Should trees be considered more important than roads?
An exploration of the impacts of development on Nature, First Nations people and Country.

A thesis presented in partial fulfilment of the requirements for the degree of Master of International Development

School of People, Environment and Planning
Massey University
Aotearoa New Zealand

Glenda Kathryn Roberts

2025

Abstract

This thesis investigates the intersection of mainstream development in Australia with the cultural and environmental rights of First Nations peoples, paying particular attention to a contested Western Highway development in Victoria and its impacts on Djab Wurrung people and Country. The research highlights how infrastructure expansion often prioritises economic growth over ecological and Indigenous rights, creating systemic barriers that marginalise both Nature and Indigenous voices. The removal of sacred Birthing Trees on Djab Wurrung Country for the Western Highway upgrade exemplifies this issue. These trees have long been central to the cultural and spiritual identity of the Djab Wurrung people, serving as vital sites for traditional birthing practices and ceremonies that connect generations to their Country. The destruction of these trees was executed during the COVID-19 lockdown in October 2020, raising questions about transparency and accountability in government decision-making processes that disregard Indigenous rights.

The research adopts a political ontology approach to explore how Indigenous rights and the rights of Nature are intertwined, emphasising that this relationship is essential for meaningful reconciliation and decolonisation efforts in Australia. By examining the case study through a series of key informant interviews, the thesis reveals the broader implications of prioritising development over the sacredness of Country and the cultural practices of First Nations people. Findings show that five key barriers (power and control, incompatible knowledge systems, ignorance, inertia and racism) inhibit progress on achieving Country-centred policy, planning and development. Ultimately, I argue for the preservation of cultural and ecological heritage, which is crucial for ensuring a more just and equitable society that respects both Indigenous peoples and the natural world. Through this exploration, the thesis contributes to ongoing discussions on how to understand and work with Country, protect Indigenous rights, the rights of Nature and consider cultural heritage, racism, justice, environmental ethics, and sustainable development practices more deeply within the Australian context.

Acknowledgements

I begin by acknowledging the traditional owners of the nation where I currently live and work, including all past, present, and future First Nations people of the Kulin Nation: The Wadawurrung (also Wathawurrung), Wurundjeri Woi Wurrung, and the Dja Dja Wurrung people. I further acknowledge and pay my deepest respects to the Djab (also Djap) Wurrung people and Country, where the case study for this research was focused. I particularly honour your ancestor known as *The Directions Tree*, which is no longer standing due to Western Highway development works.

The research was supported by funding from *Graduate Women Manawatū* and a *Massey University Master's Research Scholarship*. It has been an honour and a privilege to receive these scholarships, and I am grateful to all concerned.

I wholeheartedly thank my supervisors, Dr Alice Beban and Prof. Regina Scheyvens, for always having faith in me, for generously sharing their immense wisdom and for their steadfast enthusiasm for this work. Thanks also to Dr Maria Borovnik for your contribution, and the team at Massey University's Institute of Development Studies (IDS) for imparting their knowledge and challenging me to think critically, questioning things to the utmost. Special thanks to Prof. Rochelle Stewart-Withers for your expertise and manaakitanga during the ethics process. To my whānau, thank you for your support, particularly Prof. Ella Kahu, Michael Firth, George Filev, Rueben Skipper, Prof. Moana Theodore, Ass Prof. Robyn Maude, Stephanie Turner, Mike Grace, Ila and Dolina Wehipeihana, Toni Sheed, and especially to Glynis Angell for reading everything.

Lastly, thank you to all the research participants for their contributions.

Table of Contents

List of Figures and Tables

Chapter One – Introduction

1.1 Introduction

This thesis examines how mainstream development in Australia reflects a dominant political ontology that privileges infrastructure expansion over the rights of Nature and the cultural heritage rights of First Nations people. When discussing Indigenous rights and the rights of Nature in an Australian context, it is essential to recognise that from an Aboriginal perspective, the two are intrinsically linked and understood as vital aspects of *Country*. For the Aboriginal people of Australia, Country is a worldview that encompasses all of nature. It is about more than land or place. It is sometimes referred to as Dreaming and encompasses "law and knowledge… [and is] without beginning or ending… [where] everything is living – people, animals, plants, rocks, earth, water, stars, air and all else" (Neale, 2021, p. 1). Considering the removal of Djab Wurrung Birthing Trees for a Victorian highway project as a case study, this exploration examines how conflicting political ontologies influence development outcomes and expose systemic political, social, and cultural barriers to achieving more holistic, Country-centred forms of development.

1.2 The Case Study: Djab Wurrung Birthing Trees vs Western Highway

One case study is at the heart of the research: the removal of sacred Birthing Trees on Djab Wurrung Country in Victoria to make way for an upgrade to the Western Highway between Melbourne and Adelaide. This case study illustrates how a development project in Victoria has impacted the rights and well-being of Aboriginal people and their Country. On the 26th of October 2020, during statewide COVID-19 lockdown restrictions, a 350-year-old tree that was sacred to the Djab Wurrung people ('The Directions Tree') was cut down as part of a Victorian State Government highway infrastructure project. Figure 1.1 highlights (in yellow) the stretch of highway between Buangor and Ararat (approximately 2.5 hours from Naarm/Melbourne),

which impacts Djab Wurrung Country. Figure 1.2 identifies the location of Birthing Trees and other culturally significant trees set for removal for the new road.

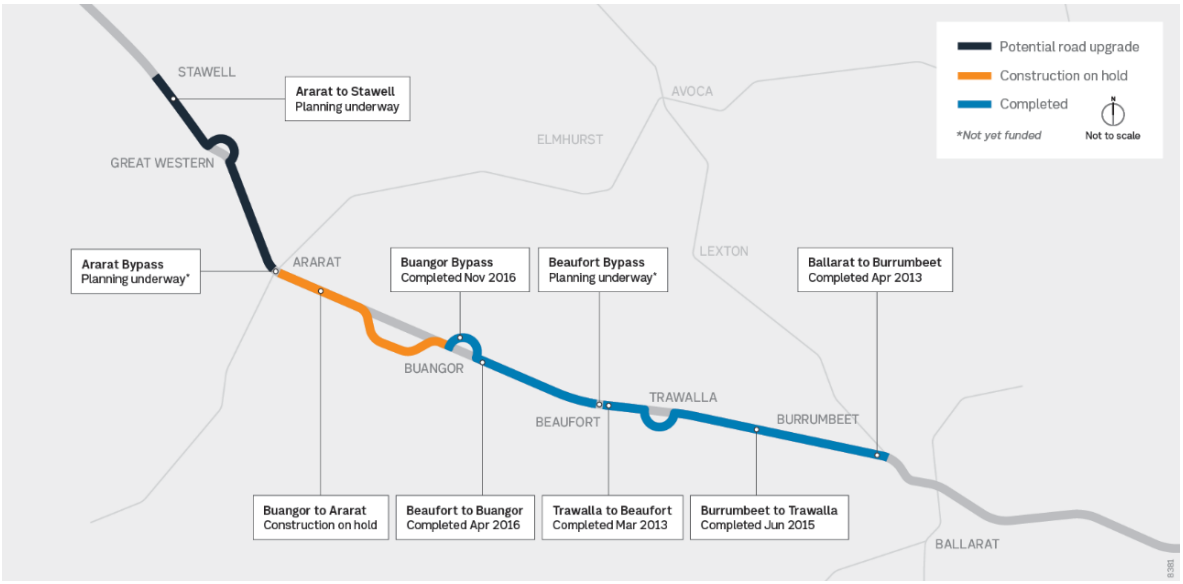

Figure 1.1 *Western Highway Upgrade - Buangor to Ararat in yellow*
(Source: Victoria's Big Build, WHU Project Overview)

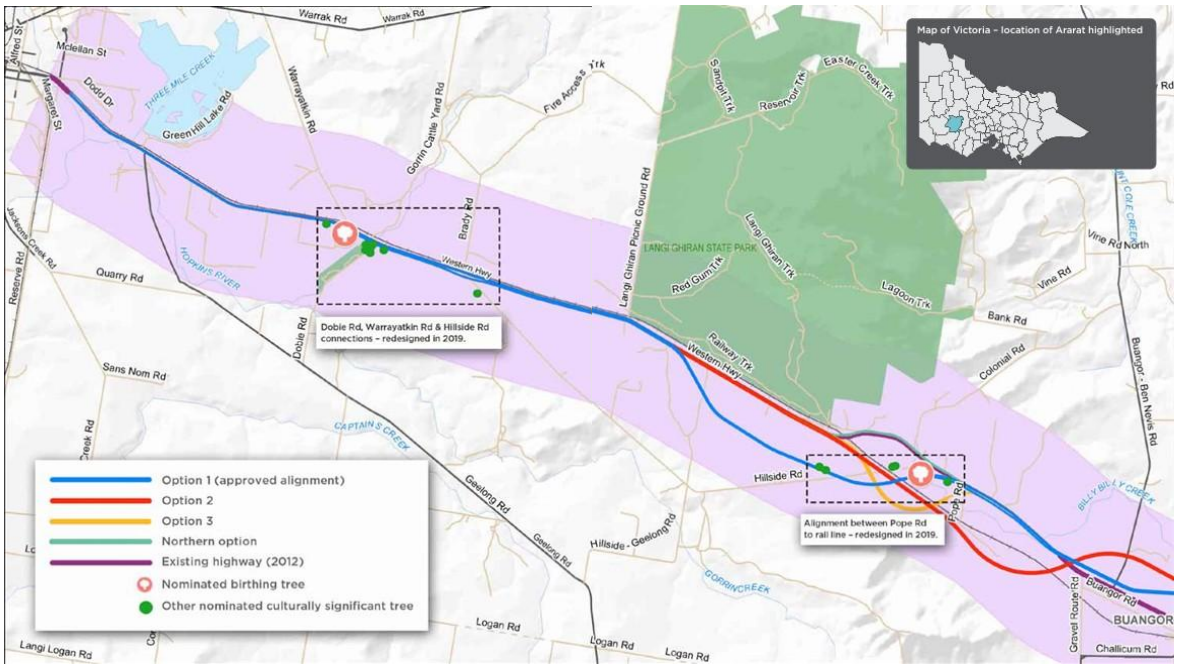

Figure 1.2 *Location of Birthing Trees and other culturally significant Trees impacted by the Western Highway upgrade*
(Source: Victorian Ombudsman) NB: The Number of trees is not provided

Djab Wurrung Birthing Tree Country has, for centuries, been a place where Aboriginal midwifery has been practised (Handsley-Davis et al., 2021, pp. 146-147). The loss of these Birthing Trees disrupts the relationships that Djab Wurrung people have to their Aboriginal identity, as the sites where Birthing Trees are located are intended to ensure lifelong connections for mothers and babies to their Country. Research indicates that traditional birthing practices and knowledge are essential for decolonisation, reconciliation and self-determination, and traditional knowledge is a proven link to more positive health outcomes for Indigenous people (Adams et al., 2018, p. 82). As Morgan observes, "The symbiotic relationship Indigenous people have with Country and how it defines our identity are as old and profound as the land itself" (Morgan, 2008, p. 202).

1.3 Rationale

I was drawn to this case study because the roading project appeared to be unjust, ignoring or overpowering the rights of Nature, Country and First Nations people. I wanted to understand how state government development processes had considered these rights, and how the project could have been more considerate of Nature, Country and First Nations people.

My interest and relationship with trees and Nature began as a child, encouraged by my mother, who loved and worshipped trees. Being in Nature was a religious experience for her, and consequently, I have always been conscious of my interactions with trees and Nature, and today, like many Indigenous people, I believe that I am part of, not separate from or superior to the more-than-human world I live within (Bawaka Country et al., 2015, p.271). Trees have helped to anchor me to places and to keep memories alive throughout my life. This grounding is undoubtedly what led me to the story of the Djab Wurrung Birthing Trees. Shortly after moving to regional Victoria in 2017, I learned that a proposed upgrade to the nearby Western Highway, the main transport route between Melbourne and Adelaide, was threatening trees that were sacred to the Djab Wurrung Aboriginal community. The trees in question had been sustaining Djab Wurrung women and their birthing practices for at least 800 years, and the Djab Wurrung community had established an Embassy Camp on Country to protect the trees from development activities. Members of the Djab Wurrung community spoke about how the Birthing Trees serve as repositories of stories, history, deep spiritual and cultural connections with the past, present and future for many generations of Djab Wurrung Aboriginal people (Amerena, 2018; Austin, 2021, p. 63).

Trees mean different things to different people, and are probably special to me, because they were special to my mother. They carry memories and provide tangible links to the past, serving as triggers for recollections and keepers of stories. Perhaps this way of seeing and 'feeling' about trees is also not surprising, given that I spent half of my childhood playing among a forest on a five-acre bush block on the hills of Dunedin (Ōtepoti), in Aotearoa, New Zealand. When I was seven or eight, unlike most kids my age, I even had a favourite tree, which was well over one hundred years old (Figure 1.3).

Figure 1.3 *Me, age 7, with my favourite Blue Gum (Source: Glenda Roberts)*

I am not alone in this way of thinking. Dr Qing Li describes how an awakening of sensory delights and memories of playing as a child in the "green poplar forests" is recalled when spending time in Nature as an adult (2018, p. 4). The connection I had to my favourite tree was so significant that many years later, when I was living in London, my Mum sent a photograph of her hugging my tree (Figure 1.4). She said it made her feel like she was hugging me. This connection to people through Nature is something I still carry with me.

Figure 1.4 *Mum hugging my favourite tree (Source: Glenda Roberts)*

Wherever I am in the world, on February 3rd (the anniversary of my mother's death), I plant a tree or shrub for her. Just as my Mum loved nature, especially trees, it is now a sacred point of connection for me to her. The practice is also a solid act of caring for Country, as I plant natives in the place where I happen to be at that time.

1.4 The history of development and its impressions on Country

The history of development in Australia has long been focused on the pursuit of progress and economic growth by extractive and exploitive means, which have subsequently generated negative impacts for First Nations people and Country (Jackson et al., 2018, pp. 1-11). A lengthy history of heavy-handed political and development approaches has denied Indigenous rights and caused significant damage to Aboriginal heritage, people, and Country. One of the most notable was the *Aborigines Protection Act 1909,* which aligned with the Aborigines Protection Board to scrutinise and regulate Aboriginal people's activities for over half a century (Boucher, 2015, p. 78; Harding et al., 2023). The implications of this continue to restrict the movements and advancement of many First Nations Australians today.

Currently, in Australia, no treaty exists to protect the rights of the First Nations people and Country, and no government has "formally" recognised Aboriginal and Torres Strait Islanders as traditional owners in the Constitution (Dodson, 2003, p. 33). It is important to acknowledge

that contrary to this Constitutional exclusion, since the invasion of colonisers, Indigenous Australians have continuously fought to maintain their rights over resources and land ownership. For First Nations Australians, these rights are recognised as being "necessary for the present and the future" (Quiggin & Janke, 2003, p. 55).

International agreements aimed at ensuring the protection of Indigenous rights and the rights of Nature, such as *the United Nations Declaration on the Rights of Indigenous Peoples (2007)* (UNDRIP) and *the Convention on Biological Diversity (1992)*, do exist. Australia has ratified both. However, these are merely a set of guidelines which can be interpreted broadly and are in no way enforceable (Quiggin & Janke, 2003, p. 58). Evidence indicates that settler-colonial systems and non-Indigenous worldviews dominate Australia's policies and development processes, often sidelining First Nations people's rights, knowledge and perspectives, which some scholars call "racist censorship" (Pascoe, 2018, para. 24; Porter et al., 2020).

Initially, I had thought that rights-based theories would be suitable to investigate how development in Australia can ignore or manipulate the rights of First Nations people and Country, as seemed to be the case with the Western Highway project. I also hoped to examine how the rights *of* Nature were apparently valued differently from the rights *to* Nature in development. However, it quickly became apparent that a rights-based epistemology would be inadequate to unpack and examine Australia's relationship with socio-cultural, political and environmental affairs, particularly when it comes to matters relating to First Nations people and Country. It has proved more useful to adopt a political ontological lens throughout the research.

1.5 Power over knowledge

The overarching Western global political and economic system today has significant implications for the ways in which the worldviews and knowledge systems of Indigenous peoples worldwide are viewed:

> The power of the World Bank is not only its money, but its ability to accumulate and manipulate knowledge. It probably employs more PhDs than any university in the world. It funds studies that suit its purpose. Then it disseminates them and produces a particular kind of worldview that is supposedly based on neutral facts. But it's not. It's not at all (Roy, 2023, p. 9).

Roy identifies here how global institutions such as the World Bank operate not only through economic influence but also by shaping the dominant forms of knowledge production. These institutions reinforce a homogenised global discourse that centres Western political, economic and education frameworks, while marginalising Indigenous perspectives and knowledge systems. For example, the dominant narrative of Australia has long claimed that "nothing much happened until Europeans arrived" (McGrath & Rademaker, 2023, p. 7). Moreover, this narrative suggests that Australia was named by Captain Flinders at the start of the 19th century; however, the continent comprises many different areas of Country, each with different people and unique cultural knowledge and perspectives (Kwaymullina, 2008, p. 7). There are, however, signs of growing recognition. A recent statement by Australia's Minister for Industry and Science about future investment priorities in research, policy and development argues the need for Indigenous voices to be at the planning table because First Nations knowledge systems are a "national strength" that currently lacks recognition and therefore, remains under-utilised (Kennedy & Miles, 2024, para. 4). However, because Australia's First Nations people and their knowledge have so often been exploited, more work needs to be done to unsettle any pervasive patterns of colonisation. There is therefore an imperative to ensure greater focus on Indigenous-led research, policy, planning and development.

This thesis examines the 'norms' of development today and how the rights and well-being of Indigenous peoples, Nature, and in the Australian context, Country, are regarded within current mainstream development processes. Existing research suggests that institutionalised violence among mainstream approaches to development limits deeper understandings of the value of Nature, and our coexistence and connections with it (Hollo, 2022, p. 157). According to Hollo, overriding Western-focused global governance systems (political and economic) that regulate human interactions with Nature are anti-ecological, with the rights *of* Nature dominated by human rights *to* Nature. In the Australian context, Aboriginal worldviews, First Knowledges, and land-management techniques on Country continue to be undervalued and poorly understood (Gammage & Pascoe, 2021, p.35).

The intentions behind this research were to contribute to a growing body of work calling for genuine engagement with First Nations people and greater inclusion of Indigenous knowledge and perspectives in policy, planning and development processes. To cover the scope of these intentions, there are two research aims and two research questions.

1.6 Research aims

1. To seek an understanding of how the rights of Nature, Indigenous rights and the rights of Country are regarded within development today by analysing a Western Highway upgrade in Victoria, Australia that involves the removal of numerous Djab Wurrung Birthing Trees.

2. To learn how mainstream development practices can be transformed to better recognise the rights of Nature, Indigenous people and Country.

1.7 Research questions

1. What made it possible for the Victorian State Government to cut down trees that are known to be sacred to the Djab Wurrung Aboriginal people and Country to build a road?

2. How could future development projects be conducted differently to better preserve and respect Nature, the Djab Wurrung community and Country?

1.8 Key terms

Language used throughout this thesis to refer to people, culture, and places can be political, with some terminology more impactful than others (Roberts et al., 2021). To accommodate the different perspectives presented within this research, the terminology used throughout the thesis to discuss Indigenous people will shift between 'First Nations people', 'Aboriginal', 'Torres Strait Islanders' and 'Indigenous' as appropriate. I use capitalisation of key terms, such as 'Nature' and 'Country' to emphasise their importance in the context of an Aboriginal understanding of inter-relational connections between *all* things.

1.9 The importance of understanding Country

In the context of Australia (where this research is based), according to the Aboriginal worldview, "everything is part of a continuum" (Neale, 2021, p. 1), with Country meaning much more than land. Country means all things, and all things are interrelated: spirit, landscapes, people, animals, places and knowledge, within a law of interconnectedness and a culture of multi-layered networks and reciprocal relationships (Grieves, 2009; Weir, 2012, p. 11). Consequently, damaging Country, for example, by cutting down trees for farming (Figure 1.5), harms Country and Aboriginal peoples' connection to Country (Neale, 2021, p. 1).

Figure 1.5 *Trees felled for agriculture at Gariwerd: Grampians National Park (Source: Glenda Roberts)*

1.10 What is 'development'?

Throughout this thesis, development processes responsible for negative impacts on the rights and well-being of Nature, Indigenous peoples and their cultural heritage are discussed. In the context of this research, I use the term 'mainstream development' (which is often state-led and infrastructure-focused) to refer to the 'normalisation' of extractive and exploitative development for modernisation that has repeatedly, and often violently, sought to separate people from nature (Ascher et al., 2016, p. 3). Post-development scholar and pluriverse advocate Arturo Escobar (2023) articulates this model of development as deeply rooted in the ontological foundations of modernity:

> Historically and ontologically, modernity is characterized by the separation between humans and nature (anthropocentrism), mind and body (rationalism and mechanicism), observer and observed (representationalism), us and them (colonialism, supremacy ideologies), and so forth. This dualist ontology was fundamental for the development of patriarchal capitalism, colonialism, conquest, and slavery and it remains at the heart of globalization (p. 57).

Escobar's critique captures the powerful logic underpinning mainstream development, which remains dominant globally today. In response to the ontologies Escobar describes above, this thesis explores ways to unsettle the false (but enduring) narratives of Australia's mainstream development that currently restrict possibilities to "see beyond the temporal worlds of settler-colonialism" (McGrath & Rademaker, 2023, p. 11).

1.11 Thesis Outline

The next chapter (*The political ontology of Indigenous rights, and the rights of Nature)* introduces the concept of political ontology and its relevance for examining the structures and assumptions underpinning mainstream development. It argues that dominant development paradigms have erected formidable barriers that hinder the protection of Nature, overlooking and undervaluing Indigenous communities and their rights, cultural connections, knowledge, and perspectives.

