian society. For example, in 1987, the government created the *Aboriginal Employment Development Policy (AEDP)* with the goal of increasing equality between Indigenous people and other Australians by the year 2000 on employment, education and revenue (Altman, 2009). In 1991, Prime Minister Paul Keating decided to constitute the Council for Aboriginal Reconciliation, which aimed at promoting programs to address Indigenous disadvantages (Tamisari, 2008). Seven years later, in 1998, the Prime Minister John Howard also claimed the will of pursuing what he called a 'practical reconciliation' to halve Indigenous disadvantage (Altman, 2009). In 2008, the Prime Minister Jevyn Rudd advanced a formal apology to Aboriginal and Torres Strait Islander people. Past wrongs were finally recognised as such, mostly regarding the Stolen Generation. The Apology was prompted by the *Bringing Them Home Report*, which was redacted in 1997 by the Human Rights and Equal Opportunity Commission. The report traces a historical trajectory on the relations between Indigenous and non-Indigenous people. From the report, it emerged once again how racial discrimination was systemic and still pervasive within Australian society and it recognised the devastating effects of the assimilation policy

targeting Indigenous children. Nevertheless, a proper compensation was never delivered to the victims of the Stolen Generation nor to Indigenous people at large. Among the different policies and good deeds, a special note should be reserved for *Closing the Gap*, a strategic framework which is part of the Department of the Prime Minister and Cabinet (PM&C) plans to implement policies and programs for the improvement of Indigenous people's well-being. Despite this recognition, the economic, social and political conditions of Indigenous peoples have not improved much.

Closing the Gap is based on the measurement of the socioeconomic disadvantage suffered by part of a population (Ibid.). The story of the program dates back to 2005. In the *Social Justice Report 2005*, Aboriginal and Torres Strait Islander Social Justice Commissioner Professor Tom Calma AO urged Australian State Governments to commit to achieving equality for Indigenous people. The report argues that there are profound disparities in health and life expectancy between Indigenous and non-Indigenous people and there is an urgent need to invert the trend. Following the report, a *National Indigenous Health Equality Campaign* was developed (Ibid.). The list of organisations and individuals that worked for the adoption of the report's recommendations is impressively long. In March 2006, a Steering Committee for the campaign was formed and in 2007, a Closing the Gap campaign was launched. The project wanted to spread awareness of the inequalities that permeate Australia's society. In March 2008, an *Indigenous Health Equality Summit Statement of Intent* was redacted and signed (Australian Human Rights Commission, 2008). In July, the National Indigenous Health Equality Council came to light to help give concreteness to it. Nowadays, the council is known as the National Aboriginal and Torres Strait Islander Health Equality Council (NATSIHEC). In November, six Closing the Gap targets were set up. Closing the Gap is considered to be extremely important to building a fairer Australia. The first gap that needed to be addressed was the disparity in life expectancy between generations, followed by the need to reduce the mortality rates for Indigenous children under five. Emerged the need to give access to early childhood education also in remote areas and reduce the gap in reading, writing and numeracy, halving the number of Indigenous students leaving school in grade twelve and, within ten years, the employment gap existing between Indigenous

and non-Indigenous Australians. Over the years, more targets were added to Closing the Gap. The first annual report on the subject was released in 2009 and, from that moment on, every year a new report has been published to keep the public informed on the progress (Altman, 2009).

February 2018 signed the 10th anniversary of the creation of Closing the Gap. However, it emerged how six of the seven targets resulted not on track, four of which were supposed to be achieved in 2018. For the occasion, a special gathering of eminent Aboriginal and Torres Strait Islander Australians presented the Council of Australian Governments (COAG). The COAG is an intergovernmental forum that includes the federal government, two mainland territories, the governments of the six states and the Australian Local Government Association. The scope of the council is to manage governmental relations within Australia concerning nationwide issues. Participants are asked to provide advice in order to outline future policy priorities. The most important advances in the last decade have been in areas where Aboriginal and Torres Strait Islander people live and, therefore, where Indigenous communities have had a prevalent role in the implementation of policies from the very beginning. One of the results was the realisation that no clear accountability or accountability statement for Closing the Gap targets existed (Commonwealth of Australia, Department of the Prime Minister and Cabinet, 2018). In March 2019, it was established a formal Partnership Agreement on Closing the Gap between "Commonwealth Government, state and territory governments, the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (the Coalition of Peaks) and the Australian Local Government Association" (Commonwealth of Australia, Department of the Prime Minister and Cabinet, n.d.). For the first time, the Australian government shared decision-making with Aboriginal and Torres Strait Islander leaders through the so-called *Coalition of Aboriginal and Torres Strait Islander Peak Organisations (the Coalition of Peaks)*. The intent was to develop a new National Agreement on Closing the Gap. For a long time, Indigenous people have perceived the need to have more of a say in "how programs and services are delivered to their people, in their own places and in their own country" (Commonwealth of Australia, Department of the Prime Minister and Cabinet, 2020, p. 4). The National Agreement came into effect on the 27th of July 2020, during the COVID-19 pandemic. On the 6th of August 2021, each

party to the National Agreement drafted an *Implementation Plan* to Close the Gap. According to the plan, a report has to be drafted each year to show the eventual achievement and the possible actions that are planned to be pursued in partnership with Aboriginal and Torres Strait Islanders. Nowadays, there is a strong support from Australian society at large for Indigenous peoples. However, this support has yet to be translated into significant results, especially from a political point of view, even though some attempts have been made. The struggle of Indigenous people for recognition is fought in different arenas and contexts. I argue that one terrain of encounter is the shared management of environmental resources.

4.1 Closing the Gap in NSW: Shared Management

As it emerged from the previous chapters, demands for recognition in the political and public sphere by Indigenous people are addressed through policy interventions. Closing the Gap is the major framework in Australia and encloses programs that address economic development and employment. The risk of these kinds of interventions is that they may overlook the issue of Indigenous cultural identity (Porter & Barry, 2018, p. 24). Legislations to deal with Indigenous land claims are crucial mechanisms as they engage with the matter of Indigenous sovereignty. Interventions such as Working on Country and the Indigenous Rangers project tries to give a better response to the question of participation rights in decisions concerning natural resources and their use (Ibid.). The State of New South Wales had developed its own Implementation Plan for Closing the Gap, which is available on the government website. A second plan has been drafted from 2022 to 2024 and sums up the NSW Government's projects on all 17 socio-economic outcome targets. The agenda builds on what Indigenous communities across NSW have reported during consultation sessions run by the NSW Coalition of Aboriginal Peak Organisations (NSW CAPO) between 2021 and 2022. Many are the issues that Indigenous representatives have signalled and the plan reports how the New South Wales government plans to solve them. An important section is the one regarding land titles and ownership. It has been signalled the need for an increase in the return of land. Indigenous communities complained that most of the land that has been given back is not of high quality. Moreover, freehold titles

need to fit with the community and the process of land claiming needs to be facilitated. To increase Indigenous land management and ownership by 2024, the NSW government is planning to increase “land transfers and innovative land management arrangements” through the establishment of a specific task force that will renovate the Native Title and Land Rights system (State of New South Wales, Aboriginal Affairs NSW, 2022, p. 15). It also emerged the need to improve the co-management of natural resources. In Australia, co-management of natural resources is understood as a formal agreement between resource managers and Indigenous people, which differs from a legal arrangement as the Joint Management (Ross et al., 2016). Nowadays, only temporary solutions exist and will remain as such till an expansion of Indigenous legal rights takes place. Indigenous communities are urging for the development of a more meaningful partnership with national parks to support land management. Co-management has to be implemented in a way that it can provide for better outcomes for Indigenous communities at large as “there is a need to transform the partnership into one that also activates Aboriginal people’s inherent right to receive ownership of lands” (State of New South Wales, Aboriginal Affairs NSW, 2022, p. 119). On the 30th of November 2022, an article was published on the NSW Department of Planning and Environment website announcing how the NSW government would have launched a new model for “Aboriginal joint management of the NSW national park estate in consultation with Aboriginal people and other national park stakeholders” (State of New South Wales - Department of Planning and Environment, 2022). The model foresees the hand back of the land title to the Indigenous community from all NSW national parks, which currently cover nearly 10% of the State surface. Nevertheless, the hand back is “subject to the land being leased back (long term and for nominal rent) to the NSW Government for its continued use and management as a national park” (Ibid.). Moreover, it will take place over a 15 to 20-year period. This project of co-management of national parks is thought to boost Aboriginal employment while allowing for Indigenous businesses to be created. The project is depicted as a great opportunity to strengthen the Indigenous community's role in the decision-making process of national parks, as it will enhance the protection of cultural heritage as well as that of the environment. The NSW Government has announced its commitment to provide continuous public access to the national

park estate. It is believed that it will promote New South Wales as a world leader in nature-based tourism through the enhancement of its natural and cultural heritage. It will also allow for the implementation of successful fire management and on-ground conservation, among which feral weed and animal control and the protection of threatened species (Ibid.). The model will be developed in partnership and consultation with Indigenous communities and native title holders.