Chapter Three explores the significance of understanding Indigenous worldviews and ways in mainstream development processes, along with the need to recognise the importance of human-Nature relationships. The chapter emphasises the value of caring for Country strategies that respect the rights and well-being of Indigenous peoples and Nature.

Chapter Four outlines the methodology and methods used in my thesis. I discuss the qualitative approach used, and the use of in-depth key informant interviews, desk-based analysis, and a commitment to Indigenous research principles, while reflecting deeply on my positionality and lived experiences.

Chapter Five presents findings from interviewees regarding the negative impacts of mainstream development processes on First Nations' rights and the environment, particularly regarding the removal of the sacred Djab Wurrung Birthing Trees. Participants express concerns that prioritising safety, cost, and efficiency often overshadows cultural heritage, highlighting the urgent need for an approach that respects traditional knowledge.

Chapter Six analyses key barriers to effective collaboration with Country in development processes. My analysis of the interview data revealed five major barriers: power imbalances, incompatible knowledge systems, ignorance of cultural values, institutional inertia, and systemic racism. These present significant obstacles to upholding Indigenous rights and properly managing culturally significant sites such as Djab Wurrung Birthing Tree Country.

Chapter Seven discusses the need for urgent action to mitigate the harmful effects of extractive development on the rights and well-being of Nature and First Nations people in Victoria, Australia. It concludes by suggesting ways forward, advocating for a transformative approach to governance and planning that incorporates Indigenous perspectives and fosters sustainable development, enhancing both cultural and environmental health.

Chapter Eight is the conclusion of this research, advocating for Country-centred planning and development through key recommendations that involve prioritising Indigenous voices in governance and promoting sustainable practices.

Chapter Two – Conceptualising Development through Political Ontology

2.1 Introduction

This chapter introduces political ontology as a critical framework for rethinking mainstream development and its relationship with Indigenous rights, knowledge systems and Nature. First, Section 2.2 defines and considers rights-based approaches and their limitations for protecting Nature and Indigenous peoples, before moving on to introduce in Section 2.3, the concept of political ontology and its relevance for understanding development conflicts. Section 2.4 examines Indigenous Worldviews as relational ontologies, followed by Section 2.5, which addresses human-Nature relationships and political agendas surrounding conservation and protection strategies. Section 2.6 reviews rights of Nature legislation, and Section 2.7 discusses recent Legal Personhood legislation for Nature. Finally, Section 2.8 examines settler-colonial influences and impacts on Nature in development processes before the chapter summarises its findings and begins to advocate for more equitable ways forward in mainstream development to respect Indigenous rights and perspectives and foster sustainable human-Nature relationships.

2.2 From Rights-based Approaches to Political Ontology

In my research, I explored whether rights-based approaches (RBAs) can help reduce inequalities by empowering Indigenous communities in development decision-making (Jones, 2023, p. 15). Defined by the 2003 United Nations framework, RBAs aim to promote human rights as outlined in international instruments (Barletti et al., 2023, p. 1). Their roots trace back to post-WWII development strategies, with earlier influences from the American Declaration of Independence and the French Revolution (Lamb, 2019, p. 101). However, the integration of early-modern justice and human rights into development did not gain momentum until the late 1970s, notably with the 1986 Declaration on the Right to Development (Moyn, 2011; Barletti et al., 2023, p. 2; Jones, 2023). Evidence suggests that many Western nations, including Australia, hesitate to fully embrace human rights laws due to concerns about existing governance systems and economic structures (Ahmed et al., 2009, p. 329). Despite ratifying these laws, some states “act repressively [and] in defiance” of the laws, with development

decisions often relying on economic outcomes rather than considering cultural and environmental impacts, and "implementation gap[s]…between laws, policies and practices, whereby declared ideals encounter harsher realities on the ground" (Jones, 2023, p. 4). For example, Australia's commitment in 2009 to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the implementation of its four key principles — self-determination, participation in decision-making, respect for and protection of culture, equality, and non-discrimination — has been negligible (Australian Human Rights, 2021). The lack of consensus on definitions of self-determination hinders legislative progress for the rights and well-being of Aboriginal and Torres Strait Islanders (Gunn & Fitzgerald, 2020, p. 3; Gover, 2020, p. 78).

RBAs for Indigenous rights and the rights of Nature are limited by insufficient political will and ongoing dispossession in mainstream development practices (Wensing & Porter, 2016, p. 92; Lowe, 2014, p.11; Sydes, 2014, p. 66). Governments often prioritise lucrative but destructive partnerships in areas such as mining, farming and infrastructure (O'Faircheallaigh, 2002, p.22; O'Faircheallaigh, 2013, p. 22). This limitation prompted me to shift my focus to political ontology to better understand how various worldviews shape development decisions.

2.3 Political Ontology

Political ontology is concerned with "the politics involved in the practices that shape a particular world or ontology" and the consideration of "conflicts that ensue as different worlds or ontologies strive to sustain their own existence as they interact and mingle with each other" (Blaser, 2009a, p. 877). This chapter explores how political ontology can help us understand how and why Indigenous rights and the rights of Nature (and Country) are suppressed by the dominant development processes of today. Preliminary evidence suggests that as modernisation and globalisation took off, Nature has been subjected to a legal system that sanctions destructive, consumptive development activities to benefit Western-focused industrial economies rather than ensuring environmental protection (Berry, 2011, p. 227). Subsequently, the predominantly neoliberal capitalist societies around the world today sanction the consumption of Nature in a system of property ownership, politics and legislation that enables nations and territories to battle for perpetual access to natural resources (Putzer et al., 2022, p. 521; Moore, 2015, p. 162). This legal framework, Berry argues, has been propped up by transnational corporations and global organisations such as the World Bank and the International Monetary Fund (IMF) to maintain the process of extracting 'natural capital'

from ‘ecosystem services’ for the purpose of industrialisation, and perpetual economic growth and stability of the current global economic system (Berry, 2011; Raworth, 2017, p. 269). As a result, mainstream development has generated significant barriers to the protection of Nature and Indigenous communities, and their rights, cultural connections, knowledge and perspectives have been ignored and undervalued.

This thesis, therefore, engages with political ontology to consider the interactions (past and present) between capitalist modernisation, settler-colonial systems and structures and Indigenous rights and knowledge. Engaging with political ontology helps reveal the politics involved in the interactions and entanglements between human and non-human actors, and the complexities and challenges that arise from divergent Indigenous and non-Indigenous worldviews and systems (Blaser, 2009a, p. 877; Tola, 2018, pp. 26-27). This makes it particularly useful when working towards decolonising research. Kramm (2021, p.2) argues, for example, that to address colonial injustices, Indigenous self-determination is needed. To complete this, there must be an in-depth examination of the political practices, structures, and institutions at play.

In this sense, political ontology has the potential to uncover and question the way Western-based thinking continues to dominate the discourse on political ecology (politics, people, and Nature) around the world today. Political ontology can reveal the ontological aspects of the “accumulation by dispossession” that occurs around the world through extractive development practices such as large-scale mining and appropriation of land for state infrastructure projects and commercial agriculture (Escobar, 2017, p. 243; McMichael, 2014, p. 46; Langton & Palmer, 2003, p. 41). Political ontology also helps to identify and unpack the “political consequences of multiple elements of the ontological clash between modernity and indigenous cultures” (Campbell, 2021, p. 26), which ignores and undervalues Indigenous worldviews.

2.4 Indigenous Worldviews as Relational Ontologies

Indigenous worldviews often reflect ontologies that see land, water, animals, and spiritual beings as interconnected and relational. This section highlights how these worldviews are not just cultural beliefs but are understandings of the world that can guide alternative development pathways.

One of the key differences between Indigenous and non-Indigenous worldviews can be understood when considering how Western knowledge and worldviews have evolved through imperialism and enlightenment thinking to separate human interests from Nature, and Nature from culture, and to make human interests superior to non-human interests (Alves et al., 2023, p. 2; Kidd, 2016, p. 6). The world we live in today, according to environmentalist Tim Hollo (2022, p. 34), is 'anti-ecology', characterised by an almost universal approach that separates people from Nature, thereby creating "disconnection and domination, and the pretence of permanence" to control and extract resources for economic gain. As Barnes (2018, p. 2) expands, "We're not just losing the wild world. We're forgetting it. We're no longer noticing it. We've lost the habit of looking and seeing and listening and hearing".

Place-based Indigenous worldviews view land as 'alive and thinking', emphasising the interconnectedness of human and non-human relationships, which are rooted in 'lived' knowledge systems and deep historical connections (Watts, 2013, para. 4; Muller, 2012, p. 60; Weir, 2008, p. 156). This holistic perspective has allowed First Nations Australians to thrive as the world's oldest continuous culture (Cavanagh, 2021, p. 23). Furthermore, the intergenerational knowledge Aboriginal people hold about stars, oceans, and ecosystems offers valuable insights for addressing climate change (Noon & De Napoli, 2022). Colombian post-development scholar Arturo Escobar (2017) argues that a profound shift away from capitalism is needed, and that sustainable development requires a pluriverse, where 'two-ways' (Western and Indigenous – though there are many ways) can coexist. However, current efforts to integrate Indigenous perspectives into development, including the United Nations Sustainable Development Goals (SDGs), often uphold the existing global order focused on neoliberal economic growth (King, 2017, p. 814; Yap & Watene, 2019, p. 462).

Western-based institutions and a Eurocentric focus on private property ownership within development practices often disregard Indigenous connections to land and Nature (Davies, 2015, pp. 218-221). The property paradigm has, since the 19th century, been preoccupied with private property ownership that is exclusive and, to some extent, renders invisible "the actual object of property", with trees understood to be "fixtures on the land, they are simply owned with the land" (Davies, 2015, pp. 218-221). Historically, the pursuit of modern progress has violently disrupted Indigenous knowledge systems and cultural ties (Gilbert et al., 2021, p. 51), with subsequent, laws, policy, planning, and development have disregarded Indigenous worldviews and place-based relationships (Marshall, 2019, p. 245; Gilbert et al., 2021, p. 68).

Post-development theorists argue that this Eurocentric way of seeing and 'improving' the world through capitalist modernisation has specifically established colonial power dynamics and an enduring narrative that "human beings have absolute power over nature" (De la Cuadra, 2015, p. 26). More recently, the place-based, holistic Nature of Indigenous worldviews and the enduring knowledge and understanding of connectivity they offer have been recognised within the sustainable development discourse (Godden, 2012, p. 106; Briggs, 2014, p. 128; Weir, 2012, p. 4). Indigenous knowledge practices are increasingly included in development policy and planning today through collaborative and co-governance approaches. For example, in the field of natural resource management, a process called 'two-way management' that involves collaboration between Indigenous and non-Indigenous knowledge is sometimes used, enabling the differences and understandings of these worldviews to inform, design and implement environmental management, conservation and protection programs (Muller, 2012, p. 66).

A two-way knowledge system holds potential for inclusive development, but barriers remain. Efforts to integrate Indigenous knowledge in state-funded programmes often lack depth, overlooking the complexities of Indigenous epistemology. Current governance systems are founded on capitalist neoliberal frameworks that conflict with Indigenous worldviews. For a successful two-way approach, governance, policy, and development must undergo a mindset shift to facilitate better training and knowledge sharing between Indigenous and non-Indigenous perspectives (Muller, 2012, p.74).

2.5 Understanding human-Nature relationships in development

Understanding the connections between people, Nature, and culture in development involves examining the commodification of Nature, property rights, and the legal-political relations linking production, trade, and consumption to the environment (Blaikie & Brookfield, 1987, p.17; Blaser, 2009a, p. 878). There is no universal approach to the rights and values associated with these connections, with many being degraded in the name of "progress" (Blaser, 2013, p. 17). Governments often prioritise extractive industries over the rights of Nature and Indigenous people, which can disrupt the relationships between people, Nature and culture (Bormpoudakis, 2019, p. 554). When working with Nature in development, different power dynamics and political agendas have sometimes confused objectives and led to misinterpretation of conservation and protection methods (Blaser, 2009b, p. 11). Some scholars believe modernisation has contributed to "the whole world trying to become Europe" (Blaser, 2009a,

p. 875), which consequently has meant that Indigenous place-based human-Nature and Nature-culture relationships have often been split apart and made invisible within mainstream development activities (Blaser, 2009a, p. 891; Kidd, 2016, p. 6). Tola (2018) examines the ambiguities in colonial and post-colonial relationships in Latin America, which involve tumultuous ideas, misunderstandings and reinterpretations of Indigenous worldviews and belief systems, particularly of time and place. Evidently, there is an extensive history of violent interactions between Indigenous and non-Indigenous people over ownership and access to land and resources and divergent understandings of living and non-living entities and environments around the world (Tola, 2018, p. 26; Kramm, 2021, p. 2; Blaser, 2013, p. 16; Smith, 2020, p. 343; Todd, 2016, p. 15).

There are many examples of how the human-Nature relationships that Indigenous people have maintained for millennia have been violently interrupted by a range of development activities for so-called human advancement, such as the cutting down of trees, damming of rivers, and extraction of minerals (Gilbert, 2018, p. 150; Wenar & Gilbert, 2020, p. 70). Furthermore, the process of modernisation has been responsible in many parts of the world for shifting the way people value and understand Nature and altering traditional and often sacred relationships between people, Nature, and culture to instead emphasise Nature and ecosystems as sources of natural resources which have economic value (Alves et al., 2023, p. 2; Gilbert, 2018, p. 146). However, there are attempts to craft development models that treat land, people and more-than-human life as interconnected. These include Rights of Nature Legislation, and the specific example of 'legal personhood'.

2.6 Rights of Nature Legislation

The literature reviewed earlier in this chapter suggests that RBAs offer very limited potential for addressing the challenges of extractive neocolonial corporate practices in Australia (Wensing & Porter, 2016, p. 92). However, this research does draw on Indigenous rights and the rights of Nature ideas to some extent, when considering how a global hegemonic approach to mainstream development has evolved. The rights of Nature discourse began in earnest with United States law professor Christopher Stone's book *Should Trees Have Standing? - Toward Legal Rights for Nature Objects* (1972). Stone's work proposed the idea that natural objects could be provided with legal rights and guardianship as a possible pathway for protection from anthropocentric activities, a radical notion at the time. Following this, laws were established in

the US to enable "environmental objects [the right] to sue for their own preservation" (Cullinan, 2011, p. 231). However, since then, progress around the world in establishing the rights of Nature in law has been slow, with almost forty years passing between Stone's formative work and Ecuador becoming the first nation to recognise the rights of Nature in its constitution.

While there has been increased interest globally, in the idea that Nature has rights, and there are laws in place to protect Nature today, rather than taking care of "Nature for Nature's sake", they tend to be focused on valuing and ensuring continued access to Nature as a source of 'natural resources' that are commodified to benefit human beings (Alves et al., 2023, p. 2). This Western-based industrial development continues to value and objectify Nature as a set of resources and 'objects that are human property' for the advancement of civilisation on Earth today (Gilbert et al., 2021, p. 51). However, the Eurocentric approach also means the violent disruption to connections between Nature and traditional (Indigenous) knowledge systems. There are long-standing settler-colonial systems and structures in many countries today, with laws that control policy, planning and development, which can be problematic for achieving and maintaining Indigenous rights to land. This is fundamentally opposed to key aspects of some Indigenous worldviews and the ways that many people understand and experience a connection to Nature.

Māori, for example, understand the natural world as including all landscapes (mountains, rivers, and lakes), which are recognised as ancestors that must be protected. Nature is something to be responsible for through a form of guardianship known as kaitiakitanga, rather than something to be controlled, manipulated, or owned (Kauffman & Martin, 2021, pp. 146-147; Te Kāhui Taiao, 2021, p. 13). *Te Kawa O Te Urewera* guidelines provide the structure and core values that are "about the management of people for the benefit of the land…not about land management", something that resonates with the Australian Aboriginal understanding of *Caring for Country* (Kauffman & Martin, 2020, p. 152; Pleshet, 2018, p. 184; Rose, 2005, p. 300). For Aboriginal Australians, 'Country' means more than land; it refers to the interconnection of spiritual, social, cultural, and physical (more than human) space (Kwaymullina, A. 2005, para. 2). However, there is still an overriding perception within mainstream development that Nature and environments remain primarily understood as property and resources that must be used for human advancement (McMichael, 2014, p. 35; Putzer et al., 2022, p. 521; Moore, 2015, p. 162). McGrath & Rademaker (2023, p. 9) argue that scholars must "pay close attention to Indigenous agency and modes of historical practice" to

help convey a more complete picture of human-Nature connections, which can then inform rights of Nature legislation.

2.7 Legal Personhood of Nature

Within the past twenty years, some countries have made progressive legislative and constitutional changes to help protect Nature from overdevelopment. Respectively, in 2008 and 2010, Ecuador and Bolivia renewed state development policies and practices to incentivise the protection of Nature for the good of all living things by establishing the constitutional rights of *Pachamama* - which means Earth Mother or Mother Nature in the Quechua language of the Andes (Humphreys, 2017, p. 460; Tănăsescu, 2022, p. 54). Within Pachamama, all life is created, and all people have rights and responsibilities to "protect nature, promote respect for all the elements comprising an ecosystem" (Tănăsescu, 2020, pp. 435-436). Post-development, feminist and decolonisation scholars of Latin America illustrate an Indigenous understanding of the interrelation between Nature and people and the problem of continuing to live in a capitalist world, asserting that we must now choose Pachamama (Mother Earth) over capitalism. Otherwise, we are choosing death (Tola, 2018, p. 26). A few countries have subsequently introduced laws granting legal personhood to protect Nature and culturally significant environments.

In recent years, some profound changes to laws in Aotearoa New Zealand have afforded legal personhood to natural landscapes that are culturally significant to Māori, beginning with *Te Urewera Act 2014,* and then *Te Awa Tupua Act 2017* (the Whanganui River Claims Settlement). The 2014 Act provides *Te Urewera* with "all the rights, powers, duties and liabilities of a legal person" as well as important spiritual and cultural connections for the local Indigenous people, Tūhoe (Te Urewera Act, 2014, p. Section 11.1). Similarly, as an entity, *Te Awa Tupua* ensures that the Whanganui River catchment is not considered property and, therefore, cannot be owned (Rodgers, 2017, p. 272). *Te Awa Tupua* provides a legal framework to oversee the management and protection of the Whanganui River through key Māori principles of kaitiaki (guardianship) and collective decision-making between tangata whenua (local Indigenous people), the government and the broader community to ensure an Indigenous, holistic approach for the positive wellbeing of the Whanganui River (Argyrou & Hummels, 2019; Iorns-Magallanes, 2015; Rodgers, 2017). Most recently, in 2025, Taranaki Maunga (Mount Taranaki, also known

as Mount Egmont) was given legal personhood under the name Te Kāhui Tupua 2025 (Sabilo, 2025).

Other examples of state legislation placing greater emphasis on the rights of Nature exist, such as, for all the rivers in Bangladesh, the Yamuna and Ganga rivers in India, and the Atrato river in Colombia, and numerous efforts to achieve increased legal protections of lakes, estuaries, and wetlands around the world (Wood, 2023, p. 7; Bhattacharjee, 2023, p. 273). However, generally, rights of Nature approaches are still considered radical in most parts of the world (Rodgers, 2017, p. 267). One reason for limited traction in putting the rights *of* Nature ahead of the rights *to* Nature is perhaps because, although an increased focus on the rights of Nature has introduced "radically different legal and philosophical traditions into the Western mainstream [development processes]", the movement has also inadvertently generated increased commerce through the establishment of eco-industries (Tănăsescu, 2022, p. 147). Tănăsescu argues that "the rights of nature are too often presented as achieving environmental protection and moral enlightenment", and suggests that instead, it will be more prudent to "focus on the multiplicity of struggles, and on the possibility of wide and regenerative cohabitation outside Western moral frameworks" (p. 150).

Development that fails to properly recognise Indigenous rights, including Native title to land, consistently leads to injustice for Indigenous peoples and negative health and well-being outcomes (De la Cuadra, 2015, p. 34). Right around the world today, mainstream development practices continue to denigrate, disrupt, and destroy Indigenous peoples' rights to traditional land, culture, and livelihoods. In Australia, Native Title has only been included in Australia's laws and regulatory framework since 1993 (Watson, 2014, p. 290). Since then, the rights and culture of Indigenous peoples have increasingly been recognised in national and international contexts, however, progress since about 2008 has slowed dramatically (Tobin, 2014, p. 137). For example, the diversion and control of water from arable lands and the dumping of sewage waste from Israeli settlements onto the olive groves in Palestine and the construction of the oil pipeline on the burial lands of the Standing Rock Sioux people in North Dakota, USA (McKernan, 2023; Hammad, 2020; Whyte, 2016).

There is an extensive (and still growing) list of mainstream development activities that have been afforded legal precedence over the rights and interests of Indigenous peoples or traditional landowners. For example, trees have always been a vital part of daily life for the 'Woodland Indians', the *Ojibwe* people of *Gichigami* (Lake Superior) in North America. The white bark of

the birch tree remains a key natural resource for the Ojibwe, serving as an essential component of traditional embroidery, clothing, canoes, shelter mats, food containers and as canvas for painting and making 'religious scrolls' (Nyholm, 1981). However, settler-colonial activities such as the fur trade and forestry activities, have forced the Ojibwe to move further north (and westward) to such an extent that today, they are dispersed "over the largest geographic area occupied by one tribal group in North America", and consequently, have reduced access to their culturally significant birch trees (Nyholm, 1981, p. 6).