Nowadays, around two million hectares are managed under a joint management agreement, that is, 30% of the NSW national park estate. Nonetheless, Indigenous people hold freehold title to only 2% of it and “native title has been formally recognised over 2.4% of the national park estate” (Ibid.). The use of the land varies a lot and goes from housing to nature conservation sites. According to research carried out by Hunt et al. (2009), Indigenous people in NSW hold around 51 land properties, which amount to 228000 hectares. These properties were purchased by the Indigenous Land Corporation (ILC) for cultural and commercial purposes. ILC was established in 1995 to assist Aboriginal and Torres Strait Islander people in acquiring and managing Indigenous-held land, to provide them with economic, environmental, social and cultural benefits. However, there are some issues in the management of some Indigenous-owned land. Firstly, there seems to be not enough training and support for national resources management. There is also a lack of awareness among Indigenous people and groups on where they can be provided with support for land management. In some regions of NSW, such as Greater Sydney, where Botany Bay resides, Local Aboriginal Land Councils are among some of the biggest private landholders. As already mentioned, Indigenous people can access resources to manage their lands through the Australian Government’s IPA Program. Indigenous joint management of protected areas is managed and authorised through the NSW National Parks and Wildlife Service (NPWS) under the *National Parks and Wildlife Amendment (Aboriginal Ownership) Act 1996 (NPW(AO) Act)*, which added a new part to the original Act of 1974 to recognise the cultural relevance of some conservation reserves to Indigenous people and, consequently, allowed for the negotiations of a joint management arrangement (Hunt et al., 2009).

4.2 Local Aboriginal Land Councils (LALCs) in NSW: La Perouse

Lands rights in New South Wales are regulated by the *Aboriginal Land Rights Act, 1983 (ALRA)*. Local Aboriginal Land Councils (LALCs) were created under the Act to improve Indigenous people's self-determination. They represent Indigenous people living in the area under Council responsibility. The Councils consult and protect the interests of traditional owners. They also take solutions to protect sacred sites in the Land Council reference areas. It is therefore an autonomous body, which is governed by a council elected by the local Aboriginal community. Nowadays, there are around 120 LALCs all over NSW and one State entity called NSW Aboriginal Land Council (NSWALC), whose role is to overlook the LALCs work. NSWALC responsibilities include approving arrangements over housing management for Indigenous people and the development and business plans of LALCs (State of New South Wales, Aboriginal Affairs NSW, 2020). Each LALC receives funding from the NSWALC and some extra funds can arrive from private donations or government grants. Most importantly, LALCs can "acquire land by claiming Crown land" according to the Act (Ibid.) and support its management "in relation to legislation concerning that land" (Commonwealth of Australia, 2022). The process for land claim in NSW is easier and more straightforward compared to the one under *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)* or the *Native Title Act 1993 (Cth)*. In fact, there is no need for anthropological proof regarding the attachment to the land. What matters is whether the land under scrutiny is Crown land and, therefore, claimable (Behrendt, 2011). The recognition of Native Title is important in the steps necessary to change the relationships of power between Indigenous people and the Australian Federal Government and the States. In NSW the most important legislation is considered to be the *NSW Aboriginal Land Rights Act 1983 (NSW Land Rights Act)* as, according to it, ownership of almost 240000 hectares of land has been handed back over time to Indigenous communities (Hunt et al., 2009). The reclaimed land is held by Local Aboriginal Land Councils and in NSW, membership to a Local Aboriginal Land Council is not necessarily based on traditional ownership but on the local residence, which can be an issue for the application of Aboriginal customary law.

The land in which James Cook first set foot in Australia is home of one of Sydney's longest-lived and only discrete Aboriginal communities: La Perouse (La Perouse Local Aboriginal Land Council, 2023). As a former reserve land near an urban area, it was transferred to the local Indigenous community thanks to the *Aboriginal Land Rights Act 1983 (NSW)*. The Act also established the La Perouse Local Aboriginal Land Council. The Land Council serves as a representative body for members of the La Perouse Aboriginal community and aims at providing the local Indigenous community with economic independence, while working towards the promotion of local culture and heritage. Among the objectives, as signalled on their official website⁴, there is also the expansion of benefits and services offered to the members, and the implementation of practical operations. The La Perouse Local Aboriginal Land Council extends over the local government areas of Woollahra, Waverly, part of the City of Sydney, Randwick, part of the Bayside and Sutherland Shire (Ibid.). It has a precise governance structure: it has an elected Chairperson, a Deputy Chairperson and a Board, which has various functions, such as directing and controlling the affairs of the Council and reviews its performances according to achievements and objectives (Ibid.). The Board also aims at facilitating the communication between the Council's members and the NSWALC. The Council has a membership of around 470 Indigenous adults who reside or have an association with the area. Chris Ingrey is La Perouse Local Aboriginal Land Council (LALC) CEO. He is of Dhungutti and Dharawal descent and is among a group of young members of the La Perouse Aboriginal community who had come together in the early 2000s to address community challenges, especially regarding young people aged 8-25 years (Jawun, 2020). In 2004, the *La Perouse Youth Haven*, also known as the *La Pa Bummers*, was established to support cultural, educational and recreational activities. On the Council website it is signalled how nowadays they provide

“cultural, educational and recreational activities to our young people to build their self-esteem, divert them away from anti-social behaviour and improve their skills to realise their full potential that will enable them to become vital, responsible and contributing members of our community.” (La Perouse Local Aboriginal Land Council, 2023c)

⁴ La Perouse Local Aboriginal Land Council: <https://www.laperouse.org.au/>

The original group is now well-known as the *La Pa Deadlies*, and over the years, they managed to expand their influence to include key leaders from all of La Perouse's Aboriginal community organisations. The *La Pa Deadlies* undertook projects to improve the lives of members of the local Indigenous community, intending to minimise the dependence on government funding and maintain a certain degree of independence (Jawun, 2020). The importance of passing on knowledge to younger generations is at the base of Indigenous knowledge and defines the term itself. Indigenous knowledge can generally be described as a body of knowledge built up by a group of people that have lived in contact with nature for generations. It is often transmitted orally and collectively owned. The La Perouse Local Aboriginal Land Council also has a specific program called *Strengthening Our Mob*, in which trained community members to offer support to the rest of the community in handling “navigating the justice system, housing support, clinical and medical, employment and education” (La Perouse Local Aboriginal Land Council, 2023e). Mob as a colloquial term that identifies a group of Indigenous people to a particular land, place, Country. It can “represent your family group, clan group or wider Aboriginal community group” (Deadly Story, n.d.). The program is funded by the Primary Health Network, South East Sydney Local Health District and the National Indigenous Australians Agency (La Perouse Local Aboriginal Land Council, 2023e).

In a paper written by Katherine Lambert-Pennington (2007) analysing the issue of the repatriation of some Indigenous skeleton remains to La Perouse, it emerges the complex and often problematic relationship that exists between the Indigenous community, Land Councils and the State government. The Land Council, as a representative body, is often the only direct connection that Indigenous people have with the government at all levels, which creates a state of dependency. Governments expect from Land Councils to act in accordance with the community's opinion and on their behalf, however, this may also occur regardless of the community's actual support (Lambert-Pennington, 2007). La Perouse community is internally diverse due to its history of reserve, as many Indigenous people were driven out the urban areas and forced to resettle in La Perouse. Therefore, tensions may arise as within the communities there are differing priorities and different interpretations of the Council's responsibilities. As a result, the Council's independence to act as a representative of the entire

community can become complicated (Ibid.). As it is signalled also on the website of NSW Government's Aboriginal Affairs⁵ LALC confines are often not in line with the actual kinship of the Indigenous communities with Country. Therefore, the community of La Perouse extends beyond the geographical boundaries of the ex-reserve. The feeling of belonging to the La Perouse community goes beyond the borders arbitrarily drawn by the government as many Indigenous people have been relocated by the Housing Commission (Ibid.). Governments' policies, both at the federal and local level, often overlook emotional, religious and personal aspects and their implications.

4.3 Indigenous Rangers: The Project

Deforestation, the introduction and proliferation of invasive species, overgrazing, and overfishing, many are environmental issues that afflict Australia and that have been exacerbated by climate change. However, Indigenous knowledge and stewardship are helping to bring about change. According to a new report called *Australia State of the Environment 2021* co-authored by Professor of Sydney University Emma Johnston, there has been a steady decline in the quantity and quality of natural resources in Australia. Australia's Federal Government's growing awareness of the matter has been reflected in the increasing policies and programs that, over the years, have been developed to involve Indigenous communities and that combine Indigenous traditional knowledge with Western management. Indigenous Rangers projects are present all over Australia, especially in Indigenous Protected Areas, national parks, and privately-held land and sea (Country Needs People, 2022). The main aim of the project is that of creating meaningful employment and training for Aboriginal and Torres Strait Islander people. Indigenous Rangers' role was designed to be that of protecting not only the natural resources of the country such as native flora and fauna, managing feral animals and invasive species in general or fire management but also the cultural assets, among which tourist facilities, on behalf of all Australians. According to the National Indigenous Australian Agency (NIAA), in

⁵ NSWALC and the Local Aboriginal Land Council Network:

<https://www.aboriginalaffairs.nsw.gov.au/land-rights/nswalc-and-the-lalc-network-to-aboriginal-land-councils-in-nsw/>

April 2021 there were up to 129 Indigenous rangers' groups and 898.7 Indigenous rangers and coordinators (Commonwealth of Australia 2020, n.d.-b). The NIAA is a non-corporate Commonwealth entity that aims at "implementing the Government's policies and programs to improve the lives of all Aboriginal and Torres Strait Islander peoples" (Commonwealth of Australia 2020, n.d.-c). It was developed under the Public Governance, Performance and Accountability Act (PGPA) which organises a coherent system of governance and accountability for public resources. The NIAA is a pretty recent entity, as it was established by an Executive Order on 29 May 2019.