Even when administrative and legal systems in settler-colonial contexts develop mechanisms to bring Indigenous worldviews into development, these are frequently undermined. In Aotearoa New Zealand, for example, since colonisation and the signing of *Te Tiriti o Waitangi* (The Treaty of Waitangi), Crown law has been inconsistent in its approach to tikanga-led relational rights regarding Māori whenua (customary land) and property based on whakapapa and whanaungatanga (family and kinship connections). Māori property rights within state authorities have fluctuated between recognition and acknowledgement to a lack of enforcement, and absolute rejection of Māori rights (Boast, 1993, pp. 230-231; Woods, 2024, para. 2). A tikanga approach, in general, involves Māori philosophy, cultural laws, and practices that are holistic and relational. Tikanga relates to the fundamental Māori concept known as mātauranga Māori, where the past informs the present and the future. The Te Aka Matua o te Ture Law Commission report that informs this section, *Pūrākau,* is an example of how mātauranga Māori looks to the past to inform the future, drawing on Nature-culture knowledge and relationships to inform pathways that lead to growth and development (Te Aka Matua o te Ture, 2023, p. 29). The name itself, Pūrākau, embodies these human-Nature-culture links:

> "Te pū" refers to the base of a tree from which the growth cycle starts. "Rākau" refers to the growth and development of the upper tree. "Pūrākau" therefore alludes to the beginning and growth of all things (Te Aka Matua o te Ture, 2023, p. 29).

Such tikanga approaches within Crown law towards property rights in Aotearoa New Zealand strengthen Māori identity by incorporating traditional knowledge and narratives. Similarly, Country-centred approaches reinforce Aboriginal identity in Australia, and the ongoing struggle for recognition and the protection of Indigenous rights is reflected in the formation and evolution of Australian political and legal frameworks, which have historically marginalised Aboriginal and Torres Strait Islander voices and interests.

2.8 Settler-colonial understandings of Nature

The implications of settler-colonialism on Nature can be understood in Aotearoa New Zealand through the persistent nationalist standpoint on farming. Narrowing the histories behind farming in Aotearoa New Zealand, while masking the realities of colonised people and ecosystems, has contributed to a dominant narrative that farming is the 'backbone of the nation'. Campbell (2021, p. 12) describes how "modernist farming by European settlers acted as a powerful agent of colonization of indigenous worlds", and the history of modern farming and agrifood production is closely tied to capitalism. As farming is still promoted today as 'the' primary industry of New Zealand, a veil is drawn over the responsibility of settler farmers as agents of colonisation and the exploitation of Nature (Campbell, 2021, p. 178).

Just as farming is so often understood to be a key part of New Zealand's national identity, so is mining in Australia. The mining industry has long claimed to be chiefly responsible for Australia's economic development since the mid-1800s (Campbell, 2021, p. 90; Garrow & Valentine, 2012, p. 28). Mining is also, however, responsible for the destruction of untold cultural heritage sites throughout Australia, often with government endorsement. There appears to be an inertia within Australian governance, both at state and federal levels, regarding the enforcement of native title and land rights laws. For example, since the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) was established, the Australian government has not funded the enforcement of environmental legislation and has shown very little transparency regarding EPBC compliance activities (Lowe, 2014, p.6; Monaghan, 2022).

The Whitlam government attempted to introduce Australia's first national environmental law, *The Environment Protection Act (EPA) 1974,* with a series of recommendations to protect and preserve Nature (Lindenmayer, 2024, p. 15). However, the political focus at that time was driven by neoliberals who were concerned that the EPA's ecological demands would reduce free market opportunities. The Act was never implemented (Felli, 2021, p.55). In 2022, to try and "restore trust and confidence" regarding environmental concerns, Labor promised to introduce a new national EPA; however, the party later bowed to political pressure from Coalition partners (Cox, 2022; Greber, 2024). In March 2025, Labor has once again promised to establish a new federal EPA, as part of its Nature Positive commitments, *if* it wins a second term (Jervis-Bardy, 2025).

However, there is an ongoing debate about the role of development and its impact on Nature and Indigenous peoples, with "promising legal approaches to managing human use and

management of the environment" high on the agenda in International Law more recently to establish a more relational approach to Nature (O'Faircheallaigh, 2002, p. 13; Gilbert et al., 2021, pp. 65-68; Alves et al., 2023). Due to the divergence between Indigenous peoples' relationships with Nature and the Western-Eurocentric human-Nature interactions of development, there is potential for conflicting views on rights-based thinking. For instance, while a Western rights-based approach might aim to grant rights to Nature for conservation or protection purposes, an Indigenous approach would inherently acknowledge Nature in its own right. These diverse beliefs and interpretations of Nature around the world often lead to misinterpretations and misunderstandings in conservation and development practices, resulting in potential conflict (Kidd, 2016, p. 6; Blaser, 2013, p.18). When examining these conflicts, it is essential to consider the distinct power relations between different cultural knowledge and practices (Blaser, 2013, p. 15).

2.9 Summary

This chapter has discussed the rights of Nature, and Indigenous rights are often repressed within contemporary mainstream development processes. The political ontology framework has helped to show how governments tend to modify legislation to favour lucrative but harmful development practices, such as the intensive farming and mining industries in Aotearoa New Zealand and Australia, which are promoted as being the 'backbone' of the nation. The role of modernisation and globalisation in establishing laws and regulations which prioritise extractive development activities over cultural heritage and environmental protections has been highlighted. Additionally, the chapter demonstrates how neoliberal capitalist societies propagate the consumption of Nature through a system of property rights and legislation that supports global enterprises, state and private organisations, in the ongoing extraction of natural resources. The potential of RBAs for addressing inequalities in decision-making for development activities was explored. However, despite being ratified by many countries, including Australia, existing research shows that the implementation of human rights laws largely remains inadequate, with nation-states often prioritising economic outcomes over socio-cultural and environmental considerations. These considerations of mainstream development processes lay the foundations for an exploration in Chapter 3 of Indigenous worldviews and ways, which include different understandings and interactions with Nature, and how they can contribute to more sustainable and equitable approaches to development.

Chapter Three - Working with Country and understanding Indigenous worldviews and ways in Australia

3.1 Introduction

This chapter applies the conceptual tools developed in Chapter Two to the specific context of Australia, to improve understanding of Indigenous worldviews and ways, and consider the requirements of working with Country. Section 3.2 establishes a basic understanding of First Law and First Knowledge Systems in Australia, while Section 3.3 considers the importance of Trees on Country, before Section 3.4 highlights the need to consider gender relationships with trees and Country. To adequately cover Settler Law and the formation of the Australian State, Section 3.5 is divided into three sub-sections: 3.5.1 Native title and the continued dispossession of Indigenous lands, 3.5.2 Planning requirements that undermine Indigenous knowledge and voices: Registered Aboriginal parties (RAPs) and Cultural Impact Assessments (CIAs), and 3.5.3 Sovereignty and Treaty. Section 3.6 focuses on the Case Study: Development disruption on Djab Wurrung Country.

3.2 First Law and First Knowledge Systems in Australia

This section introduces Aboriginal and Torres Strait Islander Law and knowledge systems, which are deeply connected to Country and shared through storytelling, as well as people's gendered relationships with trees. It highlights how development that damages Country also disrupts knowledge, identity, and well-being, yet Indigenous knowledge continues to offer powerful alternatives for sustainability and community care, despite ongoing colonial erasure.

All human societies and cultures have systems of law that carry intergenerational knowledge. The First Nations people of Australia have a history that extends more than 65,000 years, involving complex laws relating to different Country and communities. Yet, Australian law fails to consider this extensive history of *First Nations Law* (Langton & Corn, 2023, p. 35). In the Australian Aboriginal context, *First Law* is key to all aspects of living, built on the knowledge and interactions between people and the land, encompassing every aspect of human existence and including ethical and moral behaviours (Yunkaporta, 2023, p.78). However, the federal and state government legal systems today still show very little regard for the idea that Aboriginal

people and Torres Strait Islanders have their own laws (Langton & Corn, 2023, p. 185; Davis, 2006, p.147). Aboriginal and Torres Strait Islanders have been fighting against "injustices of colonisation, racism and assimilationist policies since 1788", with settler-colonial laws failing to properly accommodate the rights and well-being of First Nations Australians (Langton & Corn, 2023, p. 180). Some scholars (Aboriginal and non-Aboriginal) have argued that the power of white Australian politics continues to enable "racially discriminating laws" which discourage respectful engagement with First Nations people reinforce "racism as a core value of Australian society" (Davis, 2006, p. 142).

The discussion of First Law in Australia highlights a significant issue called 'deep colonising', which describes how settler-colonial systems are entrenched in institutions meant to facilitate decolonisation (Rose, 1996; Whittaker, 2017, pp. 11-12). This entrenchment can obscure and normalise ongoing colonising practices, making it challenging to critique these elements without undermining the entire decolonisation effort, which is controlled and funded by state institutions (Rose, 1996, p. 6). Consequently, the principles of First Law become invisible amid the prevailing settler-colonial law and politics. Yunkaporta (2023, p. 261) argues that development models are misguided, grounded in a "Great Chain of Being" narrative shaped by the supremacy myths of empires. This highlights the urgent need to reevaluate the narratives that underpin our understanding and to dismantle the structures that perpetuate colonisation.

First Knowledge systems, also known as Indigenous knowledges, refer to the interconnected relationships between people, Nature, spirituality and cultural beliefs, values and practices (Jetta et al., 2024). In Australia, First Knowledge systems are reliant on past, present and future connections with Country that involve the survival, protection and sharing of knowledge and healing, despite many layers of intergenerational trauma from violent and oppressive settler-colonial interactions. These connections are formed and sustained through story. The passing of cultural knowledge occurs through intact connections between people, Storytelling, Aboriginal Lore, laws, and Country. Therefore, development processes that damage Country also damage people through the disruption and potential disconnection to relational aspects of Country (Cumpston, 2022, p. 31). This knowledge is not 'about' the landscape, it is embedded in it, it is inseparable from it – and so destruction of country is destruction of knowledge. It is a kind of epistemic violence, which is related to, leads to, and sustains actual physical violence (Lawrence, 2019, para 13).

The inherent relationship that Aboriginal people have with the place they are born, the Country that belongs to their ancestors, is vital to their Aboriginal identity, and to the individual and collective wellness and wellbeing of Aboriginal people. This is visible in a *Yoorrook Justice Commission* submission by Ngarigo Dunghutti man Rex Solomon (Figure 3.1), which illustrates the significance of Country-centred relationships for Aboriginal identity, and why it is vital to ensure ongoing connection to Country. Like many Indigenous people, the very essence of Aboriginal being is based on knowing who you are, where you have come from and where you are heading (Atkinson, 2002, p. 30). These relationships begin at birth, with connections formed to a story (the *right* story) that aligns them forever with their Country (Milroy & Milroy, 2008, p. 24). Stories are traditionally shared orally and tied to natural markers, sometimes recorded in rock art (Rademaker et al., 2022). The stories, traditional knowledge, histories and emotions tied to these places of origin are place-sensitive and unique to that land, its ecologies and its people (Kwaymullina, 2008, p. 6). This information is not new, so why are most Australians still largely unaware of the "deep history of this continent they call home?" (Neale & Kelly, 2020, p. 35).

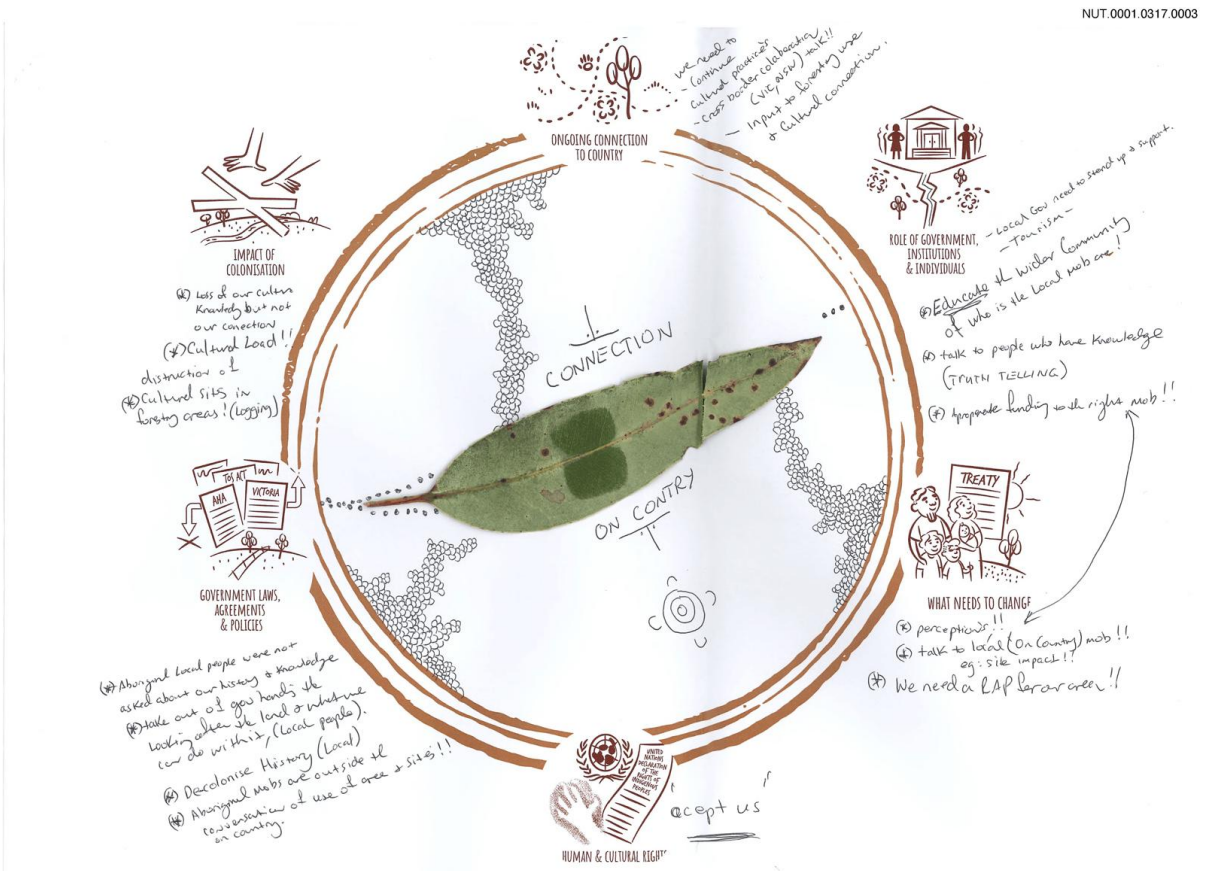

Figure 3.1 *Connection on Country diagram by Ngarigo Dunghutti man Rex Solomon (Source: Yoorrook Justice Commission)*

The issue arises from the limited focus on the last 200 years of Australian history in schools (Neale & Kelly, 2020, p. 35). Settler-colonial narratives significantly impact today's political and societal landscape, affecting Indigenous access to Country and traditional knowledge. Many Aboriginal people today still feel "heartsick for Country" due to disconnection from development strategies that overlook their voices (Kwaymullina, 2008). Indigenous knowledge offers valuable lessons for sustainable communities through relational economies and storytelling. Tyson Yunkaporta reinforces this in their work, explaining that drawing on diverse narratives enriches our understanding of both human and non-human connections (Yunkaporta, 2023, p. 286). There is growing recognition of the value of Indigenous knowledge in development discussions, yet oral histories are often overlooked (Neale & Kelly, 2020, pp. 182-183; Whyte et al., 2018, p. 154). First Nations people preserve important knowledge about Country through oral traditions. As Claire Coleman states, "history is trying to speak to you" (Coleman, 2021, p. 1). However, validating these narratives in political, legal, and educational contexts remains a challenge (Anderson et al., 2018, p. 171). According to Noon & De Napoli (2022, p. 140), scientists in Australia are leveraging the principles of First Peoples Science to reshape how children perceive science, reflecting Aboriginal history and knowledge of Country (Jenkins & Tutt, 2022).

Learning about, caring for and working with Country connects people to Nature, regardless of the proximity to their homelands. Therefore, understanding Country can have benefits for all people:

> All humans evolved within complex, land-based cultures over deep time. Most of us have been displaced from those cultures of origin, a global diaspora of refugees severed not only from land, but from the sheer genius that comes from belonging in a symbiotic relation to it… (Yunkaporta, 2019, pp. 2–3).

Typically, however, the benefits of caring for and working with Country in Australia remain poorly understood. Australian public institutions systemically fail to recognise or respect Indigenous peoples' rights, culture, and worldviews by repeatedly leaving Aboriginal and Torres Strait Islander people out of decision-making that informs policy, planning, and development (Davis, 2006, p. 135). Consultation with Aboriginal and Torres Strait Islander people in policy and planning is hindered by a lack of understanding and political will regarding

First Nations people in constitutional affairs (Davis, 2006, p. 136; Langton & Palmer, 2003, p. 45). Additionally, existing development laws and practices perpetuate the rights of the coloniser, reinforcing "whiteness" as part of settler-colonialism in Australia (Porter et al., 2020, p. 225). This legacy of colonialism continues to shape global development today (Veracini, 2022, p. 178). Some scholars highlight that "Australia's First Peoples have a strong and continuing connection to the land", which can inform conservation efforts (Lilleyman et al., 2024). Others note that Indigenous Australians have fought for "greater autonomy and control over policies" governing their lives (Ingram, 2021, p. 29). The Indigenous systems of Lore and Law are "a vital part of Australian life" (Langton & Corn, 2023, p. 20).

In response to Australia's history of attempted deracination, Aboriginal and Torres Strait Islanders have actively sought, through legal and illegal means, better rights and access to methods of self-governance by:

> Leveraging native title to take up opportunities of economic development, cultural heritage protection and preservation, community development, caring for Country practices, access to education and health, and other capacity-building exercises to ensure sustainability as a culture and peoples into the future (Ingram, 2021, p. 30).

These actions reflect a continuous fight by First Nations people to overcome the injustices of colonial ontologies, to ensure Indigenous self-determination and caring for Country practices (Kramm, 2021). Caring for Country means having responsibility for Nature, and all things on Country, including trees.

3.3 The importance of Trees on Country

For many Indigenous people, including First Nations people in Australia, trees are seen as living ancestors, and vital to understanding their culture (Stanner, 1979, pp. 25-57). They carry history, stories, and memories, making them essential for "reading Country" (Steffensen, 2020, p. 59). Despite the impacts of settler-colonialism that have destroyed many significant trees, numerous sacred trees, known as Scar Trees, remain. These trees, which have had bark removed for traditional purposes such as making canoes and containers, are important to both Indigenous and non-Indigenous Australians (Cunningham, 2019a, p. 215). Author Dave Witty (2023) has a special relationship with a scar tree that he visited regularly during his marriage break-up. A

magnificent red river gum, located on the intersection of five songlines at Heide in Naarm/Melbourne (Figure 3.2), is described by Witty as if it were a temple. The tree now connects him to a "time, when [his] thoughts were an amorphous mess of affirmations and half-ideas" (2023, p. 123). Witty writes about the powerful presence of trees around us and how they can transport us to different times throughout our own lives, serving as keepers of stories and connectors to history.

Figure 3.2 *The Scar Tree at Heide, Naarm/Melbourne (Source: Glenda Roberts)*

3.4 Gendered relationships with trees and Country

To grasp the magnitude of the impacts of the highway upgrade project on Djab Wurrung, we need to understand how knowledge and relationships with Country are gendered, particularly in the context of Aboriginal women's relationships with trees.

Indigenous women's rights are safeguarded under the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (Kuokkanen, 2016, p. 137). However, these protections are often overshadowed by a broader focus on political and civil rights, making Indigenous women less visible in decision-making processes. For nearly fifty years, Aboriginal women have sought political support to combat violence and sexual abuse in their communities, with very little success. The lack of engagement with public policy underscores the ineffectiveness of Australia's institutions in addressing the needs of Indigenous peoples (Davis, 2006, p. 151).

In some societies, men and women can have distinct spiritual and cultural practices, each with specific roles and responsibilities that are kept separate, as seen among Aboriginal and Torres Strait Islanders (Lawrence & Anderson, 2005, p. 1). Women's business and men's business are governed by different laws that must be respected (Langton & Corn, 2023, p. 138). Aboriginal women often experience environmental impacts more acutely due to their strong connection to the land. This is exemplified by the Djab Wurrung women's ties to their Birthing Trees (as explored in Section 3.6), a traditional space for sharing birthing knowledge (Moreton-Robinson, 2020, p. xi). Unfortunately, the disruption to Djab Wurrung Birthing Trees is not an isolated case; many such trees in Australia have become inaccessible over time due to colonisation and discrimination (Marriott et al., 2019, p. 396; Williams, 2021).

In recent years, First Nations groups have resisted the removal of sacred Birthing Trees, leading initiatives such as *Replanting the Birthing Trees,* created by Aboriginal Community-Controlled health organisations in Victoria. This initiative aims to establish safe birthing practices for Aboriginal women, based on traditional care relationships with birthing trees (Chamberlain, 2023). The project employs a 'two-worlds' approach, symbolising cultural depth, support resources, and outreach through a visual framework of a tree. However, the model cannot replicate the profound knowledge and stories embedded in the actual Birthing Trees. You cannot substitute the elemental aspects of touching, smelling and being in the presence of the real thing. Sitting with an ancestral tree, all its lived cultural knowledge, history, and generations of stories

can never be replicated (Austin, 2021, pp. 62-67; Marriot et al., 2019, p. 400; Chamberlain, 2023).

With this understanding of Indigenous knowledge systems and First Law in place, the next section examines how the Australian state was formed through the denial of these systems.

3.5 Settler Law and the Formation of the Australian State

Australia's history has involved policies aimed at the assimilation of Indigenous peoples, disregarding their connection to Country (Kemp, 2022, p. 58). At Federation in 1901, Indigenous people were excluded from citizenship in the constitution, labelled as "less than human" (O'Faircheallaigh, 2002, p. 15; Pearson, 2017, p. 85). This exclusion persisted until the 1967 referendum, with colonial development practices denying Aboriginal and Torres Strait Islanders access to rights and Country (O'Faircheallaigh, 2002, pp. 14-17; Dodson, 1997, p. 57). Today, Indigenous voices struggle to be heard within a political system dominated by majority rule (Davis, 2017, p. 127), and a lack of political will remains to enact protections for First Nations' knowledge, rights and cultural heritage (Davis, 2006, p. 136; Langton & Palmer, 2003, p. 45).

The process of colonisation in Australia has proven detrimental to the health and well-being of Country, which is significant because, for Aboriginal and Torres Strait Islander People, Country means *all living things*: trees, animals, insects, and birds, as well as to Indigenous knowledge systems and practices (Arnold et al., 2021, p. 132; Neale, 2021, p. 1). Colonial settlers believed that Indigenous people lived in a "state of Nature", which, in European terms, meant without any social organisation or civilisation and without an understanding of law or property ownership (Banner, 2005, p. 110). Such presumptive understandings about how Aboriginal and Torres Strait Islanders lived and experienced Country, coupled with the British Empire's desire for expansion and increased access to (and ownership of) natural resources and property, produced a false narrative, that all of Australia was *terra nullius* - belonging to no one (Banner, 2005, p. 102; O'Faircheallaigh, 2002, p. 15; Dodson, 1997).

Evidence suggests that settler-colonial systems and non-Indigenous worldviews continue to dominate Australia's policy, planning, and development to such an extent that the law, rights, knowledge and perspectives of Aboriginal people and Country are precluded by what some scholars refer to as a form of "racist censorship" (Porter et al., 2020; Pascoe, 2018; Davis, 2006,

p. 136). Furthermore, Australia has neither a bill of rights nor a treaty to protect Australian citizens from racism (McNeil, 2012, p. 135; Paul, 2016, p. 80). Consequently, the continued lack of inclusion of Country-specific Aboriginal knowledge of 'place', 'space', and 'time' within Australia's policy, planning, and development practices severely limits the possibilities for socio-cultural advancement that could foster improvements to the health and well-being of Aboriginal Australians (Porter et al., 2020).

Many Australian governments have attempted to transform Indigenous Australians into compliant citizens, often through paternalistic and sometimes coercive ways (Lawrence, 2005, p. 42). Stories of the state failing to recognise native title rights, forcing people off Country and the 'stolen generation' are commonplace for many Aboriginal and Torres Strait Islanders. However, there are also stories of Indigenous Australians "retrieving the stolen link to Country that resonates deep in their genetic memory", re-establishing a sense of belonging and reinforcing Aboriginal and Torres Strait Islander identities (Black, 2011, p. 99; Grant, 2016). For Aboriginal people, "belonging is not about politics, passports or skin colour; it is about relatedness through a genetic memory of what it means to live lawfully in a landscape" (Black, 2011, p. 99). This is how the Djab Wurrung community relates to their Birthing Trees, and why they are so important. As Gunditjmara Keerraay Wooroong Djab Wurrung Woman Sissy Austin explains, "Country is who we are" (Austin, 2021, p. 63).

3.5.1 Native title and the continued dispossession of Indigenous lands

Understanding land rights and native title is essential to grasping how settler-colonial governance in Australia continues to assert control over Country. These legal regimes reveal structural tensions between Indigenous sovereignty and the colonial state's foundational reliance on dispossession.

The *Native Title Act 1993* enabled Indigenous people to "rectify the disenfranchisement of speaking for, caring for, and managing their traditional [lands] from which some people have been dispossessed since colonisation" (Ingram, 2021, p. 29). In theory, this native title process provides the necessary legislation for Aboriginal and Torres Strait Islanders to establish "self-governance and nation-building" to ensure improved social and economic development and the protection of Indigenous Country and heritage (Porter, 2017, p. 561; Ingram, 2021, p. 30). However, inconsistencies in the implementation of native title and cultural heritage protections

within state and federal governments throughout Australia have hampered the establishment of a unified definition or approach (Jones, 2023, p. 4). Gaps in monitoring and reporting methods, and the authorisation of development activities that damage and destroy culturally significant sites, continue today, and state and federal policies still fail to accurately reflect the First Nations peoples' relationship to Country (Langton & Corn, 2023, p. 184; Davis, 2006, p. 136).

While native title has led to some improvements in cultural heritage protection, economic development, and access to health and education for Indigenous Australians, significant challenges remain in securing and maintaining these rights. Historically, Aboriginal and Torres Strait Islanders have been forced off Country during settler-colonial land-grabbing activities; it can therefore be difficult to prove entitlement to Country in native title claims (Ingram, 2021, pp. 29-31; Watson, 2014, p.291). A hierarchical system of property rights instigated and controlled by settler-colonial institutions often suppresses the native title rights and interests of Indigenous Australians to such an extent that Indigenous rights appear to be non-existent (Watson, 2014, p. 285). Moreover, instances of native title being overturned to favour state and corporate interests, such as mining and forestry development, suggest that the *Native Title Act 1993* has benefited non-Indigenous property rights more than those of Indigenous peoples (Ingram, 2021, p. 33; Watson, 2014, p. 285).

Some scholars and rights activists argue that the pinnacle of human rights achievement in Australia came and went with the *Mabo* decision on June 3rd, 1992, which overturned the idea of terra nullius and led to the *Native Title Act 1993* (Hill, 1995, p. 318; Willis, 2021, p. 455). The landmark ruling acknowledged that many Indigenous Australians' native title had been systematically 'extinguished' and recognised their enduring relationship to Country, despite settler land ownership (Australian Institute of Aboriginal and Torres Strait Islander Studies - AIATSIS, 2008, p.1; Keys & Week, 2022, p. 351). Some critics, such as Reilly (2006, paras. 2-3), view Mabo as a 'mechanism for forgetting' rather than bringing reform. However, the case did prompt historians to reevaluate narratives about native title law and sparked a push for truth-telling regarding settler-colonial impacts on Aboriginal and Torres Strait Islanders today (Willis, 2021, p. 459; Barolsky, 2022). Nevertheless, little evidence suggests much has changed for Indigenous rights since Rose's claim that "so disparate are conditions for the majority of Aboriginal people and those of the majority of non-Aboriginal people, that they might as well be living in different worlds" (Rose, 1998, p. 144).

One of the most jarring examples of how state law can overlook native title rights in Australia was exemplified in 2020 at the Juukan Gorge Aboriginal Heritage Site in Pilbara region of Western Australia (WA). Despite being 'protected' by multiple agreements between the Puutu Kunti Kurrama and Pinikura (PKKP) Aboriginal people and the transnational mining company Rio Tinto, the 46,000-year-old rock shelters on PKKP Country were destroyed during mining operations on May 24, 2020 (ANU Reporter, 2022; Parliament of the Commonwealth of Australia, 2021). This action obliterated "the last remaining evidence of the oldest site of continuous human occupation on the continent and possibly the world" (Langton, 2023, p. 9), yet it was not illegal under current legislation.

A parliamentary inquiry revealed the need for stricter cultural heritage protections, finding that Rio Tinto had violated its own internal and international guidelines, including the requirement for 'free, prior, and informed consent' of Indigenous peoples (Verrender, 2020; Kemp et al., 2023, p. 382). Key recommendations included amending the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* and the *Environmental Protection and Biodiversity Conservation Act 1999* to transfer management responsibility to the Minister for Indigenous Australians, and ratifying the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage to align with the federal government's commitment to reform cultural heritage legislation (Department of Climate Change, Energy, the Environment and Water, 2022, p.5).

There was a moment of hope when the Government of Western Australia decided in 2021 to amend the outdated 1972 Aboriginal Heritage Act, "with simple and effective amendments to help prevent another Juukan Gorge incident" (Government of Western Australia, n.d.). However, the new WA *Aboriginal Heritage Act*, effective from July 1, 2023, was quickly repealed due to concerns from landowners about its costs and complexity, reverting to the 1972 Act on August 8, 2023 (Government of Western Australia, n.d.; Carmody, 2023, para. 11). The destruction of the Juukan Gorge is a prominent example of the tension that exists today in Australia between Indigenous rights and antiquated racist policy and mainstream development practices. Rio Tinto's iron ore mining explorations, which destroyed Juukan Gorge, had ministerial consent under heritage laws created in 1972 (Kemp et al., 2023, pp. 379-380; Government of Western Australia, 1972).

Unfortunately, there is ample evidence to suggest that the destruction of resources in Australia is a routine practice grounded in legal and structural inequality (Kemp et al., 2023, p. 380). Forest Ecologist David Lindenmayer (2024, pp. 143-144) points out that around the same time

as the destruction of Juukan Gorge in Western Australia, Victoria's forestry sector, plagued by corruption and regulatory failures, was changing definitions of 'old forests' to enable logging of previously protected forest areas. Lindenmayer argues that an "economic myth" perpetuates logging of native forests, while dominant Western methods of bushfire mitigation, such as backburning and forest gardening (which has been falsely promoted as a traditional land management technique), allegedly increase the risk of bushfires. State and federal politics have promoted "native forest logging as value adding" through job opportunities and export dollars, even though the investment needed to supply logging contractors is high, and the number of job opportunities within forestry in the state of Victoria is relatively small (Lindenmayer, 2024, p. 134).

3.5.2 Planning requirements that undermine Indigenous knowledge and voices: Registered Aboriginal parties (RAPs) and Cultural Impact Assessments (CIAs)

The current planning and development system in Victoria includes mechanisms to bring in Indigenous voices and knowledge, but this is often done in a way that creates conflict and disrupts relationships with Country. Two such mechanisms are Registered Aboriginal Parts (RAPs) and Cultural Impact Assessments (CIAs). The planning system in Victoria requires Aboriginal People to establish RAPs to represent the Traditional Owners in land management and protection of Aboriginal cultural heritage decision-making (Webber, 2013, p. 8). Unfortunately, RAPs are very often under-resourced, therefore unsustainable and frequently fail to represent *all* Aboriginal people that might be affected by a development project, as was the case for the Djab Wurrung community when trying to protect their Birthing Trees (Australasian Legal Information Institute, 2013, pp. 1-7; Amerena, 2018). A further problem arises when different stakeholders, including multiple First Nations groups, landowners, development agents and conservation groups, end up competing with one another for rights and protections (Cunningham, 2019b, p. 56).

Cultural Impact Assessments (CIAs) are increasingly important in Australian state policy, following the introduction of the UN's Sustainable Development Goals (Partal & Dunphy, 2016, p. 3). While the complexity of culture makes CIAs challenging to define, they are essential for understanding development implications for people, places, and culture. In Victoria, development projects must conduct a CIA; however, the process is founded on

Western principles that often overlook crucial elements of living cultures, such as spirituality. (Partal & Dunphy, 2016, p. 4).

The *Aboriginal Heritage Act 2006* gives Indigenous people "primary authority" over their heritage, yet definitions of "significant ground disturbance" fail to recognise the sensitivity of Country and allow for development that can harm Aboriginal heritage (Porter, 2020, para. 6-14; Aboriginal Heritage Act, 2006; Victorian Aboriginal Heritage Council, 2021). While Aboriginal people understand the implications of inappropriate management of Country, many non-Aboriginal developers do not, responding with "hostility and ever-present racial slurs" when their management practices are questioned, and push on with business as usual (VAHC, 2021). As a result, harmful development practices become commonplace and disrupt Aboriginal cultural connections with Country (Porter, 2020, para 14).

3.5.3 Sovereignty and Treaty

Two forms of sovereignty govern the ownership and management of land in Australia. The first is the Indigenous relationship to Country, and the second is the settler-colonial system of Crown law. Both forms of sovereignty afford people the right of access to territory and control of natural resources (Gilbert, 2018, p. 12).

While development scholars and practitioners have been arguing for reconciliation and policy reforms to close the gap between Indigenous and non-Indigenous advancement in Australia, progress towards positive change has been limited (Keys & Week, 2022, p. 252). The 2025 Closing the Gap report indicates there has been very "little political will to address the inequality in the wake of the failed Voice referendum", with only four of the nineteen targets on track (Higgins, 2025). Prior to this, in 2017, over 250 First Nations people from across Australia gathered at Uluru in Central Australia for the First Nations National Constitutional Convention, culminating in a series of regional talks about the need for constitutional reform. The resulting *Uluru Statement from the Heart* was drafted, in part, as a reminder that the Law and sovereignty of Aboriginal and Torres Strait Islander people (First Nations) have coexisted on the lands and waterways of this nation long before (at least 60,000 years) the Australian state was established (Langton & Corn, 2023, p. 18; The Uluru Statement, n.d.). Yet, progress by the Australian government (and state governments) is negligible on treaty talks and policy reform undertaken with Aboriginal and Torres Strait Islanders to ensure constitutional recognition and

development of more robust native title legislation (Hobbs, 2020, p. 613; Porter, 2017, pp. 560-561).

The 2023 Voice referendum aimed to amend the Constitution for better representation of Aboriginal and Torres Strait Islanders in Parliament (Lowrey, 2023). A successful 'Yes' vote could have advanced the treaty advocated by Pat Dodson over twenty years ago. However, the referendum seems to have further divided the nation, prompting Aboriginal scholars and activists to reflect on how to strengthen First Nations rights regarding culture, language, and Country. Aboriginal author Stan Grant in his speech at The Australian National University (ANU) after the referendum's defeat, called it "a lost opportunity" for the nation to reveal "truths that democracies hide so well", asserting that "these truths have been silenced" (Obran, 2023, p 1.).

Former Senator and Yawuru elder Pat Dodson forthrightly points to a fundamental problem that undoubtedly hinders First Nations peoples' progress:

> Our Constitution is not like the American Constitution. It is primarily concerned with setting out the powers of Commonwealth Parliament, the Executive and Judiciary. In this regard, it says more about institutions and their powers rather than the rights of citizens (Dodson, 2014, p. 11).

Dodson was a key advocate for establishing an agreement in 2002 between the government and Australia's First Nations people. He advocated for a national treaty that respects and protects the culture and languages of Aboriginal people and Torres Strait Islanders, and importantly, recognises the 'prior ownership and occupation' of lands. However, progress towards a treaty continues to be stymied by the Australian Federal government. As recently as February 2025, the Labor government "dropped plans to pursue a national treaty with Indigenous communities, leaving the controversial agreements to state governments" (McIlroy, 2025). Regardless, the commitment of First Nations people to decolonise and to establish a Treaty (or treaties, state by state) persists, supported by scholars who call for "dwelling in discomfort as a location which to build more just futures, with the sovereignty of First Nations people placed at its heart" (De Souza & Dreher, 2021, p. 30). In 2021, the *Yoorrook Justice Commission*, the first formal truth-telling inquiry process, commenced an investigation into historical and continuing injustices experienced by Victoria's First Nations People (Yoorrook Justice Commission, 2025). As these progressive initiatives seek First Nations sovereignty, mainstream development continues to disrupt First Nations culture and Country.

3.6 Case Study: Development disruption on Djab Wurrung Country

It is only quite recently that culture has been considered at all within development in Australia. Culture, which can be explained as 'ways of life', encompasses behaviours, beliefs, value systems and worldviews that have been passed down through generations. For many Indigenous people, these represent a unique set of lived knowledge systems (Partal & Dunphy, 2016, p.4). In the Australian context, First Nations people are a part of, and responsible for, many different nations, or Countries, each with distinct cultural heritage:

> [They are] custodians of a tangible cultural heritage – such as rock art or occupation sites that date back more than 50,000 years to time immemorial. This is a vital part of Australia's, and the world's, collective heritage (McCaul, 2016, p. 5).

Figure 3.3 *Djab Wurrung cultural heritage, Rock art and shelter at Langi Ghiran, near Djab Wurrung Birthing Trees (Source: Glenda Roberts)*

In Australia, despite increasing recognition of cultural heritage sites, many continue to face disruption. A notable example is the Victorian State Government's Western Highway upgrade, which involved the removal of the Directions Tree from Djab Wurrung Country while the government sought protections for the Eastern Freeway in Naarm/Melbourne (Porter et al.,

2019, para. 1). The Western Highway development is a jointly funded state and federal government project, forming part of *Victoria's Big Build* carbon-emitting transport system (Glass, 2020, p. 36; Victoria's Big Build, 2024). The state government claims the highway upgrade is necessary to meet the demands of a growing population, with approximately 8,000 vehicles (2,400 trucks) using it daily (Major Road Projects, n.d.; Victoria's Big Build, 2024). The Big Build project claims that the new highway will "get you where you need to be sooner and safer" (Big Build, 2024). However, materials promoting the highway development often attribute accident data for the entire Western Highway from Melbourne to Adelaide to the stretch of road where the Djab Wurrung Birthing Trees are located, without showing concrete data linking accidents to this specific area (Major Road Projects, n.d.; McDougall, (2020, p. 8).

Even while the Western Highway development project is on hold, disruption to Country continues through repeated acts of vandalism to the remaining culturally significant trees (Figure 3.4).

Figure 3.4 *"Build the Road" graffiti on a Djab Wurrung Birthing Tree in 2023 (Source: Lidia Thorpe for ABC News)*

The Birthing Trees have witnessed the birth of thousands of generations of babies, and the Country they stand on contains profoundly 'intimate' connections for Djab Wurrung Women

(Austin, 2021, p. 63). This vital relationship between Aboriginal women and their Birthing Trees is outlined below by a Wuthathi, Mabiauag Island, Ambonese Aboriginal and Torres Strait Islander Elder:

> The birthing tree was a place of 'women's business' where Aboriginal women came for many centuries to a place of security and safety during labour and birth. The tree is strong and healthy and has strong roots that are embedded deeply in culture, Country and family (Aunty Dr Doseena Fergie, OAM, in Chamberlain, 2023, para 1).

Birthing Trees (Figure 3.5) are vital places of connection for mothers and babies to Country, and nexuses to Dreaming[1] and Aboriginal identity (Adams et al., 2018, p. 84).

Figure 3.5 *A Sacred Birthing Tree (Source: Glenda Roberts)*

As living ancestors of the Djab Wurrung community, the centuries-old Birthing Trees at risk from the Western Highway development are carriers of relational connections through blood

[1] Dreaming (or Dream-Time) is fundamental to Aboriginal identity, described as an "active, continuous time…which is a self-referencing and self-affirming system of meaning" (Griffiths, 2018).

ties that convey intergenerational Dreaming, stories, law and history that is part of the Djab Wurrung identity (Porter et al., 2019, para. 6; Groch, 2020). The violent disruption to Djab Wurrung Country, through cutting down the Directions Tree, demonstrates a lack of understanding by the Victorian State Government (and its development agents) of the cultural significance of the Djab Wurrung Birthing Trees. Many believe that the Victorian government's decision to cut down the sacred tree "under the cover of ongoing COVID rules" was a malicious act (Malins et al., 2020, para. 9). In an open letter, over a thousand Australian academics condemned the state government's actions, labelling it "colonial violence" (para. 2). Either way, the case study illustrates how the current system of planning and development is not designed to protect Nature, First Nations people or Country:

> [The] desecration of the Djab Wurrung trees follows another example of development trumping Indigenous rights…such destruction is not due to mistakes or lax procedure. It is part of a system designed to destroy (Porter, 2020).

State mechanisms, such as the *Traditional Owners Settlement Act 2010* and the *Victorian Aboriginal Heritage Act 2006,* aim to promote good relations between the State and traditional owners, while also protecting Aboriginal cultural heritage. The acts are designed to empower traditional owners as guardians of their cultural heritage. However, they seem powerless to achieve their purpose (Porter, 2020; Victorian Aboriginal Heritage Act, 2006; Traditional Owners Settlement Act, 2010). Policy and planning schemes continue to lack input from First Nations people, with any Indigenous inclusion in planning documents often being tokenistic (Wensing & Porter, 2015, pp. 91-92).

An investigation by the Victorian Ombudsman in July 2020 of the planning and development processes associated with the Western Highway upgrade was unable to reinforce the rights of the Djab Wurrung people to protect their Birthing Trees. The report sought answers to questions about consultation and engagement with Djab Wurrung people, as well as whether due diligence was done in cultural impact assessments. Findings revealed that VicRoads and its successors (Major Road Projects) as designers of the project, apparently failed to consult with *all* the traditional custodians of the land; did not properly investigate the Aboriginal cultural heritage of the area; and ignored options that would have provided better cultural and environmental outcomes (Glass, 2020, p.6). The 2020 Ombudsman report indicates that when planning for the Western Highway began in 2008, VicRoads was aware of potential impacts for Aboriginal

Cultural Heritage and had commissioned a "desktop report on Aboriginal cultural heritage" for the site in question:

> This report recognised the traditional Djab Wurrung connection to the region, and cautioned that previously unrecorded cultural heritage sites were likely to be encountered within the area (Glass, 2020, p. 16).

Whether deliberate or inadvertent, this suggests that there was a gap in the communication and/or implementation of cultural heritage findings and the development activities of the state government agencies (VicRoads and later Major Road Projects Victoria).

The Victorian government's contention that it followed 'due process' in its CIA for the highway upgrade between Buangor and Ararat and its proclamation that the trees in question are not [culturally] significant, demonstrates a lack of cultural comprehension (Porter, 2020, para 5). Despite consulting with *some* members of the Djab Wurrung community, the CIA failed to incorporate the intrinsic values, knowledge and understanding of the Djab Wurrung worldview and relationship to Country. Furthermore, the assessment failed to recognise vital intergenerational relationships between the birthing trees and Djab Wurrung women (Porter, 2020; Marshall, 2019, p. 244). At the time, Minister for Transport Infrastructure Jacinta Allen (since becoming the Victorian State Premier) declared that the trees in question pre-date European contact and, therefore, are not culturally significant, which, at the very least, highlights the government's cultural insensitivity, but also highlights a 'euro-centric' definition of what culture means (Porter, 2020).

Legal proceedings by Djab Wurrung community members against the Western Highway upgrade on Country were met with disrespectful remarks from state representatives, who dismissed Djab Wurrung culture and connection to Country in one semantic shift. State development agents reduced the status of the centuries-old *Directions Tree*, a living ancestor of intergenerational importance to the Djab Wurrung Aboriginal people, by referring to it merely as a 'fiddleback' (tree). Webster (2023, p. 2) and Lawrence (2019, para 13) describe this process as a form of epistemic violence carried out by the Victorian State government.