In 2007, the Federal Government established the Indigenous ranger project through the Working on Country federal program. Rangers groups are primarily financed by the Commonwealth Government's Indigenous Ranger Program. The program facilitates the funding for Indigenous Protected Areas (IPAs) and Indigenous Ranger groups. It also aims at promoting their expansion and stability not only to capitalise on the economic and social benefits of Indigenous management but also to "enable Traditional Owners to take control and determine their own future" (National Native Title Council, 2020). Rangers typically work under the direction of local Indigenous groups such as Indigenous Land Councils. In other cases, Indigenous rangers' groups are deployed within the Indigenous community from locally based organisations (Bueren et al., 2015). The funding for the Working on Country program is distributed through a competitive process. Several criteria have to be considered to apply, among which the "provision of Indigenous employment, the capacity of the proponent to administer the contract and funding, the support of Indigenous people such as Traditional Owners, the contribution to environmental priorities and the need to have a current environmental management plan" (Bueren et al., 2015, p. 14). This funding has to be used to finance activities that may support commercial enterprises such as tourism, aquaculture, food production using traditional knowledge, etc. The agreement is stipulated directly with the Government. Indigenous Ranger Program is being supported by it together with another federal project, the Indigenous Protected Area (IPA) program, which was founded in 1996. These are voluntary agreements made between Indigenous communities and the Commonwealth Government. The IPA program foresees for the traditional owners to bear the responsibility of the management of the

protected areas according to the agreed plan. Many of the Indigenous Ranger groups work within IPAs. According to the official government website, “some areas of IPA land are recognised as part of the National Reserve System⁶, for protection of the nation’s biodiversity and cultural heritage” (Commonwealth of Australia 2020, n.d.). Most of IPAs are dedicated to the promotion of the balance between conservation and other land usages to give social, cultural and economic benefits to the local Indigenous communities, according to the International Union for Conservation of Nature (IUCN). The administration of the program as well as that of Working on Country (Indigenous Rangers) is the responsibility of the Department of the First Minister and Cabinet. Before September 2013, both IPA and Working on Country programs were managed by the federal Department of the Environment. The organisations can get funding for the Rangers through the IPA program or the wider Working on Country programme. The amount provided to IPAs is calculated by a formula that takes into account many factors: from remoteness to size of the Indigenous community, from management complexity to the existence of funding from the Working on Country program. The funding can also be used to cover the employment costs of Indigenous Rangers and other personnel. However, they depend on a condition: the Indigenous Ranger group must not be already fully funded by other Commonwealth, State, or territory initiatives, among which the Working on Country program (Bueren et al., 2015). On March 10th 2020, the extension of the program was announced. The new funding will give vitality to the projects till 2028: the *Indigenous Rangers 2021 to 2028 Grant Opportunity* has made funds available for further program expansion. As a result, approximately A\$746 million will now be provided to 80 Indigenous Ranger organisations over seven years (Commonwealth of Australia 2020, n.d.-b). Nevertheless, the totality of public money that has been invested in Working on Country and IPAs is very little compared to the total spending of governments on Indigenous programs. Despite funding limitations, Indigenous Ranger groups have been successful enough to have their expertise requested from abroad.

⁶ NB: The National Reserve System is a network of formally recognized reserves, parks, and protected areas all over Australia

Australia is becoming a worldwide example of positive Indigenous land management and conservation (Ibid.).

There is alignment between the Indigenous Ranger program and the Closing the Gap campaign. As already mentioned, the strategic areas for the action of Closing the Gap promoted by the Council of Australian Governments (COAG) aim at reducing and finally eliminating the gap in Indigenous disadvantage. Indigenous Ranger programs contribute directly to the targets, in particular, Working on Country promotes “Indigenous governance, leadership and culture; economic participation; and education and training” (Ibid., p. 29). It also aims at improving health, home environments and community participation. Numerous factors contributed to the success of the program. One of the elements is its in-built flexibility, that is, different employment options, such as full-time, part-time and casual work. Another key feature is the focus on cultural heritage and the environment. Working on Country has the specific objective of promoting a connection with Country through the protection and management of the environmental and cultural heritage. The program promotes engagement with community elders, who pass on traditional knowledge to younger generations; they are driven by the local community and supported by community actions. The certainty of renewed funding fosters training, and long-term planning and attracts other co-funders and sponsors. However, so far government policy has given funding over a three or four-year period. In a few words, they have been promoting only “short-term solutions for long-term problems” (Allam, 2021). What is needed is long-term funding that allows for the rehabilitation of Country. In 2021, there has been a tentative plan to boost their “long-term survival” (Ibid.). The federal government has approved 746 million dollars in funding to more than 80 groups, for a seven-year length. Seven-year funding is a welcomed investment as it gives Indigenous Rangers groups the possibility to retain in the longer term their employees and recover the investment made in training courses in the best possible way. Another 2000 Rangers will be able to join various groups in regional and remote Australia thanks to \$636.4 million in dedicated funding. The incoming funding will also boost the creation of new Ranger groups. Nevertheless, the National Aboriginal Community Controlled Health Organisation has declared that the budget may be still not enough to make a real change according to the Closing the Gap program, particularly for what concerns

health and housing for Aboriginal and Torres Strait Islander people (Ibid.). Self-representation and direct involvement of Indigenous people in policy and decision-making is the key to better outcomes on halting disadvantages. The Indigenous Rangers program and their involvement in the shared management of natural resources may create the opportunity for the recognition of Indigenous people in the political arena. The creation of the Indigenous Rangers has been an important step in building awareness on the importance of the active involvement in land care activities of Indigenous people. As already mentioned, the Australian Indigenous system is relational. Therefore, if rightful actions are taken toward the environment, the positive outcomes will be perceived also in the social and spiritual sphere, and vice versa.

5. Environmental Issues in Kamay (Botany Bay)

Historically, the traditional territories of Kamay have come under increasing environmental pressure from urban development. According to the NSW Environment Protection Authority (EPA) website, the industrial district that lies north of Botany Bay is home to a quarter of NSW's major hazardous facilities. The area hosts one of Australia's largest ports, Port Botany, as well as the chemical manufacturing facilities of Botany Industrial Park (State of New South Wales through the Environment Protection Authority, 2020). The NSW Environment Protection Authority (EPA), which is the main environmental regulator for New South Wales, was created under the *Protection of the Environment Administration Act 1991* (POEA Act) in 1991 and is now part of the Department of Environment and Conservation (State of New South Wales through the Environment Protection Authority, 2022). The current production of chemicals in Botany Industrial Park raises continuing concern about air and noise pollution, but also about possible contamination that had already required remediation, still in progress. The manufacturing facility hosts three major chemical companies: Orica, Qenos and Huntsman. In particular, Orica, which was once known as ICI Australia, has been operating since 1942. From 1944 till 2002, the year in which the Chlor-Alkali plant was replaced, Orica made use of elemental mercury. The company is responsible for the contamination of the land around the industrial site due to poor waste management and unlawful practices. The contamination mainly concerns the soil and groundwater (State of New South Wales through the Environment Protection Authority, 2022b). Mercury (Hg), is a chemical element and heavy metal. It is an inorganic pollutant, which means that it is a contaminant that has severe toxic properties. It is extremely dangerous as it is not degradable and it has a long range of action, it can last even for a year in the atmosphere before it oxidises and mixes up with raindrops (Li et al., 2020). Chlorinated hydrocarbons (CHC) also have contaminated the Botany Sands Aquifer, the use of these waters for the nearby residential area has been stopped. In January 2012, the EPA imposed the company to remediate and reclaim the site enforcing the *Contaminated Land Management Act 1997* with a Management Order.

Chemical and fuel storage facilities are also located in the nearby Port Botany as well as hosting other industries. Moreover, there has been an expansion of the port itself to make space for the shipping operations. Numerous are the impacts of such an operation, which have the potentiality of exacerbating the already present pressures of the port on the environment. An Environmental Impact Assessment had been carried out by NSW Ports (2003). Traffic and noise emerged among the most relevant impacts on the surrounding areas. Water quality was further affected as a consequence of a partial closing of Penrhyn Estuary and by ship exhausts, which exacerbated turbidity, that is, eutrophication.⁷ Moreover, the risk of potential acid sulphate soils was signalled as a consequence of the construction. An important impact, which was minimised in the report, was the loss of up to 4 hectares of seagrass habitat at the beginning of the works, coupled with the removal of a part of the mangrove population. Penrhyn Estuary was the only habitat for shorebirds that had remained so far untouched on the northern side of Botany Bay (NSW Ports, 2003). In Australia, 99% of international trade volume is by sea (Commonwealth of Australia, 2016). Access to the port periodically requires a dredging operation which exerts constant pressure, inflicting severe environmental damage. The impact concerns the species whose habitat is the area of sediment being dredged. These species are disturbed and removed. Furthermore, the dumping of material that is dredged in other locations can bury the habitats of other species that inhabit the seabed (Cresswell I.D. et al., 2021). Moreover, the largest source of anthropogenic noise is in fact due to shipping.

On the other side of the port there is Sydney Airport. Before Covid-19, Sydney Airport the annual commercial passengers in 2019 was 44.4 M (Sydney Airport, 2023). This implies a high number of domestic and international flights everyday,

⁷ It is a process by which water bodies face an overabundance of nutrients. In general, during the daylight hours there is the formation of biomass through photosynthesis and the production of oxygen, while during the night there is only the reverse reaction, no more formation of oxygen. If the amount of nutrients increases there will be an increase in biomass, which is in the form of algae and plants. The increased biomass is going to remove more and more oxygen till there is no more oxygen available to other organisms leading to an anoxic condition and therefore to death. Therefore, water quality is deemed to deteriorate (Yang et al., 2008).

and the consequent pressure on the environment. The list of the environmental impacts of airports and air aviation in general is common to all these kind of infrastructures and includes air pollution of aeroplanes, which is difficult to halt, impacts on biodiversity through both habitat loss and degradation, water pollution, but also bird strikes, that is, when during take-off and landing aircrafts hit birds. Other-than-human animals are highly distressed by movement, noise and light pollution produced by aircrafts and ships alike. In fact, anthropogenic noise in or near the marine environment can disrupt the normal behaviour of marine life. Noise could induce stress on marine and non-marine species (De Jong et al., 2020), as well as have a negative impact on foraging, reproduction and general population health of various species (De Soto et al., 2013). Moreover, an investigation carried out in 2017 by the NSW Environment Protection Authority (EPA) had shown the presence of PFAS detections on and offsite in both the Airport area and the industrial area (State of New South Wales through the Environment Protection Authority, 2017). PFAS is the abbreviation of per- and polyfluoroalkyl substances, which are anthropogenically created chemicals and are highly persistent in the environment and in human bodies (European Environment Agency (EEA), n.d.).