State and federal politicians in Australia show noticeable contempt for Indigenous rights and the rights of Nature by disregarding and devaluing cultural and ecological assessments. Victorian Liberal MP Bev McArthur weaponised CIAs, making them responsible for a lack of progress in development to address the housing crisis and for preventing state infrastructure

from proceeding. McArthur argued on 13 March 2024 that delays in completing the Western Highway upgrade were because of CIAs being exploited by activists:

> These activists put so-called cultural heritage ahead of people's lives …this government's just gotta stand up to this nonsense, and build the road, as it should be best built, and put aside all this nonsense. [CIAs have caused] massive blowouts in government projects…every housing project, every other infrastructure project, every commercial project…all being crippled by cultural heritage assessments. The state is going broke because of this, and for what purpose? (McArthur In Panahi, 2024).

McArthur is the perfect example of a state politician whose fixed mindset fails to even contemplate the value and benefits of First Nations knowledge, continuing instead to barrack for development which fails to consider the rights and well-being of Aboriginal people and Country. De la Cuadra (2015) suggests that a deeper understanding of diversity in knowledge and experience is positive for all:

> Being able to overcome the Western epistemology and its consequent narrow vision of development to build a new type of thinking based on the certainty that across the world knowledge is diverse and that this diversity constantly enriches our human experience (De la Cuadra, 2015, p. 35).

This recognition of the diversity of knowledge strengthens the argument for multiversal thinking in mainstream development as being beneficial to all.

3.7 Summary

This chapter has emphasised the importance of Indigenous worldviews in Australia, where 'Caring for Country' is central to Aboriginal culture. It has contrasted holistic Indigenous perspectives with Western development, illustrating how Eurocentric methods result in a disconnection between people and Nature and First Nations people and Country. Understanding Country offers valuable insights for contemporary development. However, the literature indicates that efforts to integrate Indigenous views into global and state frameworks often reinforce capitalist structures that devalue Nature, trees on Country and cultural understandings, particularly regarding gender.

The conflict between state-led development and Indigenous worldviews is exemplified by the disruption caused by the Western Highway project to Country and the Djab Wurrung Birthing

Trees. There is an apparent need for future planning and development to respect and incorporate Indigenous knowledge systems. First Knowledge has been an important aspect of the design and realisation of this research project, as outlined in the following Chapter on methodology.

Chapter Four – Methodology

4.1 Introduction

This chapter describes the research design and methods I used to analyse how the rights of Nature, First Nations people and cultural heritage are considered within mainstream development processes. The research utilises a political ontology approach, recognising that knowledge is socially constructed and actively shapes distinct realities (Blaser, 2009a, p. 889). I found this approach appropriate for examining conflicts between Indigenous and settler-colonial perspectives on nature and development. This perspective emphasises that knowledge is situated, embodied, and relational, interconnected with being, identity, and power. It highlights how dominant institutions often impose a singular worldview while marginalising Indigenous ontologies (Bormpoudakis, 2019, p. 553). I employed a qualitative methodology to conduct in-depth semi-structured interviews, which enabled me to capture diverse voices on ideas related to Nature, trees and development. This methodology enabled me to answer the research questions, namely, what enables a Victorian State Government highway upgrade to remove the living ancestors (sacred Birthing Trees) of the Djab Wurrung community and Country, and how the Western Highway development might have been carried out differently, with more regard for Nature, Djab Wurrung heritage and Country.

The chapter comprises nine short sections that outline my reflections on positionality, data collection methods, my considerations of Indigenous-focused research techniques, a thorough desk-based analysis, and the key informant interview process. It also highlights challenges encountered during the research, specifically the death of my father the night before the last two key-informant interviews, and a multi-stage ethics process brought on by a shift from yarning with Djab Wurrung women about their Birthing Trees to interviewing individuals who currently work in policy, planning and development processes in Victoria.

4.2 Reflexivity and Positionality

Reflexivity extends beyond self-description; it requires a critical examination of how our subjective worldviews and perceptions influence decisions regarding topic selection, research questions, participant interactions, data interpretation, and ethical considerations (O'Leary, 2021, p. 63). As a non-Aboriginal researcher working with the Djab Wurrung Aboriginal

peoples' story and Country, I recognise that I cannot fully understand what it is to be Djab Wurrung, or First Nations Australian. This made me conscious that to many people within the Djab Wurrung community, I am just another outsider looking to extract knowledge and narratives. However, my Indigenous ancestral ties to Ambrym in Vanuatu, combined with my adopted upbringing in Aotearoa, New Zealand, give me insights into disrupted cultural identity and connection to place. While I have no sense of a particular place as my home, I consider the world to be my home; I maintain connections to specific places through Nature such as the gum tree of my childhood and a silver fern necklace gifted by friends, symbolising whanaungatanga (kinship) and a way of "coming home to the world [that] we never stopped belonging to" (Eggan, 2022, p. 20). In many ways, I am a wayfarer, walking the earth as Ingold (2010) suggests, "at once in the air and on the ground", becoming part of wherever I am.

These relational ties to friends and whānau, along with years of travelling, living and working with the full gamut of people and places, their complexities, stories and ecologies, have contributed to my interest in social justice and environmental concerns. This is also evident in my career as a photographer, where I am drawn to noticing people and environments as a visual storyteller, memorialising people and places. Collectively, this background has greatly influenced my academic journey and this research path.

I recognise that there have been some implications on my research, from the pasting of my father during the interview process. This meant that the research analysis and thesis writing were carried out during a period of grieving, which seemed to intensify my connection to Nature and contemplations on death and dying.

4.3 Desk-based analysis

I began with an extensive desk-based analysis of primary documents, and sought guidance on Indigenous focused research in Aotearoa New Zealand and Australia from AIATSIS, and through regular conversations with Indigenous and non-Indigenous scholars, including my supervisors and Professor Rochelle Stewart-Withers at Massey University, Aboriginal scholars Greg Kitson and Tyson Yunkaporta, non-Indigenous historian Dr Marguerita Stephens and my whanaunga (kin) Māori Academic and Health Executive Director Stephanie Turner, Dolina Wehipeihana (Tāwhiri Festival Director and Māori Arts Producer). Collectively, this support encouraged me to maintain a strong commitment throughout the research to working with

Indigenous research principles, which include respect, responsibility, reverence, and reciprocity (Archibald et al., 2022, p. 1). Another key principle employed throughout this research is the honouring of storytelling as a form of sovereignty, which has been described as "the counter-narrative of colonization" (Behrendt, 2019, p.183). In keeping with this Indigenous research principle, this thesis contributes to the story of mainstream development on Country and the implications for First Nations people.

I have actively engaged with teachings on Aboriginal narrative-based research methods, specifically *yarning* (a non-hierarchical conversation method) underpinned by *dadirri* (deep listening) during the research (Bessarab & Ng'andu, 2010, pp. 38-40). These recognised Aboriginal knowledge-sharing techniques encourage the researcher to be present in time and place and remain open to learning during interviews or yarning throughout. Just as Kaupapa Māori methods are more widely used today in Aotearoa to ensure the accuracy and authenticity of any Māori knowledge, values, and worldviews in research, yarning and dadirri facilitate a conversational, deep listening approach for gathering qualitative data that is most suitable for privileging the knowledge and perspectives of Indigenous Australians (Wilson et al., 2022, p. 382; Bessarab & Ng'andu, 2010, p. 39).

I acknowledge the explicit direction provided at the onset of this research project by AIATSIS on Aboriginal research methods, also the work of McEntyre et al. (2019) on pathways for Aboriginal and non-Aboriginal researchers, and the book *Decolonising Research: Indigenous Storywork as Methodology* (Archibald et al., 2022). These methods have engendered greater possibilities for critical theory and reflective practice, which is place-based and sensitive to the story of the removal of the Djab Wurrung Birthing Trees. Drawing on these decolonising research methods encourages "interconnectedness and relational epistemologies as a framework between dadirri and Western methodologies in a way that transforms and reconfigures futures, participants, and researchers alike" (Ungunmerr-Baumann et al., 2022, p. 94).

For Aboriginal people, Country is central to everything. I recognised early on that the success of this project was, therefore, heavily dependent on my learning to understand what Country means, and to consider the way First Nations peoples' knowledge relates to Nature (Neale, 2021, pp. 1-8). The writing of this thesis has, therefore, been informed by the direct and indirect sharing of knowledge and storytelling of First Nations people, some imparted directly to me, some indirectly via the work of Indigenous scholars and authors. The *First Knowledges* series

has been a noteworthy source of learning. The series has so far produced eight books: *Songlines, Design, Country, Astronomy, Plants, Law, Innovation, Health* (and *Ceremony* is due for publication in 2025). The *First Knowledges* authors feature throughout the thesis, helping me to break open some of the barriers that prevent proper understanding of Country and of First Nations peoples' connections to Country. I am grateful to some of these authors who graciously guided me (through correspondence) towards finding the research interviewees.

4.4 Initial direction, and research re-direction

I initially planned to conduct fieldwork that would involve direct engagement as a form of collaboration with Djab Wurrung women to better understand the implications for Djab Wurrung Country and how the community was responding to the Western highway development project. Based on guidance from Indigenous scholars and AIATSIS, as well as an extensive literature review, my research approach was designed to be relational and focused on ensuring reciprocity. At times, these Indigenous-focused methods, which involve the acceptance and appreciation of the fluidity of time and space, seemed incongruous with the Western Academic framework.

Finding the 'right' people to ask to connect me with Djab Wurrung Women was a protracted process, for good reason. Trust must be earned, and Djab Wurrung people, like many First Nations people in Australia and around the world, are understandably suspicious of outside interests. Having read some of the writing of Gunditjmara Keerraay Woorroong Djab Wurrung Woman Sissy Austin, I initially reached out to her to see if she would be interested in working with me to set up the yarning. After a casual conversation in a supermarket, Sissy suggested that some Djab Wurrung women would want to speak with me, including (depending on availability) Senator Lidia Thorpe, who is a Gunnai, Gunditjmara and Djab Wurrung woman and advocate for First Nations rights. I explored AIATSIS resources, learning how to collaborate with and empower Djab Wurrung Women to lead the research by creating space for yarning and dadirri to flow in a way that is meaningful to all involved.

After this, my research took a significant turn. The ethics process undertaken was extensive (see *Ethics considerations*). It was almost two months before ethics approval was received, which, of course, was necessary before I could engage with the Djab Wurrung Community. Unfortunately, by this time, it became clear to me that the field study I was preparing with Djab

Wurrung women would not be possible within the timeline set for me to complete this master's thesis. By the middle of 2024, the Djab Wurrung community had been in and out of court fighting to prevent further harm to their sacred trees and Country for six years and had understandably become weary during the process and wary of speaking to outsiders. Around the time I needed to arrange dates for yarning, I lost contact with Sissy Austin, who had moved house, and was heavily involved in First Nations campaigns elsewhere.

Plans to speak with Gunnai, Gunditjmara and Djab Wurrung Woman Senator Lidia Thorpe were also shelved towards the end of 2024 after they were removed from Parliament House by security for protesting in front of King Charles, shouting "this is not your land, you are not my King" (Watson & Relph, 2024). The Senator was inundated with calls for their resignation, while at the same time trying to introduce the *Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Bill 2024*. This was clearly not a time for me to be pushing for engagement with Djab Wurrung leaders for this research. Consequently, the research was redirected towards understanding what makes extractive and exploitative development in Victoria the norm, and what has enabled the Victorian State Government to disrupt the *rights* and *cultural connections* of Nature, the Djab Wurrung people, and Country to build a road.

I shifted the emphasis from speaking with Djab Wurrung people who are impacted by the Western Highway development project to instead speaking with some of the people who are involved in the decision-making and activities (policy, planning and development processes) of state-led infrastructure projects in Victoria.

4.5 Ethics considerations

To ensure that ethics considerations were properly addressed, I held several online meetings with my supervisors to identify and discuss potential issues within the research. Following this, I prepared a comprehensive ethics application for Massey University Human Ethics Committee (MUHEC), under the guidance of my supervisors and Prof. Rochelle Stewart-Withers, the Head of Programme at Massey's Institute of Development Studies. I have actively followed the Massey University Code of Ethical Conduct for Research, Teaching and Evaluations Involving Human Participants and engaged with an extensive range of ethics scholarship (both theory and ethics in practice), including Indigenous-focused research methods and decolonising research

approaches (Archibald et al. 2019; Yunkaporta & Moodie, 2021; p. 20 & p. 87; McEntyre et al., 2019).

I spoke to Indigenous and non-Indigenous academics, authors, activists and politicians whose work focuses on Indigenous issues to discuss any possible ethical concerns that the research might raise. Potential issues identified included concerns for privacy and confidentiality; therefore, all research participants were given the opportunity to remain anonymous. Any data contributed by, or relating to, participants wishing to remain anonymous has been 'de-identified' throughout this thesis. Ensuring cultural safety and sensitivity, particularly in relation to gender considerations, was another issue identified. As a New Zealand-born Pasifika woman, I am an outsider to the Djab Wurrung people and Country. Consequently, I have had to ensure that my research and my engagement with Aboriginal people or Country have been self-reflective and respectful. Any engagement with the Djab Wurrung community has been with women, based on my understanding that Birthing Trees are 'women's business'. I have tried to acknowledge and respect Indigenous worldviews, knowledge, and practices throughout this research.

While the research ultimately did not include yarning with Djab Wurrung women, my commitment to Indigenous research principles continued throughout this project, as the research is Indigenous focused and Country-centred. The key informant interviews were focused on the Djab Wurrung Birthing Tree case study. Therefore, my research methodology has continued to be informed by the Aboriginal and Torres Strait Islanders (AIATSIS) Code of Ethics. I was also privileged to speak with non-Aboriginal historian Dr Marguerita Stephens about their work to sensitively preserve Aboriginal and colonialist stories and history.

To ensure confidentiality, and in accordance with MUHEC requirements, the research data has been kept securely using Massey's password-protected Cloud storage.

4.6 Key Informant Interviews

The main method of data collection was via semi-structured interviews with key informants. This method was conducted in a relaxed and open conversational manner, underpinned by yarning and dadirri methods, making it suitable for Indigenous and non-Indigenous participants. The Djab Wurrung Birthing Trees versus Western Highway upgrade case study provided the foundation for the key informant interviews with development professionals. I wanted to

capture a range of viewpoints on the case study, and the broader ontological perspectives of development and Nature. Therefore, I sought out a range of research participants, with extensive experience working as policy advisors, educators, arborists, scientists, architects and urban designers, who each participated in a semi-structured online interview that typically lasted one hour. Some participants were identified through my personal networks, and others I emailed directly after reading their work. Over half of the participants were recommended by the first few interviewees. I specifically approached representatives from organisations with pro-roading views, specifically two ex-VicRoads employees, and one state politician. I chose former (rather than current) government employees because those in office are not permitted to comment on current state projects; however, those I approached either refused or ignored my invitations. Consequently, the views in this chapter are from eleven research participants (see Table 4.1) who work in education, policy, planning, architecture, sociology and arboreal science.

Table 4.1. *Key Informant Research Participants*

1. Libby Porter (Indigenous Rights, Urban and Environmental Planning)
2. Greg Moore (Botanist, Plant Scientist and Urban Tree Canopy Advocate)
3. Peter Boyle (Urban Planner and Landscape Architect)
4. Michelle Howard (Strategic Planning, Design and Infrastructure)
5. Sophie Cunningham (Author, Educator and Tree Advocate)
6. Senior Planning Executive* (State Planning Approval/Environmental Effects)
7. Ian Shears (Urban Forestry and Urban Greening Landscapes)
8. Forestry Sector Professional*
9. John Fordham (Arborist and Heritage Tree Specialist)
10. A Ngarigo Monero Elder*
11. Iain Butterworth (Policy and Planning Advisor)
**Not named for confidentiality reasons*

Interview questions were designed to capture the development professionals' ideas and beliefs on Nature, and specifically, trees. The interview process was guided by a core set of eight questions (see Appendix 1). Throughout the interviews, the research participants were encouraged to share their stories, their personal and professional knowledge and experiences of development processes working with Country, Nature, and trees.

4.7 Data collection and analysis

I spent considerable time learning about and preparing for yarning and dadirri as a method of data collection, which involves semi-structured interviews, participant observation, open conversation, and storytelling (Bessarab & Ng'andu, 2010, p. 38). This informed the approach I took to a series of key informant interviews. The interviews were conducted online and recorded using ZOOM, then transcribed with the aid of Otter. In addition to this video-recorded interviews, extensive notes were taken during the interviews to assist with observational perceptions, reflexivity and relational accountability (O'Leary, 2021, p. 63). Preliminary analysis was carried out using the insight-generating tool, NVivo 15, to identify and then compare key themes, based on the research questions, aims and conceptual framing. A broader thematic analysis then involved reading and reviewing the interview notes and transcripts multiple times, identifying prominent language used by the interviewees. This helped identify a set of key research findings for the comprehensive analysis presented in Chapters 5 to 7.

4.8 How the research went in practice

I initially felt uncomfortable about not speaking directly to the Djab Wurrung women about the removal of the Birthing Trees for this research. However, the interviews with people involved in the policy, planning and development processes in Victoria proved to be a rich source of information about concerns for First Nations heritage, Nature and Country in mainstream development. Only three of the invited participants did not respond, and one person, a state politician from the Western Victoria Region, who had initially agreed to participate, did not respond to my emails to schedule the interview. I began the interviews with Professor Libby Porter, whose work aligns with the focus of this research and whom I have been citing throughout both my undergraduate and postgraduate studies. Porter was very generous in their interview, offering guidance, which contributed to my slightly reframing a question.

The interviewees were open and enthusiastic during their engagement with the research questions, with a notable exception. One participant questioned the validity of their answering questions about the Western Highway when they had not been directly involved. A good point, however, once I explained that their informed opinion from working on similar planning, design and infrastructure projects would contribute to an overall picture of how mainstream development is being carried out in Victoria today, they responded comprehensively.

4.9 Summary

This chapter outlines the qualitative methodological approach taken for this research, including targeted key-informant interviews with policy, planning and development experts to gain insight into how state-infrastructure projects like the Western Highway upgrade can overpower the rights of Nature, First Nations people, heritage and Country. Guided by Indigenous research principles and practices, such as storytelling and yarning, the research aims to address social justice and environmental issues while amplifying Indigenous voices and perspectives. I reflected on my positionality as a non-Aboriginal researcher with Indigenous ties to Vanuatu, acknowledging the complexities of cultural identity and the need for respectful engagement with this story about the Djab Wurrung Birthing Trees and Country.

Chapter Five – Disregarding the rights of Nature, First Nations people and Country in mainstream development today

5.1 Introduction

This chapter is the first of two chapters presenting the findings from conversations with eleven interviewees, including policy advisors, planners, horticulturalists, sociologists and educators who work in planning and development in Victoria. Each participant brought a unique perspective, supported by their knowledge and experience working on development projects throughout Victoria. Participants responded to questions about why they think development today often disregards the rights and prospects of First Nations people, Country, Nature and particularly trees. First, this chapter considers the research participants' remarks about the planning and development processes specifically associated with the Western Highway project near Buangor and Ararat, which involved the removal of sacred Djab Wurrung Birthing Trees. It then expands to consider the participants' insights on the broader context of policy, planning, and development processes in Victoria and throughout Australia.

5.2 Participant perspectives on the case study

This section covers what the interviewees think contributed to the removal of the Djab Wurrung Birthing Trees. I asked the research participants what they knew about the case study. One of the questions was what they knew or considered to be the main reason (or reasons) for the Victorian State Government having to cut down the Djab Wurrung Birthing Trees. The participants believed the main reasons behind the chosen route were (1) human safety, (2) costs and efficiency, and (3) poor processes by state government organisations. These key findings align with the literature reviewed on the Western Highway development versus the Djab Wurrung Birthing Trees in Chapter 3, Section 6.

Nearly all participants understood that one reason for the chosen route through the Djab Wurrung Birthing Tree site was perceived risks to human life on that stretch of road. Several participants considered safety to be *the main reason* behind development decision-making for the highway, and three participants felt this reason was justifiable. For example, a State Planning Executive noted:

> The reasons that were given by VicRoads, and … I don't comment, were safety because there were some fatalities on the road, and there was considerable concern about life. Safety of life (Senior Executive - State Planning Approval/Environmental Effects, October 29, 2024).

In contrast, Porter felt that although safety was "definitely a consideration", the safety argument might have been overemphasised, outstripping cultural and ecological considerations. Similarly, Cunningham questioned the validity of the safety argument altogether, exclaiming, "Whose safety [are they referring to]? And what about cultural safety?".

Interviewees also pointed to the project's aim to shorten travel times between Melbourne and Adelaide as a key motive behind the decision-making:

> The reason they give, to widen the road…to reduce the travel time by two minutes, or under two minutes, something like that (Libby Porter – Indigenous Rights, Urban and Environmental Planning, September 25, 2024).

However, both Porter and Boyle pointed out the fact that the proposed reduction in time was inconsequential and, therefore, not a valid reason.

All participants felt that the consultation and decision-making processes for the Western Highway duplication had been poorly executed. Butterworth (who has a background in community psychology) recognised an apparent failure to respect cultural considerations:

> [It suggests] culpable responsibility and neglect for what's important, and if it was by intent, then that's awful! It's an unfortunate manifestation of political and advisor perspectives that don't take into account the broader community values and shows a lack of respect for cultural importance and the symbolic Nature of these trees (Iain Butterworth - Policy and Planning Advisor, November 14, 2024).

Some participants spoke of a lack of transparency in the development process, and the power the state government has, to do what it likes, for example:

> There was a whole lot of smoke and mirrors on the behalf of the Victorian government to try to cover over something that…was really inexcusable… I think it was a route they decided they wanted ... I don't think they understood well enough about how to consult more broadly, and I think they made a decision, and they were just going to go ahead with it (Forestry Sector Professional, November 6, 2024).

However, the Senior Planning Executive who was involved with the State Planning Approval and the Environmental Effects Process at DEWLP when the Birthing Trees were removed said that there was no conspiracy behind the project:

> It's actually just the way the rules [of the planning scheme] work. But look, I would think that everyone involved is sorry. Like I just think people didn't understand how important it was (Senior Executive - State Planning Approval/Environmental Effects, October 29, 2024).

Moore also said he felt the Western Highway development process was not a conspiracy, that it was more a case of "stupidity" on the part of VicRoads:

> This should not have happened. VicRoads had an advisory group…they had a young manager, a former student [of Moore], who was aware of all these [cultural and on Country] issues and who was essentially ignored (Greg Moore - Botanist, Plant Scientist and Urban Tree Canopy Advocate, October 10, 2024).

Either way, the participants all agreed that the Djab Wurrung case study was indicative of systemic failings to properly understand First Nations people and Country. Moore, for example, in his capacity as one of Victoria's leading experts on trees, was asked to advise on the situation with the Djab Wurrung Birthing Trees versus the Western Highway upgrade, and said that…

> As an individual …with some tree expertise, [the removal of the Birthing Trees] came up as a potential issue for the National Trust. [But due to] complexities of the Indigenous relationships, we decided that they were much more likely to be successful in a custodial sense … That's the stand we've taken. In other words, we will be very supportive if anyone asks, you know, should the trees be preserved? The answer will be yes. But when it comes to the cultural significance, we're simply saying, you talk to the local custodians (Greg Moore - Botanist, Plant Scientist and Urban Tree Canopy Advocate, October 10, 2024).

This comment from Moore highlights that cultural experts do not necessarily engage directly with environmental and ecological experts, suggesting that a gap in reporting and communication may occur within project planning and decision-making. Moore believed the Djab Wurrung Birthing Trees were impacted by the Western Highway upgrade, because as VicRoads was replaced by Major Road Projects Victoria midway through project planning, the lessons learnt by VicRoads were not passed on or picked up by Major Road Projects.

The Forestry Sector Professional stated there was sufficient evidence to indicate the entire project was dysfunctional from the outset and that the complex story behind the development needs to be considered more thoroughly. They said you need to spend time carefully digesting everything before making decisions and taking any action:

> People don't really know what they need or want, or they don't understand the circumstances or the input of certain things….so the process would have been much, much better slowed down to make sure that all the right people were consulted and the true values of these trees, which were deeply spiritual and deeply culturally significant for quite a number of people were properly considered (Forestry Sector Professional, November 6, 2024).

Some participants found merit in the key reasons given by the state government for the Western Highway upgrade between Buangor and Ararat; others discussed how the exploitative nature of engagement with (and without) the Djab Wurrung people during the planning and consultation for the development makes it completely untenable. For example, Porter believes the decision to cut down The Directions Tree just before the end of the lockdown in 2020 was no accident. "I don't think it was innocent…totally not accidental or innocent. It felt especially egregious as an act". As Porter and I talked about the way state government agents cut down and removed the centuries-old Directions Tree in front of members of the Djab Wurrung community who believed they were "standing in their sovereign law, on Country", it was possible to see how it might feel like an impertinent and violent action towards the Djab Wurrung people and Country. This corresponds with what the Ngarigo Monero Elder said about their understanding of how the Djab Wurrung community were treated:

> I just felt they were really disrespectful, in the worst way, you know, of a woman's place, acknowledging the rights of Aboriginal women, identifying places that are important to women. It wasn't something that [Djab Wurrung] just made up on the spot to stop the road. It was quite a significant stand. They stood their ground, and they just got bulldozed, so to speak, by the processes of heritage and government to achieve what it wanted (Ngarigo Monero Elder, November 14, 2024).

Cunningham also felt that the government and development organisations involved did not value the Djab Wurrung perspective:

> Big Roads or Major Road Works, or whatever they are called … they feel contempt for the stuff they work through. They belittle the activists, they

> persecute the activists, and then the tree… they just don't get it! (Sophie Cunningham - Author, Educator and Tree Advocate, October 29, 2024).

According to Moore, it was possible that the significance of the Birthing Trees was not well understood by the development agents, and that while ignorance was not an excuse, it might be part of the reality. The idea that ignorance might be a contributing factor to planning and development processes that marginalise Indigenous rights and the rights of Nature, and are responsible for disruption to Country, was suggested by other participants, and is highlighted as a key barrier in Chapter 6. Moore believed that VicRoads chose to view the environment and Birthing Trees as "being of low or zero value" (Greg Moore - Botanist, Plant Scientist and Urban Tree Canopy Advocate, October 10, 2024).

5.3 Participant perspectives on trees

The tree experts provided comprehensive definitions of what a tree is and what a tree does, and several key themes emerged from the conversations about why preserving existing trees and planting new ones is essential for future development. For example, Boyle described trees as being:

> An essential part of an urban environment … for a whole range of reasons … aesthetic, functional, temperature modification, microclimate, habitat and beauty… I mean, without trees, we're cooked! (Peter Boyle - Urban Planner and Landscape Architect, October 17, 2024).

However, it was the participants' descriptions of the functionality, value and benefits of trees that were most interesting to me. Notably, when Shears, who advocates for tree canopy coverage in cities, described the range of values that large old trees provide - specifically emotional, socio-cultural and *life-affirming* values, and that trees contribute to our sense of human scale within cities and suburbs:

> [The importance of trees] is not only the pure science and environmental service provision. It's also the spiritual [and] emotional connection that we have with trees from a living perspective (Ian Shears - Urban Forestry and Urban Greening Landscapes, November 4, 2024).

Moore added to the discussion about some of the everyday functions of trees:

> Trees have an aesthetic and functional role. The functional role is many-fold… shade and cooling, habitat, they increase biodiversity and are significant for human health and well-being, physical and mental, [and] they have a whole range of economic benefits (Greg Moore - Botanist, Plant Scientist and Urban Tree Canopy Advocate, October 10, 2024).

The Senior Planning Executive spoke of the aesthetic qualities of trees, but most interestingly, of the value of trees as indicators of past climate events:

> [Trees] are incredibly important for beauty, and they tell incredible history … the life of a tree, in terms of drought and in terms of seasons (Senior Executive - State Planning Approval/Environmental Effects, October 29, 2024).

This comment reflects the literature in 3.3 and 3.4 on the benefits of drawing on history and knowledge of Country to inform future development. Moore suggested that, given this understanding that "Indigenous cultures around the world venerate [trees]", it might be worthwhile thinking about why they venerate them. He went on to propose that the answer is usually because Indigenous people "have an understanding, at various levels, of what big old trees do". This aligns with First Nations' understandings of the value of trees.

Moore, Shears, Fordham, Boyle, but most notably, the Forestry Sector Professional, spoke about the ineffectual process of trying to replace old trees with new trees:

> A critical part of tackling climate change [is that] large old trees disproportionately store more carbon than multiple small trees. So, they're not really interchangeable (Forestry Sector Professional, November 6, 2024).

The Forestry Sector Professional went into more detail about the way trees contribute to increasing biodiversity:

> Large, old trees tend to produce a lot more flowers, a lot more seeds, a lot more pollen… which are crucial for a whole series of species that are associated with [trees] (Forestry Sector Professional, November 6, 2024).

In terms of biodiversity and ecosystem services, the participants identified a range of values and benefits that trees provide, including human-Nature connections, commemoration, and climate change mitigation.

> Transportational cooling is a really major factor now. It's getting more and more major here. The world's heating up. And what are we doing in Australia and Victoria? We're pulling down trees [and] building mansions…on small

> blocks of land where you can't plant trees. Now, that makes no sense at all!
> (John Fordham – Arborist and Heritage Tree Specialist, November 11, 2024).

In 2013, a public participation project was launched in Melbourne to track the status of trees, assigning each tree a number and an email address linked to an online map. While aimed at collecting data on the urban forest, the initiative led to trees receiving individual 'love letters' via email from people worldwide, raising global awareness of Melbourne's treescapes. Shears highlighted the impact of this project by sharing how "the most emailed tree in the municipality", a golden Elm, was saved from removal because of its popularity. Despite this, interviewees noted a general lack of awareness of the full value of trees and heritage issues.

5.4 Participant perspectives on current approaches in planning and development for the consideration of Nature, First Peoples and Country

When it comes to heritage considerations of Country, and particularly trees and Nature, the participants had wide-ranging experience and knowledge of historical and current approaches towards heritage policy, conservation and protection activities in Victoria and throughout Australia. Fordham has played a pivotal role in establishing and maintaining the National Trust Register of Significant Trees, which includes many trees between 500 and 1000 years old. These trees, according to Fordham, are highly regarded by members of the committee, who physically collect data on trunk circumferences and rainfall. This knowledge can then be used to inform the public, providing increased awareness and understanding of the heritage and ecological value of the trees. In general, the participants identified how the political parties in Victoria tend to devalue heritage considerations, particularly Cultural Impact Assessments (CIAs).

Participants discussed the challenges of engaging in planning and development processes related to cultural heritage CIAs. The Senior Planning Executive noted that these challenges often stem from traditional owner groups having limited access to resources. However, the Ngarigo Monero Elder emphasised that the core issue is the disrespectful treatment of Aboriginal people, who have always recognised and monitored their significant places. Boyle and Fordham pointed out that although many culturally significant sites are documented on heritage registers, they often suffer damage from development activities.

Porter brought up a further problem of politicians using heritage management as a scapegoat for development delays:

> They [the Liberal Party] are saying that the whole cultural heritage management system in Victoria is being held up. So, there was a headline not all that long ago where they blamed Aboriginal people for the housing crisis. Indigenous people are holding up development and not letting houses be built because of all these cultural heritage management plan requirements [CIAs], which is an actual lie. An actual lie, as well as being racist and all the rest (Libby Porter – Indigenous Rights, Urban and Environmental Planning, September 25, 2024).

This was evident when I reviewed the media content on the Western Highway upgrade, which showed that Liberal MP Bev McArthur specifically laid the blame for delays in the highway's construction on CIAs. McArthur labelled the Djab Wurrung heritage claims as "nonsense" and suggested that cultural heritage is responsible for budget blowouts in government projects (McArthur in Panahi, 2024).

Porter said that they were aware of people from the cultural heritage body of the Wurundjeri Council feeling nervous about what might be presented in the media about them when they were investigating cultural heritage matters:

> [People will say] 'These Wurundjeri people [are] holding up development over here again'… they're very anxious about it, and they're saying, you know, it's really coming at us from all different angles, when and where it wasn't before (Libby Porter – Indigenous Rights, Urban and Environmental Planning, September 25, 2024).

This is a problem that Porter explained was adding to the already considerable tension within the cultural heritage management space.

Several participants suggested that the definitions of heritage and 'whose heritage is allowed' or will be protected from harm could do with some improvements in terms of legislation. Cunningham mentioned a stand of Snow Gum trees on Mount Macedon surrounding an RSL (Returned Services League) commemorative cross, which interrupted the view from an RSL memorial.

> [Snow Gums] had come back after the fires, [the RSL] wanted to knock them down because it affected the view from the cross for their ceremonies once a year (Sophie Cunningham - Author, Educator and Tree Advocate, October 29, 2024).

Cunningham said those involved in making heritage decisions were working hard to respect the heritage of the RSL, but her perspective on protecting the snow gums was a little less malleable.

> They've got the cross. Stand on tippy toes! But they can't see the view…It's not like they can't enact their rituals. Anyway, there were a whole lot of protests, lots of letters, we won (in inverted commas), and then the, whoever, the minister, basically said, we're doing it anyway. And they just did it! (Sophie Cunningham - Author, Educator and Tree Advocate, October 29, 2024).

In expressing their personal views here, Cunningham highlights the unjust nature of this contestation, where some individuals or groups were able to assert power over others to sway the outcome. Cunningham also pointed out how funding limitations within organisations like Parks Victoria play a part in heritage decision-making.

> The bottom line is, they can't afford to [protect trees]. I said, can't they just trim the trees? They said, yeah, but we don't have the money … it's cheaper to just remove the trees (Sophie Cunningham - Author, Educator and Tree Advocate, October 29, 2024).

Apparently, Parks Victoria told Cunningham that if the organisation was properly funded, heritage decision-making would be quite different. They could trim the trees, reduce the canopy, and maintain both the trees and the heritage site that way. This aligns with the findings about barriers (Chapter 6), and how the bottom-line costs restrict a government organisation's ability to work with Country.

In addition to these general concerns about CIA processes and an overemphasis on economics in heritage considerations, the research participants identified problems in the RAP engagement processes associated with the Western Highway project.

5.5 Registered Aboriginal Parties (RAPs)

The suggestion that the trees were removed because their significance to the Djab Wurrung community was not known reinforces a pattern identified in Chapters 2 and 3 on CIAs and RAPs; that proper engagement with the *right* First Nations people is lacking. Both the literature review and key findings from the research interviews indicate that ignorance and cultural misunderstandings cannot be used as an excuse, given the now extensive history of working with First Nations people and Country throughout Australia. The Ngarigo Monero Elder said that prior knowledge of the correct ways to engage with First Nations communities exists:

> VicRoads has worked with the mob for a long time, and they should have known better. They should have asked more questions… they totally disrespected those women… and [now] they are going to be hurting for the rest of their life, and probably into the next generation… that they couldn't protect something that was really important to them. It's disgusting. The law allows them to do this. That's what we hear all the time (Ngarigo Monero Elder, November 14, 2024).

Both the Ngarigo Monero Elder and Porter were explicit about how they felt the state government had been disrespectful to the Djab Wurrung community:

> I know the mob down that way, and you know, they did that divide and conquer behaviour with the mobs. They obviously knew that [the Directions Tree] was significant. They played one group off another, and they used their legislative powers to enable them to remove trees so that they could progress the road instead of going around. Respect for a significant site didn't enter the conversation once they had it signed off by one group. They didn't listen to how important the place is … the stories that went with those trees, and the memory of the generations (Ngarigo Monero Elder, November 14, 2024).

> The government was mischievous in its use of the registered Aboriginal Party…the ways in which that exclude certain parts of the community…maybe sometimes there's a choice, sometimes there's a quite deliberate sort of tactics of exclusion and so on (Libby Porter – Indigenous Rights, Urban and Environmental Planning, September 25, 2024).

When the Ngarigo Monero Elder and I discussed the processes of the Western Highway duplication, it was clear that from a First Nations perspective, the approach was insensitive and did not consider *all* First Nations people that might be impacted by the development:

> Obviously, they needed to have conversations with everyone, and not just go to their legislative…ah, what I hear all the time… they talk to everyone who has an interest in that area or that Country, but they don't always talk to the right people, and they use their powers under the legislation, you know, they follow the regulation that allows them to do what they need to do (Ngarigo Monero Elder, November 14, 2024).

These comments highlight the engagement issues within existing RAP and CIA processes, emphasising the need for genuine and respectful consultation with First Nations people—a key theme of this research. Participants expressed concerns about the Western Highway development, particularly regarding the protection of the Directions Tree and other Birthing

Trees. Most felt ‘powerless’ to influence political decisions leading to such exploitative development.

5.6 The ‘norms’ of policy, planning and development.

Most participants expressed the view that the predominant approach to development in Victoria (and Australia) involves the disruption of Country and disregards the rights of Nature and First Nations people. They attribute this, at least in part, to a governance system that reinforces imperialist directives based on profoundly different worldviews and ways. Iain Butterworth, for example, identified a key difference between Indigenous and non-Indigenous thinking:

> The different worldviews, the Western one, is that humans are centre of everything. And the First Nations, the Indigenous worldviews show that humans are part of the natural world and not at the centre of everything (Iain Butterworth - Policy and Planning Advisor, November 14, 2024).

A common theme in the interviews was that the standard approach to development has often involved a process where developers clear everything in their path. Urban planner and landscape architect Peter Boyle described this situation as creating a “technical tension” between the rights and perspectives of First Nations people and the necessity to deliver services and infrastructure:

> The story of Melbourne is one of property development, and you know, the settler coming in and getting land, cheap land… if a building in Melbourne, or Victoria lasts more than two generations, fifty years, it’s doing well. So that’s what we do with our build fabric… Trees? Huh, come on! Just plant another one. They are just expendable, that is part of our DNA in this state, and this country, that we will just wipe stuff away, because there wasn’t anybody here. And, of course, there were (Peter Boyle - Urban Planner and Landscape Architect, October 17, 2024).

Several participants, including Butterworth, told me that there is a tendency for infrastructure solutions to be ‘straight-line’, which does not sit well on Country or when working with Nature, and the Planning and Environment Act in Victoria barely mentions human relationships to places (environmental or cultural):

> [The] urban planning decisions, frameworks and legislation, and policy are also framed by the same settler colonial mindset that doesn’t really accommodate people’s psychological relationships to places and the Nature

> world, because those things are seen as inconvenient (Iain Butterworth - Policy and Planning Advisor, November 14, 2024).

Howard was also concerned about the relational impacts of development:

> We've stuffed up our relationship with the natural world … we've kind of put down a big disruptor into what was a very nuanced management of a natural system (Michelle Howard - Strategic Planning, Design and Infrastructure, October 17, 2024).

The Senior Planning Executive, with experience in strategy, public policy, programme delivery and stakeholder engagement at federal, state and local government levels, was explicit in their comments about the purpose of the planning system:

> The [Planning Act] is exploitive by its very Nature… and you see, I just want to reinforce [that] the planning scheme is not about protecting Nature. The planning scheme is about facilitating development [and] construction, right? …. There's nothing in the planning scheme that recognises, explicitly Nature… it doesn't come from [the] ground up. Doesn't come from… like, what's important in Nature? What do we have to preserve, reinforce, and re-establish? It's all about sitting development on top of land, and if it's zoned and it's subdivided, well, that's it. So, I think your work is starting to explore something that's kind of different to the way we've appreciated development (Senior Executive - State Planning Approval/Environmental Effects, October 29, 2024).

These comments highlight the limitations of the current planning system, which fails to recognise the rights of Nature and Country. Butterworth expressed frustration that many progressive development plans remain unimplemented, despite his work on several exceptional plans that never moved beyond the drawing board:

> I'm still waiting to see evidence of the learnings and lessons from Melbourne 2030 [a Victoria State Government thirty-year strategic plan]. I haven't seen any defensible implementation plans that have metrics and reporting systems. We just love to create pictures of little blonde girls blowing dandelions next to a billboard that says, site of future schools, site of future train stations, the little asterisk saying, 'subject to, you know, change without notice' (Iain Butterworth - Policy and Planning Advisor, November 14, 2024).

Many of the research participants echo what Butterworth hints at above (that projects change without notice), and all suggested that legislation has often been manipulated to suit a

developer's needs. Cunningham suggests that 'the system' (legal and political) has the power to weaken the resolve of activists, conservationists or protectionists:

> We have a system that can be played … and, indeed, white people play that game very well. So, [with the Djab Wurrung] trees, they're trying to, you know, getting reports on particular grasses and butterflies, while the Indigenous people are saying these trees are kind of our churches… so yeah, everyone is kind of at cross purposes and trying to get reports under their belt so that they can win the various court cases. So, it immediately becomes absurd… everyone trying to work out how to win (Sophie Cunningham - Author, Educator and Tree Advocate, October 29, 2024).

This example illustrates how different values (for example, spiritual, socio-cultural and ecological) are made to compete with one another in a legislative environment fixated on moving forward one way or another.

5.7 Shortcomings in Consultation and Engagement Processes

The key informants discussed the ongoing issue of First Nations people being able to protect Country from development works such as the Victorian State Government's removal of the Djab Wurrung Birthing Trees for the Western Highway duplication. Ultimately, Victoria's planning scheme is charged with achieving fast-track projects, supported by a system of policy-making that Butterworth suggests is "predicated to be pro-development". Most research participants indicated that poor consultation processes and restricted timeframes are key concerns when trying to achieve proper engagement with First Nations people on projects:

> Any community that is worried about something is automatically on the back foot, and they have to demonstrate why something shouldn't go ahead, as opposed to a developer arguing why it should, so the cards are stacked against the community from day one (Iain Butterworth - Policy and Planning Advisor, November 14, 2024).

Butterworth's comment highlights how a predetermined development approach creates a disconnect between Western and First Nations views. Requiring First Nations to respond to a project already underway, instead of including them in early planning discussions, reflects a significant oversight in considering their perspectives.

Another key finding from the interviews was how the differences between Indigenous and non-Indigenous conceptions of time complicate engagement processes:

> I would say one of the major problems that confronts a government when dealing with Indigenous people is the timeframe. You can imagine that if you've got a project, you've been funded, the funding lasts for this period of time, you've expected the project to be over in a year, and you've got an Indigenous group to talk to, it could take up to ten years (Greg Moore - Botanist, Plant Scientist and Urban Tree Canopy Advocate, October 10, 2024).

This comment by Moore reflects his understanding of the incongruity between mainstream development and First Nations worldviews and ways. There was also a general feeling among the participants that 'the system' of policy, planning and development is geared towards maintaining the status quo. Several participants spoke about how misinterpretations, misunderstandings and ignorance impinge on the consultation processes of development projects:

> [There is] a deep misinterpretation of what's going on … often the [Aboriginal] Corporations end up strongly pro-development …with many elders who feel like they don't have a voice", [which] present a barrier to successful co-governance and Country focused project outcomes (Forestry Sector Professional, November 6, 2024).

In addition to this, the Ngarigo Monero Elder pointed to a general lack of understanding and respect from developers, planners and government agents towards Aboriginal people:

> Yeah. So White, Western way of thinking. They haven't got a clue …they don't understand, and they don't [know] that they can only [engage in consultation] through respect (Ngarigo Monero Elder, November 14, 2024).

The Ngarigo Monero Elder also told me that First Nations people do not trust the system; they see and experience planning and development as a process with a predilection for box-ticking rather than genuine engagement with First Nations people and Country.