The coast of Botany Bay is characterised by an intense economic and industrial activity. As seen, the impact is given by the access to navigation for the transport of goods, the Port of Botany, the availability of natural resources useful for the industry and the presence of a high population density in the urban centre of Sydney. Climate change is also an element to be reckoned with as it puts significant pressure on estuaries nationwide. Water warming, acidification and changes in salinity are increasing more rapidly (Scanes et al. 2020). Additionally, the Botany Bay area is marked by rising sea levels caused by climate change (Idib.). All of the aspects listed so far are important as they have the potential to alter the structure and function of ecosystems by creating cascading impacts.

5.1 Ecosystem Services and Why They are Important

The term ecosystem was first used in 1935 by the ecologist and biologist Arthur Tansley to define the set of living organisms, their physical environment and the relationships that occur in a defined space (Dickinson & Murphy, 1998, p. 13).

There are two aspects of how they work: the operational functions, which is how the system operates, and the support functions, that is, how they provide for life (Ibid., p. 30). Human activities depend on ecosystem services, which are those services provided by the ecosystem structure and functioning. In order to define a measure of human's dependence on the functioning of ecosystems there is a cascade model that chains in five categories the ecosystem services. The first important paper trying to identify ecosystem services and our dependence from them was *The Value of the World 's Ecosystem Services and Natural Capital* by Costanza et al., and published in 1997. Their work aimed at estimating the economic value of seventeen ecosystem services examined in 16 biomes. Ecosystem services universally identified by the Millennium Ecosystem Assessment (MA), a UN project that was initiated in 2001 to "assess the consequences of ecosystem change for human well-being and the scientific basis for action needed to enhance the conservation and sustainable use of those systems and their contribution to human well-being" (Millennium Ecosystem Assessment, 2005). Another important step was the *EU Biodiversity Strategy to 2020 (2011-2020)* that set up the target to halt biodiversity loss and maintain the ecosystems and their services. In 2012, it was established the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), an "independent intergovernmental body established by States to strengthen the science-policy interface for biodiversity and ecosystem services for the conservation and sustainable use of biodiversity, long-term human well-being and sustainable development" (IPBES Secretariat, n.d.).

In the work of Alcamo et al. (2003) it is possible to have an account of the ecosystem services. At the top of the chain there are the so-called supporting or habitat services, which are those services necessary to produce all other ecosystem services. They are the natural processes, such as water or carbon cycles, the biogeochemical cycle, photosynthesis or soil formation, which are all processes that sustain life. Then there are the regulating services, which moderate natural phenomena, like decomposition, pollination, water purification or carbon storage. Provisioning services are all those benefits that people can directly extract from nature such as food, natural gas, oil, water and so on. Finally, cultural services are all those benefits that are non-material. They are benefits that contribute to humans' development and culture. Cultural services

are all the “nonmaterial benefits people obtain from ecosystems through spiritual enrichment, cognitive development, reflection, recreation, and aesthetic experiences” (Ibid., p. 58). They are linked to human values. Through their services they contribute to societies’ well-being. Ecosystems are dynamic, they are constantly changing and are characterised by growth, death and replacement. The source of most of ecosystems’ goods and services is biodiversity, that is, the variability of life forms present on earth, within species, between different species and between ecosystems. Biodiversity has the power to increase the stability, the functionality, the efficiency and productivity of each ecosystem (Ibid., p. 60). In particular, on a structural level it has a positive role on the number of species and on their relative importance, on a functional level on the role that each species plays in the ecosystem, and facilitates the redundancy of a species, i.e. on the number of species that can carry out the same function, thus making an ecosystem more resistant (Ibid., p. 62).

5.2 Pressure on Country and People Health

The Indigenous community of La Perouse is located 10 minutes away from the biggest airport of the country, 5 minutes distance from the biggest port and 20 minutes from the heart of the biggest city, Sydney. The industrial development of the area has undoubtedly had a devastating impact on the health of the local ecosystem and it has ruined important cultural sites such as shell middens and rock art. Moreover, “during the construction of the airport, human remains have been uncovered” (Skovranova, n.d.). The expansion of development and the consequent loss of ecosystem services has a high impact on Indigenous people as it has repercussions on their ability to connect to Country. The growing urban development is also a limitation for the practices of caring to Country given by the degradation of the natural environment - its modification from its original state - which contributes to the alienation from Country of urban Indigenous communities (Janke T. et al., 2021, p. 30). However, it is important to remember that urban areas are Country too. It is important for governments to recognise the lively attachment to Country that Indigenous people living in urban areas retain to avoid the phenomena of ‘indigenous invisibility’, which often has implications at the policy level (Ibid., p. 32). Intrusive development, mass

tourism, the displacement of the coasts due to erosion and the environmental changes directly attributable to climate change are causing growing concern among Indigenous communities (Ibid.). Throughout Australia, Indigenous communities signal serious changes in the state of vegetation, including the loss of biodiversity, and with respect to water quality (Ibid.). This implies the alteration of the supporting services, that is, the natural processes that sustain life, such as the food-web processes of the ocean and coast environment. If the coastal environment is depleted of its components there would be a loss of regulating ecosystem services, such as carbon sequestration. Degradation is seen by Indigenous people more as the consequence of the “non-use rather than over use” (Rose, 1996, p. 84) of land. It means that the lack of Indigenous traditional environmental management, the lack of care for Country, lies behind the environmental degradation. The aesthetic and cultural value of the environment of the bay, already compromised, would affect the mental and physical benefits the community gets from it.

The degradation or loss of ecosystems and their services contributes to the cumulative burden on population health. Indigenous people, due to their spiritual link with Country, are the most affected by the loss of ecosystem services. As it emerged in the previous chapter unfolding Deborah Bird Rose research work (1999), whatever negative impact on the environment has a direct negative impact on Indigenous communities. Health for Aboriginal and Torres Strait Islander peoples in Australia encompasses different aspects of a person’s well-being, on a spiritual, social, mental and physical level. It “extends beyond a biomedical description of health” (Bourke et al., 2018, p. 12). The well-being of an individual can be considered connected to that of the community, the family and the natural environment. Butler et al. (2019) carried out a study to identify well being domains that are important for Indigenous people in Australia. It emerged how autonomy, empowerment and recognition are fundamental to Indigenous well being, followed by culture, spirituality and identity, which are strictly linked with Country, family and community at large. Basic needs are also mentioned, including the accessibility to public services and housing, together with work and related responsibilities. Moreover, it is mentioned the role of education, that implies the passing on of Indigenous knowledge, physical and mental health (Ibid.). All the well being domains stated above are strictly

connected with one another and underline how well being for Indigenous people is a “multi-dimensional construct” (Ibid., p. 153). The results of numerous health studies regarding the Indigenous population in Australia show a marked difference in the outcomes compared to the settlers. The inclusion of Indigenous people and their knowledge in environmental management programs, such as the Indigenous Rangers’ project, presents the possibility of increasing contact with Country and, therefore, of general well being, as well as demonstrated benefits on biodiversity enhancement (Janke T. et al., 2021, p. 106). The holistic understanding of ecosystems, which is intrinsic to the Indigenous knowledge system, if integrated into the management of natural resources through shared management projects can contribute to the tackling of ecosystem degradation.

6. Gamay Rangers

Just beneath the water's surface, off the coasts of Sydney, it is possible to hear the humpback whales (*Megaptera Novaeangliae*) singing. Their annual migration to northern breeding grounds peaks around June and July when almost 40,000 whales move along the east coast (Weule et al., 2022). Cape Solander, located in Kamay National Park near Botany Bay, offers a prime ocean view from which to spot the whales. Kamay is the Indigenous name for Botany Bay. Within Kamay, there is a group of Indigenous Rangers that take care of Country: the Gamay Rangers. Kamay Botany Bay National Park is one of Australia's most significant reserves and it is where the Rangers carry out natural and cultural resource management activities. The land they operate on is administered by the La Perouse Local Aboriginal Land Council and is also a popular tourist destination for historical, cultural and natural reasons. The Gamay Indigenous Rangers group was founded in April 2019 and they are the first and only discreet urban group in the Federal Government's Indigenous Ranger Program for which they can be considered pioneers and leaders. The Chief Executive Officer (CEO) of the Gamay rangers is Chris Ingrey, who is also La Perouse Local Aboriginal Land Council (LALC) CEO. Robert Cooley is the Senior Ranger and leader of the group. Robert Cooley has worked for the New South Wales Office of Environment and Heritage since 1986 till he was appointed by the La Perouse Local Aboriginal Land Council as Senior Gamay Ranger in 2019. In an interview carried out by Bamford (2020) for ABC News Robert Cooley explained how the role of Senior Ranger gave him the possibility to work for Country and for the whole community, which is "a great honour" (Ibid.). In the same article, the Land Council's chief executive Chris Ingrey also declared how the Indigenous Rangers program is important in achieving more decisional power on land management and influencing the policy that has an impact on both Kamay and marine life. It also empowers Indigenous people in participating in political decision-making. On the Ranger's group website are signalled their main activities, which include "patrolling the waters of Kamay, marine mammal awareness and protection, especially the whale, cultural heritage protection and conservation, threatened species management, cultural and environmental awareness for recreational vessel operators and visitor experience"

(Commonwealth of Australia 2020, n.d.-a). More specifically, among the land-based activity, we can find the preservation of cultural heritage and flora and fauna, weed management and bush regeneration, trapping programs targeting feral animals, signage installations, and visitor management. Along with specific skills, Gamary Rangers learn something new about their culture every day. The Rangers also monitor the annual mullet run, an activity that is an important part of the cultural practice of the La Perouse community. The mullets begin travelling across the bay in the spring. Mullet hunting has an important social, economical and spiritual value to all the Indigenous communities that revolve around the coasts of New South Wales. A traditional hunting technique has been used for thousands of years and has been handed down from generation to generation. Mullet hunting has had a crucial role in the development of the community as it provided to the livelihood of the Indigenous families of the area. The stories about the mullet are engraved in the stones around Kamay.