> These government agencies don't have any real respect for the rights of us as traditional owners…for our Country, our knowledge…it's always been about economic development…rather than respect for cultural practice and cultural knowledge of Country. It's very disrespectful for [government agents] to hide behind the legislation…the experts in Aboriginal heritage law… are mostly white people, and you know, they allow them to do things. Even though

> people fight for their rights, in the end, we're up against this huge monster that we have no power over, and it's all about state government and economics…my dad always said, don't trust them, right? Because while they're giving with one hand, they're taking away from you with the other (Ngarigo Monero Elder, November 14, 2024).

The Elder told me they consider government agents and agencies to be disingenuous in their engagement with Aboriginal people and Country:

> [Planners] with their cultural heritage management plans. They're looking for ways to make it work so that they don't have to go back over things. They're really sneaky… and they legally dominate the conversation. They have the tools, you know, in regulation and legislation, and that power to undermine rights and to find ways around it all. They're [some members of an Aboriginal community] paid by the government, and it's like, who can lawyer up most? (Ngarigo Monero Elder, November 14, 2024).

In response to questions about engagement problems with First Nations communities in development, the Senior Planning Executive suggested that a key factor was that the surveying and consulting processes were flawed. This is interesting, given they were head of State Planning Approval and the Environmental Effects Process DEWLP in 2020 when the Directions Tree was removed.

> There is no doubt that when VicRoads did the work. If you go back to the panel report, they did a pretty shoddy job of actually identifying and surveying trees and identifying that they were significant. So, my understanding, there wasn't a local Aboriginal, you know, a local person whose land it was, who could actually go out and survey the land. Although the Registered Aboriginal Party was consulted. I probably should know, but I can't remember whether or not they'd actually been out on Country and done the survey. I don't think they were. I think it was a consultant to VicRoads (Senior Executive - State Planning Approval/Environmental Effects, October 29, 2024).

This describes what many of the participants spoke about, in terms of their ineffectuality to influence, make, or prevent many of the decisions in planning and development that impact First Nations people and Country. Apparently, things have been operating this way (seemingly unchecked) for so long now that there is some sort of out-of-control momentum to the processes of development, as Moore expressed:

> [Some of] these organisations are repeat offenders, and I would argue that, in a sense, some of these government bureaucracies, and it's not just VicRoads or Major Road Projects Victoria, it's organisations like Energy Safe Victoria and Fire Management Victoria. [They] are experts in greenwashing… and they are as expert as any private enterprise. In fact, probably better because they have the appearance of yes, we are considering these matters (Greg Moore - Botanist, Plant Scientist and Urban Tree Canopy Advocate, October 10, 2024).

These sweeping bureaucratic approaches were also evident in the Senior Planning Executive's comments about their involvement in the Planning Approval and the Environmental Effects Process at the Department of Environment, Land, Water and Planning (DEWLP) between 2016 and 2023. This was during the time when the Djab Wurrung community was campaigning hard to protect their Birthing Trees, throughout the Environmental and Cultural Impact Assessment processes, up to and beyond the removal of the Directions Tree in 2020. The Senior Planning Executive outlined for me the way the planning scheme considers things for a project, such as the Western Highway duplication, what her understanding was of the consultation process, and which parties were involved:

> We make decisions based on the rules before us, so not necessarily what's 'right or wrong', but … what is in the planning scheme. So, within the construct of the regulations … we are to consult with the recognised traditional owners and the RAP [Registered Aboriginal Parties]. And I think, particularly the women, were not recognised as [traditional owners of] ... Country. … it has exposed a really common theme that the Victorian planning provisions don't recognise any rights of Aboriginal and Torres Strait Islanders (Senior Executive - State Planning Approval/Environmental Effects, October 29, 2024).

This reinforces earlier comments by the participants about an apparent inflexibility within the planning scheme and the failure of developers to consult with all the appropriate First Nations people when working on Country. It also points to a problem of gender discrimination for Aboriginal women that the Ngarigo Monero Elder speaks of in Chapter 6.

5.8 The economic logics behind planning decisions

Speaking with the research participants confirmed my initial findings in the literature review, that economics is chiefly behind development decision-making and that other values, like cultural and ecological, are either left entirely outside or at the lower end of planning and

development considerations in Victoria, especially when it comes to trees, Nature and Country. The interviews revealed a culture of profit-driven decision-making that perpetuates poor development processes and outcomes. Butterworth talked about finding this hegemonic approach to development reductive and disappointing. However, he also recognised that this is not isolated to Victoria or Australia:

> It's probably a global situation … [that's] a reflection of our culture … the planning department has been shredded, and it's been disembowelled. The corporate memory has gone (Iain Butterworth - Policy and Planning Advisor, November 14, 2024).

There was consensus among the participants about how settler-colonialism has shaped and continues to shape Australia. Howard expressed an understanding that the "colonial mindset in relation to land, and land being there to serve primarily economic purposes, is significant here". Similarly, Arborist and heritage tree specialist John Fordham told me that "development in this state… it's maximum bang for buck, no matter what the story is, you know". Almost every participant had something to say about the way the system of development in Australia today manages and cares for trees and, more broadly, Country.

> It doesn't sort of recognise trees for either the amenity value, or the benefits value, you know, environmental service provision … also incredibly important health [benefits], subconscious, spiritual connection, and all that, yeah, the value of trees… is not really thought of in the equation, you know, about how much this project is going to cost, where do we need to allocate dollars, and who do we need to protect? (Ian Shears - Urban Forestry and Urban Greening Landscapes, November 4, 2024).

Most participants recognised a disparity in how trees and Nature are valued as natural resources, outflanking other attributes such as social, cultural and ecological. This aligns with the literature reviewed in Chapters 2 and 3 on how trees, Nature and Country are primarily commodified as development resources.

Building on this theme that money talks, participants also pointed out that a significant change has occurred over the past few decades as to how we approach green space development, particularly in residential areas. Moore believes that here in Australia, we have wound up with a "false dichotomy" that suggests that to have development and commerce, mining, or extraction, you cannot also have 'green space':

> Whereas in other parts of the world, there have been higher urban densities with higher green space…we've adopted a model that says you can have the biggest house on the smallest block [with] no green space. And that's the model that the State Government in Victoria is implicitly and explicitly following. I consider it to be a recipe for disaster. It's going to mean that suburbs are incredibly hot, almost unliveable as climate changes (Greg Moore - Botanist, Plant Scientist and Urban Tree Canopy Advocate, October 10, 2024).

Moore describes perfectly here the consequences of development that is economically focused and fails to consider the value of trees and green space. Fordham's take on this same concern is that greed influences our expectations of development today:

> Australia has been compromised in that way, essentially, by greed, you know. And this notion that 'more' is good development … and there's like, a one-stop shop, here's the only way we can do it, by bringing more people, getting more housing, you know, that sort of thing, like, we can't develop any other way (John Fordham – Arborist and Heritage Tree Specialist, November 11, 2024).

Like Fordham, several participants expressed disappointment in the lack of sensitivity within Victoria's current mainstream system of development regarding Indigenous considerations, and some participants felt that any appetite for more respectful approaches is burdened by economic constraints:

> I don't understand why, like, there was such resistance to changing the planning scheme and…look, my gut feeling is the majority of developers in Victoria, if they knew… like in Europe, you can get compensated for 'value', I reckon most developers would be very, very happy to work with traditional owners, to respect and protect and reflect in work, the value of the land. I think the other thing that happens in project management is people are accountable to deliver…and…increasingly in the world we live, to deliver at speed…and there's significant pressure to avoid, change (Senior Executive - State Planning Approval/Environmental Effects, October 29, 2024).

Overall, the participants seemed disheartened by a lack of consideration for Indigenous perspectives in planning due to largely financial considerations and felt that a collaborative approach with traditional owners could lead to better outcomes. The overall sentiment was a need to rethink development to better incorporate environmental and cultural values.

5.9 Summary

This chapter explored the insights from interviews with eleven research participants who work in planning and development in Victoria, focusing on the controversial removal of the Djab Wurrung Birthing Trees for the Western Highway project. Participants highlighted how current development processes operate within settler-colonial frameworks, often sidelining First Nations rights, ecological and heritage considerations. They identified major reasons for the tree removals as concerns for human safety, cost efficiency, and inadequate state government processes. While many participants acknowledged safety as a key factor, some questioned its prioritisation over other values such as cultural heritage and Nature. Critiques of the consultation process and a perceived lack of transparency by the Victorian Government were prevalent, revealing widespread concerns about the treatment of Indigenous cultural heritage and the environment in development decisions.

Chapter Six - Working with Country: Barriers

6.1 Introduction

In this chapter, I present findings from the research on some of the barriers in mainstream development processes that hamper progress on working with and caring for Country approaches. In their interviews, the research participants all discussed how Country-centred thinking is beneficial for upholding human-Nature connections, and that maintaining reciprocal relationships with Nature, especially with trees, is a crucial development consideration. The participants also spoke extensively of witnessing and working on planning and development projects that have perpetuated the cycle of marginalisation of First Nations people and encroached on the rights of Country and cultural heritage.

Five key barriers were identified through the interviews as contributing factors to the disruption of Country, the repression of Indigenous rights, and the failure to implement appropriate land use methods for culturally significant sites. These issues specifically relate to the removal of the Djab Wurrung Birthing Trees for the Western Highway upgrade project. These barriers are detailed in Table 6.1 and serve as the central focus of this chapter.

Table 6.1 *Five key barriers to effective working with Country approaches*

Five Key Barriers
1. *Power and Control*: structural and political barriers, power imbalances, policy and legal constraints such as an inflexible planning scheme
2. *Incompatible Knowledge Systems*: ontological gaps between scientific planning and First Nations knowledges and Country Lore, as well as temporal barriers including different understandings of time, such as fixed schedules linked to fiscally based project deadlines.
3. *Ignorance:* 'not knowing', or misunderstandings of the importance of Country, cultural and heritage values, such as culturally significant trees and how trees are viewed as resources rather than ecologically and culturally significant in the dominant planning paradigm
4. *Inertia:* a lack of political will, decolonial fatigue - policy advisors and planners' repeatedly unable to make positive changes in planning and development processes to address the rights and needs of First Nations people and Country due to outdated and inflexible policies
5. *Racism:* prevailing white supremacy ideologies and ongoing settler-colonial attitudes, the marginalisation of First Nations people and tokenistic consultation efforts

6.2 Power and control

Up front, the participants identified that the system dictates the way policy, legislation and the planning scheme function. Both planners and developers claim to be just following the rules. Most participants (certainly all the planners) spoke about the need for state regulation to direct developers, who they believe will not do anything more than they are required to. The participants also discussed the issues that changes in planning and development only occur if transformation occurs at a political level. This is because, as Boyle and Moore imply in the following quotes, the decision-making power (for policy and legislation) lies in the hands of politicians and the preferential relationships with stakeholders (big business investors):

> That's the way the system works. That's why we have a process where stakeholders are included, their views listened to and considered and taken into account (Peter Boyle - Urban Planner and Landscape Architect, October 17, 2024).

> Developers have told me that they will play by the rules … [which] puts this responsibility straight back to state government. They say if the rules are changed… they will follow the rules (Greg Moore - Botanist, Plant Scientist and Urban Tree Canopy Advocate, October 10, 2024).

Some participants mentioned the complexity of there being three levels of government as being something that needs greater consideration for improved development processes and outcomes in the future. Three layers of government "is a complex thing in itself", according to Shears, who told me that the state government "is a bit separate, separated from the community", and it's the local government that "listens…and is much more interactive and representative of the community". There is a need to ensure "the various tiers of government work together cohesively" because right now, Shears believes the state government doesn't really listen much to local governments.

Several participants believed that securing development project approval and sign-off by a representative of the traditional owners is key to improving future development outcomes. The Senior Planning Executive explained that this would require a complete change of the cultural heritage management plans; however, this would be far better than trying to seek approvals retrospectively when the damage is already done, which is sometimes the case. They argue for a big change:

> We've got to change the legislation, you know. Aboriginal and Torres Strait Islanders' heritage should be more important than European. It's got to be flipped…kind of like, why should we develop here? Not, why shouldn't we develop here? You know? That's a switch because the planning system is very adversarial… you're against the developer, instead of actually being for the land, and then working out how we're going to meet our objectives within the protection of um, areas of significance (Senior Executive - State Planning Approval/Environmental Effects, October 29, 2024).

The Ngarigo Monero Elder explained that at various times, they have "had to push back really hard with forestry, and with agencies to assert their rights, about knowledge on Country". The

Elder was not only talking about defending their rights, but also the continuous connections to Country through songlines, stories, and the pathways of their old people walking on Country:

> The progress and process of development has had a negative impact on our rights…and through what they term as legislation processes based on economic development, has had significant impact on areas of Country that we relate to (Ngarigo Monero Elder, November 14, 2024).

This comment further reinforces the argument that arises throughout both findings Chapters (5 and 6), that changes in legislation are necessary to ensure genuine and effective engagement between developers and the right First Nations people.

However, Porter suggested that development practitioners are unconscious of power dynamics in their work:

> The thing we don't pay attention to… in our discipline, from a practitioner perspective, is the difference in power relations. It's not two equal parties meeting each other and coming to an understanding of what might unfold. It's a completely dominating system that's still intent on, still has a genocidal impulse, right, that is attempting to absorb something in order to satisfy or deal with its own crisis (Libby Porter – Indigenous Rights, Urban and Environmental Planning, September 25, 2024).

Several other participants spoke of how development agencies and agents can sometimes be inflexible, and arrogant in their engagement with First Nations people. Shears explained that in recent years, he has found working more closely with the relevant and respective communities from the start helps to avoid any sense of "professional arrogance" seeping into a project and, instead, ensures that what is important to the community is present in the planning and development process and project outcomes.

According to Butterworth, Native Title considerations are "often whittled down at the last minute" if they are getting in the way of development interests, and there is "nothing [in the planning scheme] to protect people's relationships to places and things that give them meaning and solace…like trees". Butterworth also said there are some really "brilliant, sophisticated frameworks" around Aboriginal empowerment being designed, which are discussed in ways forward in Chapter 7. However, these strategies fail to deliver when it comes to implementation. Similarly, Shears explained that he felt fortunate to have worked on the committee for the Yarra Strategic Plan, alongside First Nations representatives. Shears felt this committee did reflect

Indigenous values throughout decision-making processes, however, he said this was an atypical situation.

6.3 Incompatible knowledge systems

The research participants all gave examples of projects they had been involved with that included poor engagement with First Nations people and Country. Most participants spoke about understanding the importance of needing to understand the complexities of Country and First Nations perspectives in planning and development decision-making.

The Forestry Sector Professional talked about the scale of cultural differences arising when working with First Nations people and Country:

> There are fundamentally different ways of thinking about things … between white culture and European culture and Aboriginal culture, those divides, you know… the meaning of money, the meaning of family, the meaning of Connection to Country, all those things are fundamentally different… you're dealing with, Aboriginal Australia, like, 350 different nations, as different from one another as the Finns are to the Turks, or the Hungarians from the Israelis (Forestry Sector Professional, November 6, 2024).

This comment highlights that there are many different worldviews and ways that should be considered in development. In an Australian context, this means understanding and developing through Country-specific knowledge that varies significantly throughout the continent.

A key theme throughout the interviews was an awareness of the implications of different understandings of time between Indigenous and non-Indigenous people, and how these contribute to engagement problems:

> Working with First Nations people takes a lot of sit-down time, a lot of discussion, a lot of listening. There have been examples of when corporate Australia has worked out ways to take advantage of First Nations people, often in very cynical ways (Forestry Sector Professional, November 6, 2024).

Moore also viewed different understandings of time as a key issue for development but also identified that complexities in First Nations communities and Country present a challenge:

> Indigenous politics in Australia are incredibly complicated and sophisticated, and the extent of diversity between different First Nations communities and

> Country makes it incredibly challenging to know whose got legitimate connection and who hasn't. I would also say that one of the major problems that confront a government when dealing with Indigenous people is the timeframe (Greg Moore - Botanist, Plant Scientist and Urban Tree Canopy Advocate, October 10, 2024).

These different understandings of time and place were identified by most of the participants as being a significant barrier to engagement processes and development outcomes that suit First Nations people and Country:

> Our mob don't look at things like that. They look at things holistically, our old people don't like making decisions on the spot. They like to take it away, think about it, let it sit with them, and then they'll come back, and then I'll tell you what they said and think about it (Ngarigo Monero Elder, November 14, 2024).

Several participants recognised how projects they worked on had failed to accommodate the complexities of cultural knowledge and First Nations time-place interpretations. The Senior Planning Executive suggests that this is because the planning system is hackneyed when it comes to the sensitivities of working with Country, and who has responsibility for what:

> It often takes time to understand who this land has meaning for… and I think, for whatever reason, we have a fairly banal way of identifying who has the lead responsibility of this land. I think there's some work to be done on both sides. I think when mapping out Country and looking at projects, you should have local owners working with you… from my white person perspective, anything we can do to respectfully manage areas of significance…but you know, my gut kind of tells me, everywhere is significant (Senior Executive - State Planning Approval/Environmental Effects, October 29, 2024).

The Senior Planning Executive's comment demonstrates that, on the one hand, they can recognise there are differences in understanding of time and place, and as a white person, they cannot know which sites are sacred to whom. However, on the other hand, they do not show any awareness that Aboriginal people have their own knowledge and mapping of Country, yet the Ngarigo Monero Elder spoke of Aboriginal mapping of significant places on Country occurring regularly:

> So, places, significant places, are important, and they don't understand our mapping of the landscape. We do cultural mapping all the time, of places, connection, sites, plants, animals, you know, things all connected to our way of life and living on Country (Ngarigo Monero Elder, November 14, 2024).

The Ngarigo Monero Elder identified a further problem of cultural incompatibility, which was a factor in the Djab Wurrung case study. The Elder pointed out that current heritage considerations tend to be gender biased:

> Most of the archaeological stuff focuses on men, and most of the anthropological stuff focuses on men. And like, you know, my mother's people are matriarchal, and, you know, strong oral history and knowledge. And whilst that's good on the native title, it doesn't seem to sit in the forefront of somebody's mind when they're talking about cultural heritage. It's, it's a misunderstanding, ahh, not misunderstanding …a lack of knowledge, in which real, ahh, what cultural heritage actually means. The breadth of it. Like, it's men's business, women's business, you know, it's all the layers between under the ground and the layers on top of the ground.

This means that often, cultural heritage considerations do not accommodate matriarchal knowledge and essential aspects of women's business that are kept alive through intergenerational oral histories.

In terms of considering First Nations peoples' needs in development processes, Shears conceded that often development, particularly local and state government projects, are "designed, costed, and delivered within a financial year", and this immediately poses a barrier to working with First Nations people:

> That temporal perspective is very challenging when you want to bring First Nations input into it. So, I think there is an opportunity to rethink how we go about [the] delivery of projects… putting pressure on First Nations people doesn't necessarily lead to good outcomes, so being cognisant of that space when there's sensitivity… and [making sure] that we have enough time and space to afford First Nations input … is another way of doing things better (Ian Shears - Urban Forestry and Urban Greening Landscapes, November 4, 2024).

Shears, Cunningham and Butterworth all spoke about how the current political structure fails to encourage long-term thinking and planning. Cunningham and Butterworth also pointed to the continued focus on human-centred development failing to consider Nature and being unsustainable for people and environments:

> Humans live seventy to eighty years, political cycles are three years, and trees live hundreds of years. So, there really has to be a sense of these different time scales when decisions are being made about the environment and the sustainability of the human race… a different kind of framework is needed

> (Sophie Cunningham - Author, Educator and Tree Advocate, October 29, 2024).

Butterworth talked about being frustrated with societal limitations of time and place limiting development potential and said that "the way settler colonial society views Nature...[is] something of an inconvenience" (Iain Butterworth - Policy and Planning Advisor, November 14, 2024). The Ngarigo Monero Elder's comments below also suggest that genuine engagement with First Nations people is a rare thing:

> Yeah, so the white, Western way of thinking, they haven't got a clue that they don't understand. The ones who respect our knowledge, and our connection, and our responsibilities as traditional owners. Those are the ones who do better. They don't profess to understand everything, but they respect, and will listen, and build trust, and work out the way forward with things properly (Ngarigo Monero Elder, November 14, 2024).

Ultimately, the insights from various participants here underscore the critical need for a deeper understanding of Indigenous worldviews, particularly regarding time, place, and cultural heritage, to foster genuine and effective engagement in development projects.

6.4 Ignorance

With societal views today dominated by settler-colonialism and neo-liberal capitalist ideals, it is perhaps not surprising to learn from the research participants that our society has, as Urban Greening specialist Ian Shears put it, "just gone about building things" that have a huge impact on the environment, and roads are an obvious example. According to the participants, planning and mainstream development processes can overlook the value of green spaces, Nature and Country. This presents a barrier, which the research participants suggested can be both inadvertent and deliberate, where Country-centred development is undervalued, misunderstood or ignored. For example, while the state planning scheme includes environmental and cultural heritage considerations, with "obligations for planning, [these are] obligations that are often ignored or misunderstood…[and] there is a near-universal silence on Aboriginal and Torres Strait Islander rights, interests and responsibilities" (Porter, 2017, pp. 561-562).

Shears spoke of repeatedly encountering situations where they feel that well-planned greening projects have been poorly implemented, with infrastructure like roading taking precedence over the protection of trees and green spaces:

> Transport networks have a huge impact on our living space, [with] the values of Nature itself, and the values of the community often not really taken on board, [which is] very short, shallow thinking, which sort of does a return on investment … which may or may not have the green bits involved in the return on investment, and you know, it's felt the green has no value (Ian Shears - Urban Forestry and Urban Greening Landscapes, November 4, 2024).

This comment from Shears points to how state infrastructure projects can be oblivious to the value of Nature.

When it comes to building new and improved roads, the interviewees described trying to protect trees when working with engineers as challenging, because there is not enough value-based decision-making regarding the trees themselves. As mentioned in Chapter 3, time and budget considerations tend to be paramount in the minds of engineers, but also, "…[the] engineers, traffic engineers in VicRoads… sometimes they're just being bloody-minded" (Ian Shears - Urban Forestry and Urban Greening Landscapes, November 4, 2024). This comment by Shears aligns with what he and Butterworth said earlier in this chapter, under the barrier of *power and control*, that, in addition to *ignorance,* some sort of professional arrogance exists.