The symbol of their group is a whale, known by the community as Burri Burri. Whales and especially the humpback whale are significant ancestral beings - also known as 'totems' - to the Indigenous community of Kamay.



Fig. 1 Symbol of Gamay Rangers

At the launch of the humpback whale sculpture erected along the Bondi to Manly Walk, Ray Ingrey, the Deputy Chairperson of the La Perouse Local Aboriginal Land Council told the Dreamtime story of the Burri Burri. Ray Ingrey was told the story of the Burri Burri by the senior woman of his community, the Dharawal people. It is a story that has been handed down from generation to generation at La Perouse. These stories relate to Dreaming and aim at disclosing why some animals or landscape features look the way they do, where they come from and why they often manifest in human forms. They also distributed groups across the land, thus articulating a veritable land tenure system, set down the law with all its social, moral dimension, that is, how to behave in the right ways towards

human and other than human. John Philip Faulkner, the Australian former Labor Party politician and Senator for New South Wales till 2015, asked the La Perouse Local Aboriginal Land Council to get involved in the creation of the narrative related to the new Bondi to Manly Walk. The aim was to ensure that visitors would get a local cultural experience. The Indigenous community decided to narrate and share the story of Burri Burri to provide them with new lenses, the Aboriginal lenses, through which look at the city and the rest of the territory. According to the Dreaming story, a long time ago the Dharawal people lived in a place called Nurrin. The environment was undergoing some damage and the water was drying up. They had to move to another land. Among the Dharawal people, there was a man called Burri Burri who owned a huge canoe. The canoe was big enough to transport all Dharawal people to more fertile land. Unfortunately, Burri Burri was a greedy person and decided not to share it. Two smaller men, Kooala and Junagen, decided to join forces and distract Burri Burri to get his canoe and give it to the people. There are different versions of the story, the one told by Ray Ingrey recalls Birri Burri as a big man with dreadlocks. Junagen decided to tell Burri Burri that he had some lice in his hair and Burri Burri, after having secured the boat to a nearby rock, let him search for it through his dreadlocks. He laid down asking Junagen if the boat was still anchored. To assure him of the boat's presence, Junagen would tap on the wood with two pieces of stick. While Burri Burri was distracted, the rest of the people jumped on the boat and started rowing away from the coast, led by Kooala. When Burri Burri realised the deception it was too late. He got angry and started a fight with Junagen. During the struggle, Junagen grabbed one of the sticks and stabbed him in on the top of the head forming a hole. Burri Burri jumped into the seawater trying to reach his canoe. However, while he was swimming, the hole in his head started to bleed copiously: his blood from the hole started turning into salt water and his body went through a metamorphosis. In little time, fins and a tail appeared on Burri Burri, and every time he would emerge from the waters salty water would spurt out from the top of his head: he became a whale. It is believed that Burri Burri is still looking for its boat and Botany Bay is one of the lands shaped in the attempt to find it (Manly, 2020). As outlined in the previous chapter on the meaning of Dreaming, it emerges from this story how dreaming Ancestors often misbehave and their conduct can be "shabby, even at times socially-

transgressive [...] mirroring the less savoury attributes of human behaviour” (Nicholls, 2014).

6.1 Shared management: an opportunity

In an interview conducted by Skovranova (n.d.) for the online journal Wilderness Society on the genesis of Gamay Rangers, Senior Ranger of Gamay Robert Cooley recalled when Foreshore Road was well-known as the best prawning spot of the area thanks to the high water quality. Robert Cooley used to go diving for blue swimmer crabs in the ocean along the coast. Nowadays the area is closed to the public and not accessible anymore. In the interview, Robert shares his personal life experience as the youngest of 12 children and son of a travelling fisherman. His days were marked by early mornings as he joined his father in the fishing business. Armed with buckets filled with crabs, they used to go rock fishing from a high cliff (Ibid.). The lands and waters surrounding Kamay have always been very fertile and the local Indigenous community has thrived thanks to the healthy state of the bay’s natural environment. Robert Cooley grew up on the shores of Kamay and experienced the big environmental change that took place in the area. Nowadays, it is known as the industrial centre of Sydney and the natural beauty of the coast has been partially defaced by the city airport and port. The awareness on the environmental issues that afflict Kamay and the community of La Perouse has had a role in the establishment of the Gamay Rangers and their commitment to contribute to the preservation of the local ecosystem.

In August 2022, Gamay Rangers were appointed honorary NSW National Parks and Wildlife Service Rangers (NPWS). The group will officially take care of both Kamay Botany Bay National Park and Towra Point Nature Reserve. It is the first time for an Indigenous Ranger group to work together with the National Parks and Wildlife Service as an equal partner in managing a natural area. They have been granted the same operational authority, that is, having a say on the management operations carried out: a very important milestone for the whole Indigenous Australian community. The decision came from the actual New South Wales Government and was carried out by the Minister for Environment James Griffin. The decision includes the possibility of granting legal authority to the

Indigenous Ranger group with time. Meanwhile, according to the agreement, NPWS will continue to manage Kamay Botany Bay National Park and Towra Point Nature Reserve, but the Gamay Rangers are going to add to their support with nature protection and compliance activities, such as programs to control feral species, bushfire management, revegetation programs and the protection of marine mammals (Department of Planning and Environment, 2022). They will share and integrate Indigenous knowledge into the predominant Western scientific park management. Moreover, they are going to be involved in all the operations of the national park. An example of the park's commitment to the agreement is the recent training on how to safely do the delicate job of rescuing entangled whales offshore. Furthermore, Gamay Rangers took part in it as they are committed to safeguarding whales and sea life (Department of Planning and Environment, 2022). As saltwater people, the protection and improvement of the sea are vital as its waters have sustained the community for thousands of years and are part of Country. The deal between the Gamay Rangers and the NSW National Parks and NSW Government is a recent happening and the details of the agreement still have yet to be made public. However, honorary ranger status usually comes with a volunteer base, which seems far from the goals of joint management.

According to a research carried out by Ross et al. (2016), the regime of joint management emerges as the best way of involving Indigenous people in environmental management. In the joint management schemes, Indigenous peoples are formally recognized as title holders, while, in co-management regimes, rights of use of the specific land are not usually recognized. Moreover, in the latter case, Indigenous groups are only allowed to participate in planning and management activities (Porter & Barry, 2018, p. 89). Joint management aims at merging Western and Indigenous approaches to conservation and is usually based on four phases. The first one foresees the lease of Indigenous land to the national park and, therefore, to the government. The second and the third principles consist in the merging of both social and cultural perspectives within the natural resource management framework. For example, the evaluation of the land, its mapping and the realisation of joint workshops may ease the mutual understanding between Indigenous and non-Indigenous Rangers on environmental issues and the different perspectives on them, such as the impact

of feral animals, which allows to integrate environmental knowledge in a joint action (see Robinson & Wallington, 2012). Finally, there is the “development of mechanisms to ensure co-operative management between Indigenous land owners and park managers” (Smyth, 2001 in Ross et al., 2016, p. 198) such as Boards of Management. As already mentioned, joint management has a stronger implication for Indigenous involvement as it is “a legal arrangement” (Ross et al., 2016, p. 198), and as such permits a redistribution of power.

6.2 Uluru Model: an Example of Joint Management

A useful example of joint management in Australia is the one regulating the Uluru–Kata Tjuta National Park, situated in Central Australia. Ross et al. (2016) mention the so-called ‘Uluru Model’ as it allows for scientists and Indigenous communities to work together and achieve practical results. Uluru is the famous giant monolith located in the Northern Territory, which is sacred to the Indigenous community of Anangu, custodians of the place. The Anangu community is ruled by Tjukurpa, which is the Anangu traditional dreaming. In 1920, Uluru National Park became part of the Petermann Reserve. However, in 1958, the growing tourist flow into the Park made it preferable to declare Uluru and Kata Tjuta not part of the reserve, as it would have limited the intended use of the land for tourism. The *Aboriginal Land Rights (Northern Territory) Act 1976* and the discussion of land rights paved the way for the transfer of Uluru to Aboriginal ownership. In 1973, the House of Representatives Standing Committee on Environment and Conservation suggested how "Indigenous people should be involved in park management under the banner of the emerging Australian National Parks and Wildlife Service" (Whittaker, 1994, p. 314) and their rights to be acknowledged. Under the aforementioned *Aboriginal Land Rights*, Uluru was declared part of the national park, and, therefore, it could not be reclaimed anymore by Indigenous people. Nevertheless, in 1979 the Central Land Council attempted to claim back the land. In fact, the change of status of Uluru took place after the passing of the Act. A legal struggle took place and, in 1985, the government returned the land to Indigenous communities under one condition: the land should have been regulated under a joint management system (Allam & Bowers, 2019). The joint management of the park hinges on Aboriginal title to

land through the Act. The Central Land Council plays a crucial role in the joint management of the park. It represents the Uluru–Kata Tjuta Aboriginal Land Trust and its goal is that of making the interests of Nguraritj Indigenous people of the area (Director of National Parks, 2010). However, the rock remained a major tourist attraction. It was permitted access both by road and by plane and the possibility of accommodation in the surroundings. The climbing of Uluru carried out by tourists was perceived by Indigenous people as desecration. Since the 1990s, the Anangu community had been trying to warn tourists not to climb Uluru by posting explanatory signs at the base of the rock and offering informational material (BBC News, 2019). Uluru is not only a sacred place for the Mutitjulu community, it is also considered a symbol of Australian unity and its importance is felt by the settlers too, as the climbing of Uluru has become a ritual of passage. As already mentioned in Chapter 3, one of Indigenous communities' tasks is that of protecting and safeguarding sacred places: they are the keepers of the site, those responsible for its maintenance. Nevertheless, many Australians saw the idea of the handing over of Uluru to Indigenous ownership as selfish and wrong (Whittaker, 1994). Settler Australians had called for assimilation, Indigenous people and those who support land rights advocated for self-determination (Ibid.). In 2010, the park council decided to close the climbing route whenever there would be enough alternative tourist offers or the percentage of visitors would have fallen below 20%. Finally, in 2017, the board recognised that the right conditions were in place to close the trail (Ibid.).

The Uluru case shows how even the best current joint management agreement on environmental resources has downsides. Traditional practices, which are an integral part of maintenance of Indigenous cultural identity, are often restricted in several ways, as Indigenous rights to access and management of resources are considered secondary to government legislations put in place to protect biodiversity and species conservation (Ross et al., 2016, p. 206) or, in this case, to enhance tourism. The joint management of Uluru park is regulated by the *Northern Territory National Parks and Wildlife Conservation Act of 1975*. The local law is also at the basis of joint management for the park. However, even though the Board has a majority of Indigenous people, decision-making still lies in the hands of the Director of National Parks and in the legislation that frames the arrangement (Ibid., p. 199). Collaborating with Indigenous people should

imply acknowledging the spiritual and cultural values associated with Country and open a space for dialogue on how to best respect these values in environmental management. Nevertheless, the Uluru case offers a prime example of power disparity that has at the centre of the conflict the sacredness of a place. Finally, Indigenous Environmental knowledge is often either contested or rejected by Western resource managers, as power relations within the environmental management system are still based on the dominant Western scientific structure. The two systems of knowledge are intrinsically different although they share the “same general intellectual process of creating order out of disorder” (Berkes, 1993, p. 3). The next Chapter will examine these differences.

7. Indigenous Environmental Knowledge (IEK) and Western Science

Land management practices carried out by Indigenous communities for centuries are responsible for the unique long-term biodiversity of Australia and are part of what scholars have defined Indigenous Environmental Knowledge. Defining Indigenous Environmental Knowledge (IEK) is not easy as it is a new field of research and the debate around the best terminology to define it is still underway. However, by putting together salient research, Berkes (1993) tries to give a definition. Indigenous Environmental Knowledge is a “cumulative body of knowledge and beliefs, handed down through generations by cultural transmission, about the relationship of living beings (including humans) with one another and with their environment” (Ibid., p. 3). The IEK approach to nature is relational as it is not only a system of knowledge but it is integrated, that is, a knowledge that includes, as we have already seen in the previous chapters, beliefs and practices. It tends to be empirical knowledge, that is, it has practical involvement in everyday life and it is essentially holistic: all the aspects of life are interconnected and each living entity participates in it. Humans are only one aspect of it. Moreover, it is believed that the earth has the ability to recover from damages as the loss of living beings is never absolute: they continue existing in some forms. Therefore, life still has a chance to endure (Rose, 1996, p. 85). Another characteristic of this kind of knowledge is its predominantly qualitative nature (Berkes, 1993, p. 3). On the other hand, Western scientific knowledge is thought to be mainly quantitative, and it has a reductionist approach which has been highly criticised by feminist scholars such as Donna Haraway, whose critique has been embodied by the concept of situated knowledge, and Anna Tsing, who attributed to settler colonists the attempt to universalise and standardise knowledge (see Chapter 3.2.). Indigenous knowledge is orally transmitted, handed down from generation to generation, and shared. It is a moral knowledge and spiritual at its core. On the contrary, Western scientific knowledge is considered to not be influenced by any type of value as it would compromise its supposed objectivity, and makes use of mechanistic

explanations.⁸ It is embedded in a specific context and, therefore, it is defined as local knowledge or, as Haraway better defines it, a situated knowledge. This knowledge is encoded in Indigenous languages, names and taxonomies. It is also “based on empirical observations and accumulation of facts by trial-and-error” and on diachronic data, that is, it is based on the observation of change over a certain period of time and in one location (Berkes, 1993, p. 4). On the other hand, Western scientific knowledge hinges on experimentation and correctability, which are considered as guarantees of its validity.⁹ Moreover, it is based on accumulation of facts and on synchronic data, that is, an analysis of one point in time without considering what precedes it. Finally, Indigenous knowledge is often learned through informal processes, it hinges on personal and direct experiences (Ross et al., 2011) and merges into the community’s collective system of knowledge (Berkes, 1993, p. 4). In Chapter 3, by reporting Rose researches, it emerged how Indigenous people share with Country a relationship of mutual care and how their land management practices have helped thriving productivity and biodiversity. They understand the role they play inside the ecosystem and how everything is connected. The different approaches to environmental knowledge illustrated here are informed by the different ontologies of Indigenous people and settlers. Therefore, the different environmental management practices hinge on the different values given to nature.

7.1 Different Values of Nature in Environmental Management

Environmental management hinges on the “ways of knowing and understanding the world” (Rose, 1996, p. 4). These values underpin mental models and ontologies that become the frames around which the actions and practices take shape (Ross et al., 2010, p. 55). When these models get internalised, they

⁸ In the philosophy of science, mechanistic explanations are used to disclose natural facts, which are justified as movements of bodies in space. In fact, mechanism doctrines interpret reality as a machine and make use of mechanics as a science-model for reality (Abbagnano, 1971).

⁹ The presupposition of this conception is fallibilism, as each correction provides with another scientific validity (Abbagnano, 1971)

participate in the creation of values. Authentic social and cultural differences emerge between the system of knowledge and management of the environment of Indigenous peoples and the way in which Western cultures manage knowledge and land. These differences are informed by the different conceptions and values given to nature, whose roots lie in history and culture and that have been introduced in Chapter 3.3. The dilemma is therefore linked to the discourse of anthropocentrism versus ecocentrism, in which the intrinsic value of nature collides with the utilitarian or instrumental value that sees nature as an exploitable 'other' that only serves humans' needs (Washington, 2013, p. 68). Anthropocentrism, as an ontological position, influences the sense of morality towards nature. The loss of value of nature that characterises Western society has indirectly contributed to environmental degradation. Western resource management is led by a reductionist scientific perception of nature that sees natural resources in a utilitarian way, in line with a capitalist and domineering worldview. This utilitarian view of nature is oriented towards a use of resources that ignores the reality of their limitations. The management of provisioning services is consistent with the laissez-faire doctrine that is proper of the current neoliberal economic system (Berkes, 2012, p. 266). Under the imperative of progress and development, Western societies have approached nature in a utilitarian way and ended up over-exploiting it. Western scientific philosophy is based on universalism and hyper-separation, that is, the separation of nature and culture. The term environmental management itself reproduces the divide between nature/culture, as it separates the 'environment' from its 'management', that is, from human actions and decision-making (Muller et al., 2019, p. 401). Once again, terminology plays an important role in identifying ontologies. The conception of humans as beings that exist outside of the environmental system, implies that the human species does not have to obey ecological rules because they are external to it. The concept of hyper-separation well describes the Western concept of wilderness which sees humans' interaction with nature as incompatible with environmental protection. Traces of culture on the land have long been believed to put at risk environmental protection (Rose, 1996, p. 17). Natural parks, which have politically defined boundaries and limits to the use of ecosystem services, are a product of a distorted perception of the relationship between humans and the environment

that hinges on hyper-separation. Their environmental management, in the Western worldview, is strictly limited to the protection of its biodiversity and to recreation purposes (Stevens et al., 1997, p. 17). Natural parks are designated to protect the integrity of its ecosystems for present and future generations, to prohibit the exploitation, use or occupation of its resources if they prove in contrast to the purposes of the area's designation, and to provide recreational or educational experiences to visitors (Ibid.). Indigenous environmental knowledge incorporates the view of nature not as an external object to human beings and their life experiences but as an “entangled matrix of multispecies situatedness” (Rose, 2013, p. 100), which reflects the concept of Country. An ecocentric vision does not even place the question of the value of nature at the centre of the discourse as it is not up to humans to define it (Ibid., p. 10). Nevertheless, understanding human dependence on nature, recognising that human beings are subject to ecosystem rules means to overcome the nature/culture divide and approaching the holistic vision that Indigenous people hold of the world. In Australia these two visions are inherently complementary, although settler colonialism has long devalued and dismissed Indigenous knowledge.

7.2 Western Environmental Management: a Form of Colonialism

The management of natural resources is determined by who holds political and decision-making power. The process of settler colonialism has had, among other consequences, that of replacing a variety of Indigenous systems of environmental knowledge by Western science and its resource management (Berkes, 2012, p. 266). The assumptions on the value of nature still underline the practices of environmental management of settler colonies, which hinge on the concepts of conservation and development (Ibid.). Conservation biology has historically based its assumptions on the belief that nature is better off without humans. One of the most evident consequences was the forced displacement of Indigenous people from their land to make space for National Parks. The result was a further dispossession of Indigenous communities and their detachment from land (Ibid.). However, other views and values of nature are hardly incorporated into the environmental management projects. The attempt

to change the natural landscape of the colonies to shape it into something more familiar has been one of the consequences of universalism (see Chapter 3.2). Settlers erased local ecologies by imposing new ecologies, which were thought to be needed for the survival of their way of living in a foreign land (Whyte et al., 2020, p. 159). Environmental management tools, from the creation of management plans to the gathering of quantifiable data on ecosystem services, hinge on Western ontology of science. Erasing existing ecologies meant erasing the presence of Indigenous people, which further legitimised settler colonisation. In modern environmental management, Indigenous interest and stake in natural resources generally emerges as irrelevant and gets often dismissed (Hemming & Rigney, 2008, p. 764). Their management often shows characteristics that are proper to the settler colonial line of thought. Placing Indigenous ontology, which informs their interest in the land and their environmental management, into the realm of the myth, paves the way to the undermining of Indigenous knowledge and its subjugation to Western hegemony. Western environmental management aims at imposing “the forms and direction of development” (Ibid., p. 767) and puts into action a series of epistemological barriers to Indigenous involvement and participation in it. Ross et al. (2011, p. 96) identified these barriers as lack of recognition of the validity and experience of Indigenous knowledge of natural resource management, a narrow conception of terms such as ‘tradition’ and the consequent narrowing of the opportunities, the devaluation of Indigenous knowledge and their connection to Country by Western managers, the translation of Indigenous knowledge into the dominant scientific framework, the challenge of informing the spiritual and social value of Indigenous knowledge in such a way that is understandable to Westerners, the codification of a knowledge that is normally transmitted orally and the issue of property right on Indigenous knowledge. There are also numerous institutional obstacles such as structures at the governmental level that make it difficult to involve ‘outsiders’, the limits of management manuals and approaches that do not accommodate Indigenous knowledge and the difference between the mainstream centralised system and the decentralised system of the Indigenous approach. The question of power is once again central in the discourse, as obstacles arise whenever there is a disparity in power relations. Another barrier is the lack of awareness from the State of its role in the process of subjugation of both Indigenous people

and nature. Finally, the tendency of deeming of higher importance the accomplishment of global issues by using global tools rather than focus on the local scales and use local knowledge (Ibid., p. 97). What underpins all these identified barriers is the system of 'Othering' based on racialisation upon which settler colonialism has been built. However, within the predominant environmental management system, Indigenous people can find possibilities for action to create space for political recognition and build meaningful relationships (Porter & Barry, 2018, p. 138).

8. Transformative Practices in Environmental Management

Shared management of natural assets has the potentiality of recognizing that Indigenous people are custodians of the land not only in the present, but also in the future, as they were in the past. It also aims at guaranteeing the traditional owners a majority stake in natural parks' development and decisions on natural protection. At the same time, it can provide a meeting ground where Indigenous peoples can voice their concerns, interact and change the system from within. The very act of interaction, as the one that can emerge in an environmental shared management context, can turn into an opportunity to "creatively expand the tools, processes and discourses of the system to create new opportunities for recognition" (Porter & Berry, p. 144). Porter and Berry (2018), by borrowing Pratt's concept of 'arts of the contact zones,' bring forth a set of suggested practices that Indigenous people can develop to attempt a change in the status quo. These practices can and should be pursued by Indigenous people in contests of shared environmental management. First, they call for an increase of an "institutional capacity" (Ibid., p. 140) in terms of "finances, knowledge, technology, translation, culture and employment" (Ibid., p. 141), that is, the creation of Indigenous institutions such as the aforementioned Land Councils. In fact, formal organisations have more probability to be heard and recognised at the government level. The aim should be that of gaining enough institutional recognition to push government agencies "beyond 'minimum compliance' with legislation" (Ibid., p. 140). Porter and Berry underline the importance of creating social networks and alliances outside the Indigenous communities, both governmental and nongovernmental (Ibid., p. 142). Another possibility is making use of the tools provided by the Western planning system and its legal norms. One of the tools in environmental planning is that of public participation and consultation, that is, the direct involvement of Indigenous people in the first phases of the management. The preservation of cultural heritage elements, mostly those that are tangible and therefore whose significance is more easily grasped by Westerners, can also be used as leverage to obtain a broader space for recognition also over natural resources management.

In contact zones, “the real implications of recognition come to ground in concrete ways” (Ibid., p. 30). Recognition and identity are strictly linked to the matter of land rights and control over natural resources, which appear as sensitive contact zones. Therefore, shared management in natural parks may allow Indigenous people to access to Country and bridge the gap between the two groups on the political level. Nowadays, despite its hegemony, the management of natural resources carried out by Western management seems unable to stop the exhaustion of natural resources and environmental degradation or to face climate change (Berkes, 2012, p. 266) as it is unable to shift the exploitative paradigm that characterises its genesis. In recent years there has been an explosion of interest in traditional ecological knowledge reflecting the need to develop a new ecological ethic based in part on indigenous wisdom to counteract the evident state of degradation of the environment. This can be seen as an opening of opportunities for Indigenous people in the path towards recognition and self-determination, that is, the Indigenous self-determination is the right people have to decide over their life-styles and priorities.¹⁰ However, to meaningfully integrate Indigenous perspectives on nature and environmental knowledge within Western management, it is necessary to challenge the status quo that aims at finding agreements and peaceful collaborations by forming alliances and taking the field in contact zones. In fact, conflicts are often at the core of the more positive outcomes of the struggles for recognition as they may provide Indigenous people with a way to bring up the politics within the apparently neutral and universalised contact zones and, consequently, gain more political recognition. The agonistic character of the claims can reframe “the terms of recognition” (Porter & Berry, 2018, p. 195), which are not demands for inclusion but for sovereignty. Recognition in contact zones is a terrain of political struggle. The possibility for success is given not only by the existence of legal or political instruments that have been created to stimulate the development of shared management projects, but by the possibility of Indigenous people to

¹⁰ International policy also recognises this right, as it is sanctioned in Article 1 of the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights, in the International Covenant on Economic, in Social and Cultural Rights, and in the United Nations Declaration on the Rights of Indigenous Peoples (Janke T. et al., 2021, p. 45).

mobilise these resources and find space to operate. The aforementioned Indigenous Protected Areas (IPAs) (see Chapter 4.3) are contact zones that place Indigenous Rangers and their knowledge at the forefront of day-to-day management of natural resources. These practices can allow for a broadening of the space for Indigenous actions in environmental management. Nevertheless, this appears as an area of research that has not been explored in depth yet, and which would require greater attention due to its transformative potential.

8.1 Gamay Rangers and Rangers' Project: a Potentiality for Recognition

The work carried out by Indigenous Rangers' groups can be described as 'art of the contact zone.' Indigenous rangers' work and actions, which have been outlined in Chapter 4.3, are important practices that take place in the contact zones. Gamay Rangers, together with The La Perouse Land Council, always seek to find new ways to fulfil their responsibility toward Country, which is also responsibility towards people, despite the perpetuation of the conditions of settler colonialism, which hold back their rights. The range of activities that they bring forward is wide. They are constantly researching for new places where to practise their culture, while informing and educating the non-Indigenous people, activities that usually take place in contact zones. Their engagement with planning in all its forms is a way in which they can attempt to control Kamay land-use and development projects. Usually, it has been asserted how Indigenous recognition is easier to be achieved in rural areas than urban centres (see Chapter 5.2). Even though Gamay Rangers move in a space that is at the fringes of the Sydney metropolitan area, the historical presence of The La Perouse community and Land Council has rendered claims more tenable. The Council represents an important institution, which is able to dialogue with the local government. The new shared management deal that will take form in the next months between Gamay Rangers and NSW National Parks and Wildlife Service Rangers (see Chapter 6.1) has the potential to render the Indigenous community visible through the enhancement of the rangers' group to political authority over the management of the park. A potentially powerful 'art of the

contact zone' indeed. The recognition of Indigenous people's right to land is linked to the recognition of Indigenous people within the political sphere and of their authority in decision-making regarding land-use. The practices suggested by Porter and Berry (2018) can be identified among the activities that The La Perouse Land Council and Gamay Rangers bring forward. The Council has developed in time numerous alliances, which are carried out through diverse partnerships. Within the Indigenous communities, they have affiliation with government partners, such as the New South Wales Aboriginal Land Council, which is the "State's representative body in Aboriginal affairs" (La Perouse Local Aboriginal Land Council, 2023), and other local Councils such as the Randwick City Council, the Waverley Council and the Bayside Council. They also have corporate partners like the Jawun Corporate Partnership, with whom they have collaborated since 2012. Jawun works with Indigenous communities to support them in developing their potential. The development must be Indigenous-led and aims at fostering meaningful connections between the Indigenous community and non-Indigenous companies through the recruitment of skilled people from Australian government businesses and agencies that are integrated into the Indigenous organisations. Gamay Rangers benefit from these partnerships and personally developed a heartfelt social media presence, both on their website and on Facebook, that allows them to interact with the broader urban community, publicise their work and activities and, through them, their unique culture. Their promotional efforts have led them to be featured in numerous interviews with major national news programs such as ABC News and television programs such as *The Point*, produced by National Indigenous Television (NITV), under the Special Broadcasting Service (SBS).¹¹ Their story was also shared by National Geographic Official Instagram page¹² on the 21st of March 2021. An underwater picture depicts Senior Ranger of Gamay Robert Cooley in the activity of mullet hunting. The picture tells the story of generosity and attachment to the traditional activities of the group of rangers. During Sydney's lockdown of April 2020, they were active in supporting the community and used

¹¹ *The Point*, Season 2022, Ep. 20 of Tuesday June 28, 2022

<https://www.sbs.com.au/ondemand/watch/2040736323630>

¹² National Geographic <https://www.instagram.com/p/CMqSmU6rc9b/>

traditional hunting techniques to provide more than 300 meals to those in need (Skovranova, n.d.). Gamay Rangers' call for recognition is loud, and it manifests from social media to environmental management partnerships. The struggle for recognition falls within the sense of responsibility that Indigenous people feel towards Country and the need to bring forward the management practices of care. Indigenous Ranger jobs provide management and protection of natural areas that are at the forefront of ecosystems protection across Australia. Their practices "help reverse the impact of development" (Country Needs People, 2022), restore the health of the local ecosystem and that of the broader Indigenous community. They provide environmental work that benefits the entire country. According to an article published by Aboriginal Affairs called *NSW National Parks and Wildlife Service partner with Aboriginal rangers* (2022), in which the partnership between the Gamay Rangers and National Parks and Wildlife Service (NPWS) is acclaimed, around 12% of the NSW National Parks and Wildlife workforce is already part of the Indigenous community. This percentage is substantially higher compared to the rest of the public sector (Ibid.). Indigenous Rangers groups can improve the health of both Country and people, also in highly pressured environmental areas such as Kamay in NSW.

8.2 Indigenous Rangers' Program: All Benefits

As it emerged from the previous chapters, Indigenous natural management has proven to have numerous benefits on the environment, from the enhancement of biodiversity, to a general improvement of soil condition, in addition to the reduction of CO₂ emissions, greater control on the expansion of invasive species and bushfire abatement through fire management (Janke, 2021, p. 112). Indigenous environmental management has also a positive impact on Indigenous health. If ecosystems are healthy, if Country is healthy, then also humans' well-being is enhanced. Although there is still no real report looking at the full cost-benefit ratio of the Indigenous Rangers' program, there are many benefits that cannot be calculated in economic and quantitative terms and, therefore, are difficult to be evaluated on the market. However, according to Bourke et al. (2018) there is a growing literature on the relation between Indigenous peoples around the world and well-being signalling positive

outcomes on social and emotional well-being associated with increased participation or involvement in cultural practices. Moreover, between 1997 and 2017 more and more research has been made on the effects of the Indigenous Rangers program and their physical and mental health. The papers relied both on quantitative and qualitative methods. Almost all of the studies that focused on social and emotional well-being have shown a positive correlation. Health outcomes concerning physical well-being were analysed in sixteen publications, among which ten demonstrated positive ties between the outcomes and culture. Regarding behavioural risk factors, such as alcoholism or smoking, twenty papers were published, of which sixteen reported positive associations. Overall, it emerged how positive well-being outcomes can be linked to “improved community autonomy and decision-making” (Ibid., p. 23). In 2017, *Mayi Kuwayu: The National Study of Aboriginal and Torres Strait Islander Wellbeing* developed a study that aimed at examining the possible link between being part of the Indigenous Rangers program and positive outcomes in health and well-being, intended as “life satisfaction, general health, psychological well-being and family well-being” (Jones et al., 2018, p. 1). The case study was carried out among participants in Central Australia in 2017. The outcomes showed continuity with the previous research: the participants in the program experienced an increase in family well-being and life satisfaction despite the differences in socio-demographics, culture and health characteristics (Ibid.). These studies show how the positive connections between the program and health are partially mediated by participants' use of Indigenous languages and the maintaining of their kinship to Country. Those who have a stronger connection to Country and can master an Indigenous language will be more likely to be attracted to Ranger's work and be selected for it. On the other hand, Ranger's work strengthens cultural learning as it promotes "sharing knowledge and stories of sacred sites, learning tracks of endangered animals, knowing when plants flower, and passing the responsibility to look after sites, fauna and flora between generations" (Ibid., p.14).

In a report written by Bueren et al. (2015) on the benefits of the program, it emerges how these can have spillovers to the rest of the Indigenous community. The positive outcomes are extended to the whole national economy in terms of “better health outcomes, less crime and improved environmental and heritage

protection” (Ibid., p. 4). There has been an increase in employment and the demand for Ranger positions. Moreover, most Ranger groups have a high staff retention rate: the majority of the personnel tends to remain employed in the long term across Australia. Indigenous Ranger groups show high motivation and involvement in the program. The positive outcome is presumably given by the possibility of participating in meaningful work that allows them to reconnect to Country and retain cultural knowledge (Ibid., p. 21). A key feature of these programs is the involvement of both older and younger generations, which allows for the vertical transmission of Indigenous people's ecological knowledge (Ibid., p. 26). Enhancing the connection to both Country and the community allows for an increase in social capital, which has been shown to reduce crime and antisocial behaviour in Indigenous groups (Ibid., p. 25). Inevitably, the focus on outdoor activity and meaningful cultural work undertaken by Indigenous Rangers can only have positive effects on health practices and their social determinants. Being able to measure the benefits of the Indigenous Ranger program, including those related to health and psychophysical well-being, adds important evidence on the positive relationship between culture and well-being and contributes to proving the importance of devolving funding for the Indigenous Rangers program (Wright et al., 2021).

Conclusions

The case study represented by the Gamay Rangers in Kamay (NSW) and the shared management pact they have signed for the management of the natural parks of Kamay Botany Bay National Park and Towra Point Nature Reserve is of recent birth and, therefore, it is still early to establish the outcomes. However, from a first examination of the present literature, it emerged that the work carried out by the Gamay Rangers has the potential of addressing both the issue of social and economic disparity of Indigenous people and environmental degradation. As I illustrated in the previous chapters, the agreement foresees for the Gamay Rangers to be equal partners in the joint management program with NSW National Parks and Wildlife Service Rangers (NPWS). This can be understood not only as an important acknowledgement of their work on Country and of the validity of Indigenous knowledge in environmental management but also as the opening of a potential space for political recognition through a complex process of collaboration and confrontation. It is also an important key example of culture being operationalised in natural resource management programs. Moreover, the case study represented by the Gamay Rangers is particularly interesting for their remarkable ability to create a personal and engaging public narrative, which allows them to catalyse the attention of the media and the community in the broadest sense.

The concept of 'contact zones' that I borrowed from Pratt (1991) to define the space in which shared management takes place has been deemed useful in asserting how different modes of encounter, such as that of natural parks, can open up opportunities for Indigenous people, such as in meaningful employment and decision-making roles. The 'arts of contact zones', that is, those practices that can be put into action by Indigenous people in shared public spaces, such as in contests of shared environmental management, have the potential to unsettle the status quo. As emerged in the previous chapters, in shared management there is the opportunity for the two cultures to meet and to exchange knowledge. Indigenous people can voice their concerns and, by the very act of interaction, create new opportunities for recognition. Indigenous people have always made use of environmental and cultural knowledge to manage land. However, it emerged how it is often difficult to find the space to

perform these transformative practices, as the procedures that regulate natural resources' management are still organised according to Western scientific thought. Despite the good intentions and the potentialities, both co-management and joint management systems are often planned in a way that merely accommodates Indigenous people and their ontology within the existing political and legal framework. Moreover, they often neglect the cultural values that Indigenous peoples assign to Country, preferring a conservationist approach. In other words, recognising the need to involve Indigenous people in decision-making process in environmental management does not mean an actual guarantee of a full and more just approach to planning. Furthermore, Indigenous employment can be met for the mere need for workforce, without favouring the inclusion of their knowledge and practices. These limits underline the profound political and social implications that the settlers' colonial past still has on the present power relations. The question of land ownership emerged as a crucial element for better management of natural resources and Indigenous peoples' rights recognition, although settler-colonial policies and practices still render land claiming a procedure fraught with difficulties. As it emerged in the first chapters of the thesis, in order to submit land claims, Indigenous people have to provide proof of continuity of laws and customs and their attachment to Country. However, these claims are subject to a Western imposed framework, and have to comply with terms that neither belong to them nor align with their worldview. In Chapter 2, I discussed the importance that access to land has for Indigenous people to fulfil their duty of care toward Country. The development of important legislations such as the *Native Title Act 1993 (Cth) (NTA)* have provided Indigenous people with an opening in the legislation for land claims but limits and difficulties remain. Native land claims appear as struggles for recognition in a terrain of contact. The recognition or non-recognition of Indigenous people in the political sphere and decision-making in the context of natural resource planning and management affects Indigenous peoples' access to land, other than its enjoyment and use.

The need to meet the global long-term goals necessary to tackle climate change has led the Australian government to acknowledge the importance of including Indigenous people as stakeholders in environmental decision-making. This may provide further openings for Indigenous people to be more effective in claiming

for recognition and self-determination. Indigenous and Western environmental management are increasingly seen by governments as complementary and programs of shared management have been promoted, even though power relations within the environmental management system are still based on the dominant Western scientific structure. The Indigenous Rangers program seeks to offer a better response to the structural limitations of other policy frameworks. Shared environmental management projects carried out by rangers groups address the disadvantages that are deeply rooted in the settler colonial system and its asymmetrical power relations. When coupled with a strong Indigenous decision-making component, shared management may be the key to the long-term success of environmental stewardship. In the spaces where it takes place, Indigenous people can find an opening to start a process of dialogue, confrontation, and knowledge exchange that can lead to the development of a pattern towards a more effective collaboration between Indigenous and non-Indigenous people, which can be applied in other fields for greater recognition. In conclusion, the major contributions of having Indigenous Rangers operating in the decision making-process pertaining to key public government spaces, such as natural parks, emerged in the context of Indigenous community health. The program has proved to implement Indigenous people' well-being, both physical and psychological, to reduce behavioural risk factors and to improve life satisfaction. Moreover, the positive outcomes are extended indirectly to the whole Indigenous community and to non-Indigenous people. Indigenous knowledge in shared management contexts, as carried out by Indigenous Rangers, is an ally in the fight against environmental degradation, and in the protection of biodiversity and ecosystems. It is only through meaningful involvement at the political and management level that Gamay Rangers, together with the other ranger groups of Australia, can gain real recognition and enhance their capability of protecting Country. Only by allowing and making space for Indigenous people in decision-making, Australia can save its environment and people.

Finally, it emerged how there is still little research on the link between Indigenous Rangers groups in shared environmental management and its potential for political recognition. I also believe it would be a good starting point for further

research analysing the digital world and social media as contact zones in which Indigenous people can find an opening for further recognition.

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