The Senior Planning Executive emphasised in their interview that the way "we've been managing the land is completely inadequate". Moore also spoke about the inadequacy of current land management approaches and was candid about having witnessed government activities for so long that he was under no illusion about how the state approaches environmental land management:

> When it comes to the crunch, the government has a very, very poor record of putting the environment as an equal component to other components. I don't just mean the current state government. This is a problem of Victorian politics, at least, you know, thirty or forty years old, regardless of political persuasion (Greg Moore - Botanist, Plant Scientist and Urban Tree Canopy Advocate, October 10, 2024).

Boyle backs this up in the following comment, about legislative support to increase the recognition of tree values that councils struggle to achieve:

> From a policy perspective, they have an objective of a certain amount of canopy cover. It remains an area of tension, though, whether to retain or remove and its oft times, easier to remove …. because we also have in policy, provision for offsetting. We'll clear them all, but we'll go and plant some, an

> equivalent number of trees in another place (Peter Boyle - Urban Planner and Landscape Architect, October 17, 2024).

Cunningham talked at length about how they often feel demoralised, watching people (like the Djab Wurrung community) having to focus so much attention on the protection of one tree or a group of trees. It highlights, for Cunningham, the reality that not all people know and believe that "trees are players in the landscape".

> There is a kind of fundamental problem with actually even seeing trees as assets. So, they're seen as things. And it would be, you know, a best-case scenario might be that people think, oh, it's, we have to respect these 'things' (Sophie Cunningham - Author, Educator and Tree Advocate, October 29, 2024).

This comment from Cunningham, suggesting trees have been made invisible, aligns with the writing in Chapter 2 on how the processes of modernisation and development have separated human-Nature relationships.

It was also apparent that while some participants had good intentions, their Western scientific training sometimes meant their sensitivity to First Nations people and Country was limited. When talking about how to manage places of cultural significance to First Nations people, Fordham made this comment:

> It's about tightening up legislation where you can. [And] maybe in some areas around roads and railways, they will have priority, over your land, but you'd be paid a fair and reasonable price for it, and the reasons for doing it would be outlined to you (John Fordham – Arborist and Heritage Tree Specialist, November 11, 2024).

Fordham reveals here the reality of how the economic value of land is at the fore of a development practitioner's mind, rather than considerations of First Nations cultural connection to Country and working with Country principles.

Howard said they have seen changes towards more Country-centred thinking in the projects they have been working on. They are an advocate for the two-way approach as a pathway to make change management less inflammatory and inflationary:

> You know, we're not going to excavate, take all the rock off-site and then bring other rock on site to build footings. You know, yes, we need to excavate, but let's keep the rock on site, and we will reuse that [to] make the footings. And that's a little, little thing, but for me, that is Country-centred thinking

> (Michelle Howard - Strategic Planning, Design and Infrastructure, October 17, 2024).

Yet, some participants felt that the two-way approach that Howard favours is flawed. As Porter (Indigenous Rights, Urban and Environmental Planning, September 25, 2024) explains, it fails to properly account for the fact that "one [approach] is literally trying to beat the other" ...

> So, we just flatten all of that when we just do two ways, Indigenous, non-Indigenous kind of worldviews. As if such a thing was true. Which obviously, it patently isn't. I think it doesn't very well pick up the power dimension, the power relationship, it just assumes that those two things sit alongside each other (Libby Porter – Indigenous Rights, Urban and Environmental Planning, September 25, 2024).

Porter suggests that there are no two clear-cut views (Indigenous and non-Indigenous); rather, there are many worldviews and ways, and therefore, a manifold approach would more accurately reflect the diversity of peoples and cultures. Unfortunately, a continuation of conflicting theories and beliefs about which version of history and whose knowledge should be acknowledged undermines the potential of accepting and understanding First Nations worldviews and ways as being many and varied. This was illustrated by one participant, as they waded into the debate on whether fire and farming had traditionally been part of Aboriginal land management, arguing against the work of other scholars and traditional owners about First Nations land management techniques:

> Bill Gammage's ideas of widespread burning, [and] Bruce Pascoe's ideas of widespread farming are actually pretty flawed, reflecting more Western culture than they do First Nations culture. My mentors tell me that Aboriginal people traded shells, ochre, spearheads, axes, saps for attaching axes, spear shafts … all sorts of stuff, but the one thing they never traded was food. They shared food but never traded it (Forestry Sector Professional, November 6, 2024).

However, this statement seems to contradict what the Forestry Sector Professional says about the diversity of Aboriginal Australia (earlier in this Chapter), a place made up of "350 different nations, as different from one another as the Finns are to the Turks, or the Hungarians from the Israelis". It further contradicts how other scholars describe the dynamic distinctions of respective First Nations peoples and Country (as discussed in Chapter 3) and illustrates how assumptions and unawareness can lead to ignorance.

Several participants, including Boyle, Howard, Moore and Shears, all felt that a fair bit was now being done to address existing gaps in engagement with First Nations people in development in Victoria:

> I think increasingly, a lot of organisations, especially at government level, local government, and professional associations, are starting to have RAPs [Reconciliation Action Plans] in place. So, we're beginning to see that day-to-day sort of thinking and language is respectful of and looking to work with and enhance outputs by association with First Nations people. Certainly, in terms of landscape architecture, there's an increasing amount of that sort of thinking (Ian Shears - Urban Forestry and Urban Greening Landscapes, November 4, 2024).

Unfortunately, findings in Chapters 2, 3 and 5 suggest otherwise. The *Closing the Gap 2025* report shows a lack of political will to resolve gaps identified in the report, and only four of the nineteen targets are on track. Additionally, most RAPs fail to represent all the First Nations people and respective connections to Country that are affected by planning and development activities. Evidence suggests that the prominence of neoliberal approaches in planning and development means RAPs and CIAs are often tokenistic, and either misunderstand or ignore the perspectives of First Nations communities and their knowledge of Country (Johnson et al., 2018, p. 229).

6.5 Inertia

The research has identified a less obvious, but no less disruptive barrier: the problem of inertia, or inaction. The participants spoke of their inability to make changes due to outdated and inflexible policies that govern mainstream development. The interviews also revealed that there can be a resistance in mainstream planning and development to any radical change. When Howard was asked about the reasons for the state government putting the highway through the Djab Wurrung Trees, they initially said that any reasons they could offer would be purely subjective (as they were not directly involved), however, what they ended up offering, based on their experience working on similar infrastructure projects was interesting:

> What seems to drive decision-making, um, is time and money. So, if it's going to delay things and it's going to cost more, that's a big consideration. Because of this, there is often a reluctance to be innovative in design solutions ...so innovation in design is sometimes a barrier. And I think there is a lack of

> understanding, and I'm going to use the word…it's either appetite or patience for considering these kinds of things as change management. You know, they've always done it that way, right? (Michelle Howard - Strategic Planning, Design and Infrastructure, October 17, 2024).

This "lack of appetite" that Howard refers to aligns with the literature in Chapter 2 on a lack of political will and 'decolonial-fatigue' that exists within mainstream development processes.

The following comment by the Senior Planning Executive suggests a level of fatigue towards how the Birthing Trees are regarded, or a lack of awareness about the trees' status:

> I met with the women who were, you know, they were related to those trees. And I just had to say, there's nothing I can do about this, in terms of this decision making, and I was speaking to the minister because we'd gone to the right people. But you know, they [Djab Wurrung] were successful, that they kept, they kept doing the right thing, and I don't…like, I haven't been in contact, has…they're not going, are they? Aren't the trees being saved? (Senior Executive - State Planning Approval/Environmental Effects, October 29, 2024).

It wasn't until I explained that The Directions Tree had been removed during the lockdown in October 2020, while only a few people could protect it, that the interviewee remembered the Tree was gone: "Oh, yeah! No, I remember, I remember, I do remember" (Senior Executive - State Planning Approval/Environmental Effects, October 29, 2024). Whether this was a lapse in memory for the interviewee or not, the magnitude of cutting down The Directions Tree did not seem to be felt as significantly by them as it was by some of the other participants.

This inertia appeared to be a barrier that all the research participants experienced (discussed in Chapter 5); Boyle and Butterworth specifically discussed (Sections 5.6 and 5.7) an inability to implement changes to end the dispossession and disruption of Country and First Nations peoples.

6.6 Racism

All the interviewees talked about how settler-colonialism has negatively impacted First Nations people and Country. However, when asked specifically if they thought there was a 'great divide' between Indigenous and non-Indigenous people (and their perspectives) in Australia, the participants' responses were varied, personal, and, at times, showed inherent bias. However,

most participants talked about how racism has played a part in Australian society. The Ngarigo Monero Elder shared some direct experience and was explicit about how racism continues to affect Aboriginal people every day in Australia:

> I think the white world view doesn't value Aboriginal culture…so, people from overseas come here to participate in it, to understand it, to learn more about it, but people in Australia don't give a shit, really, they don't. They are racist in their thinking. It's the way they've been indoctrinated with a white, Western way of doing and thinking about everything, their whole life. It's embedded in their life. And they're embedded into that society, you know, that embraces it, and doesn't really embrace [Aboriginal] ways, doesn't embrace our knowledge (Ngarigo Monero Elder, November 14, 2024).

This lived experience of racism emphasises the persistent impact that racism has on Aboriginal people in Australia. The Elder notes how the dominant white worldview devalues Aboriginal culture, and how many Australians are indifferent, shaped by a society that marginalises Indigenous knowledge and traditions.

Several other participants considered Australia's current political system to be inherently discriminatory. For example, both Butterworth and Porter said the current system is still governed by the legacy of colonialism, driven by "racial capitalism and white supremacy", which forces Nature, Country, First Nations people and First Nations Lore (knowledge, worldviews and ways) to the periphery of development right throughout Australia today. Peter Boyle said that he believes the state government is already actively working to improve engagement with Aboriginal people, culture and values today. However, they also said they felt "there's still this underlying, well, I call it [the] stain of Terra Nullius in this country", which equally conveys how 'White Australia' politics linger today.

One participant felt this was one of the easiest questions to answer:

> Of course, there is a divide! But I wonder if it's a divide. I think…rather than a divide, it's a misalignment. Yeah, because I think if we call it a divide, it assumes that we can't find a way forward (Michelle Howard - Strategic Planning, Design and Infrastructure, October 17, 2024).

Howard's optimism here is underpinned by what they said earlier about their two-way training method being a successful pathway for bringing divergent ways of thinking and working together; this is discussed later as a potential way forward for future development in chapter 7.

Regardless of whether the participants felt there was any sort of divide, it was certainly clear from these interviews that disingenuous engagement with Aboriginal and Torres Strait Islanders and devaluing of Country and First Nations people's worldviews and knowledge provides a barrier to successful development throughout Victoria and Australia:

> Look, they've [Aboriginal and Torres Strait Islanders] been ridden roughshod over for years, you know? And I think many people recognise this, but many people don't know what to do (John Fordham – Arborist and Heritage Tree Specialist, November 11, 2024).

While Fordham acknowledges how badly First Nations people have been treated in this comment, it is his recognition that people do not know what to do about it that is most poignant here, which also relates to the barrier of inertia.

Butterworth and Porter both said that racial undertones continue to provide a barrier when working with Country and First Nations people:

> That layer of white supremacy and cultural indifference and settler colonial denialism about this differing worldview that doesn't give a shit about road traffic and has a completely different understanding of human relationship with the natural world, and with human values, and with being so human centred (Iain Butterworth - Policy and Planning Advisor, November 14, 2024).

More explicit in their comments, Porter explained how racism today is less overt than it once was:

> Speaking as a white person, the use of the term white supremacy, people go, whoa, that's really big! Because they think Ku Klux, Klan, right? Like, hoods and lynchings. But we have to develop a much sharper analysis of the ways in which white supremacy actually works. Because it doesn't just occur through lynchings and whatever, right? It's not occurring through massacres anymore. It's occurring through a kind of epistemic violence along the lines of the thing that you're trying to grapple with, right? And if we don't have a name for that, if we, if we dress that up as kind of reconciliation or something, we will miss all of the dynamics that are going on within it. So, I'm not using white supremacy in a deliberately provocative way. I'm really trying to use it analytically (Libby Porter – Indigenous Rights, Urban and Environmental Planning, September 25, 2024).

Porter reiterated that to tackle racism, it is essential to draw critical attention to what lies beneath the impression that there is any 'great divide' between Indigenous and non-Indigenous

worldviews and ways. These comments collectively suggest that instead of talking about there being a 'great divide' between Indigenous and non-Indigenous worldviews and ways in Australia, it might be more prudent to talk about the continuation of settler-colonial systems and racial capitalism as a barrier to understanding diversity and being able to work with First Nations people and Country. However, this might be easier said than done, according to Butterworth, as "our political system [is] spinning faster and faster and more and more shallowly", and within that, they see an ongoing problem of white centrality, where human convenience dictates how we develop:

> And when I say human, I mean white male, heteronormative ensures the continuation of short-sighted approaches to policy, planning and development (Iain Butterworth - Policy and Planning Advisor, November 14, 2024).

As the interviewees talked about how they experience Indigenous and non-Indigenous interactions in their work, and more broadly in Australia, most participants drew direct links to colonialism, and called out problems of racism, (two participants directly naming white-supremacy) as a barrier to genuine engagement in planning and development projects, with some suggesting it be reframed as a misalignment.

6.7 Summary

This chapter has discussed the *five key barriers* (power and control, incompatible knowledge systems, ignorance, inertia, and racism) identified in the research for working with and caring for Country effectively. The chapter has illustrated the research participants' perspectives on the marginalisation of First Nations people and the encroachment on their rights and cultural heritage. The interviewees call for transformative legislative change and a shift in the planning paradigm to elevate the rights, perspectives and cultural heritage of Aboriginal and Torres Strait Islander peoples in development processes. A collaborative effort involving all levels of government, along with meaningful engagement with traditional owners, is crucial for advancing planning and development processes. To follow in Chapter 7, the thesis concludes by discussing some possible pathways that have been identified throughout the research, as potential ways forward, through Country-centred planning and development approaches.

Chapter Seven – Discussion

7.1 Introduction

This chapter harnesses the principles of political ontology to critically examine the complex relationship between policy, planning and mainstream development processes, with a particular focus on the urgent need to preserve Nature, especially Trees, and uphold the rights and cultural connections to Country of First Nations people in Victoria, Australia. It underscores the importance of scrutinising contemporary development practices that disrupt the vital connections between people and Nature, as well as the cultural integrity of Indigenous communities.

Australia's mainstream development model is primarily extractive and exploitative, threatening the natural environment and the rights of First Nations peoples. This approach undermines the essence of Country, which is essential to Aboriginal identity and their relationship with Nature. The Djab Wurrung Birthing Trees case highlights the barriers to incorporating First Nations knowledge and perspectives in planning. The findings stress the need for respectful engagement and a re-evaluation of governance and planning processes to support a just and sustainable Country-centred development framework that respects Indigenous perspectives and the rights of Nature.

I began the research with two aims. Firstly, to investigate how the rights of Nature, and the rights and perspectives (worldviews and ways) of First Nations people (specifically, the Djab Wurrung women) were considered during the planning and development processes that led to the removal of the Directions Tree. The second aim was to learn how mainstream development can be more considerate of the rights of Nature, Indigenous people and Country. To understand why extractive and exploitative development has become the norm in Australia, an exploration was conducted to identify how future development can be less disruptive to Nature, First Nations people and Country.

In line with these aims, this chapter is tailored to directly respond to the two research questions that underpin the study. Sections 7.2 to 7.5 address Research Question 1: *What made it possible for the Victorian State Government to cut down trees known to be sacred to the Djab Wurrung Aboriginal people and their Country to build a road?* Discussing historical influences that have led to a disconnection between humans and Nature due to industrial development, and examines

how Indigenous peoples and their worldviews are perceived in mainstream development processes. Section 7.6 onwards tackles Research Question 2: *How could future development projects be conducted differently to better preserve and respect Nature, the Djab Wurrung community and Country?* These sections propose incorporating First Nations knowledge, revaluing of Nature beyond economic terms, and utilising Country-centred frameworks for improved environmental and social outcomes. The importance of early engagement with First Nations communities, respect for women's roles on Country, and a collaborative approach to planning and development are emphasised. Finally, the potential of treaty processes for achieving equitable partnerships and sustainable development is discussed.

7.2 How the past has shaped the future

The human-Nature relationship was radically altered with the onset of industrialisation in the 18th Century, followed by increased focus on policy and development that views Nature almost exclusively as a set of resources to fuel an ever-increasing dependence on the products and systems of an industrial world. Simultaneously, a gradual decline in the appreciation of the interdependence between the wellness of Nature and the wellness of people occurred (Fukuhara, 2018, p. 41). After extensively reviewing the literature on the past and present systems and structures of mainstream planning and development, the research has found that extractive and exploitative development has become 'the norm' in many regions around the world today (Hollo, 2022, p. 38; Ascher et al., 2016, p. 3).

Globally, and especially in Australia, governments are prioritising industries like mining, intensive agriculture and forestry at the expense of Nature, Indigenous rights and cultural heritage. This tendency not only renders the voices of Indigenous peoples and the essence of Nature invisible but also disrupts the invaluable connections that bind us to our environment and culture (Bormpoudakis, 2019, p. 554; Blaser, 2009a, p. 891; Kidd, 2016, p. 6). In Australia, the governance, policy, planning and development systems are overwhelmingly designed to promote exploitative and extractive industries. This inflexible approach to development systematically undermines and devalues the rights and well-being of Nature, particularly trees, and disregards the vital relationship that First Nations people have with Country (O'Faircheallaigh, 2013, pp. 21-22; Langton & Corn, 2023, p. 184).

The evidence clearly shows that the drive for modernisation has resulted in a deep rupture between humanity and Nature, leading to the devaluation of the natural world. Trees and ecosystems are often seen only as resources for human use, disregarding their intrinsic value and vital role in our lives (Blicharska & Mikusiński, 2014, p. 1561; Davies, 2015, p. 231).

Research participants, including experienced policy advisors, planners, ecologists, and scientists, identified barriers to Country-centred development as stemming from a rigid planning system tied to settler-colonial worldviews. They noted a colonial mindset in Australia that prioritises economic potential over other value considerations. This perspective, shaped by neoliberal capitalism, allows economic factors to overshadow other values in development decisions, which are constrained by strict fiscal deadlines. Institutions like the World Bank reinforce this trend, privileging Western knowledge systems over Indigenous knowledge systems (Roy, 2023, p.9). To create more inclusive development processes, it is essential to dismantle Eurocentric settler-colonial structures and adopt a pluriverse or manifold approach, where diverse ways of understanding and relating to the world coexist.

Ensuring heritage protection within development in Australia is a slow and tenuous process. Findings show that development in Australia has stemmed from what Peter Boyle (Urban Planner and Landscape Architect, October 17, 2024) described as a "whole history of wiping away" people, wildlife and Country. When it comes to protecting environmental or cultural heritage, such as the Djab Wurrung Birthing Trees, an entrenched system of pro-development laws and planning rules, along with differing opinions on how to protect trees, Nature, cultural heritage, and Country, distracts from the ability to effectively safeguard these trees.

Resoundingly, the research has found direct links between present-day politics, laws and colonialisation to the problem of ongoing racism, disadvantage and discriminatory behaviours that Indigenous people experience today (Aranha, 2024; Whittaker & Watson, 2019, p. 183). I have observed increased efforts to rewrite Australia's history by incorporating First Nations perspectives through initiatives such as the Yoorrook Justice Commission. This aims to promote truth-telling and ensure accountability for settler-colonial interactions with First Nations communities and Country. Yet, it is important not to overlook the ongoing prevalence of racism and the systemic devaluation of First Nations people and their heritage in Australia. This reality is starkly illustrated in the discussion on the destruction of sacred Aboriginal heritage sites, including the Djab Wurrung Birthing Trees in Victoria and the Juukan Gorge in Western Australia. There are examples of damage to other heritage objects in this same period, such as

the bronze statues of the so-called founding fathers of Australia in the city of Ballarat, near where I live. While there is widespread outrage over the vandalism of the statues of former prime ministers at the Ballarat Botanical Gardens, the destruction of irreplaceable cultural heritage sites is often met with political silence or indifference, and at times, outright racist rhetoric.

Simultaneously, ongoing issues of racism and devaluing of First Nations people and Country in Australia continue, through the destruction of sacred Aboriginal heritage sites like the Djab Wurrung Birthing Trees, and the Juukan Gorge in Western Australia. and the vandalism of bronze statues of the so-called founding fathers of Australia in the city of Ballarat, near where I live. Public and political response to the damage done to these Aboriginal heritage sites has been disproportionate, with widespread outrage over the attacks on the heads of former prime ministers at the Ballarat Botanical Gardens (Carlson & Farrelly, 2023, pp. 243-245; Martin & Johnson, 2020).

7.3 Developers engagement with Nature, Country and First Nations people

This research demonstrates that current development processes are inclined to devalue Nature, Country and First Nations worldviews and ways, as discussed in Section 7.2, that most Western nations favour development decision-making that secures economic growth (quickly) ahead of human rights and the rights of Nature (Ahmed et al., 2009, p. 329; Alves et al., 2023, p. 2; Gilbert, 2018, p. 146). Overall, the key informant interviews aligned with the literature, showing that the Western human-centred worldview has led to a dominant global culture that prioritises human rights *to* Nature over the rights *of* Nature. Moreover, interviews with the research participants identified five key barriers (power and control, incompatible knowledge systems, ignorance, inertia, and racism) that actively disrupt Country and marginalise Indigenous rights within contemporary planning and development processes. This highlights the need for further investigation into the systems and structures of mainstream development in Australia, to redress the barriers, so that development can be more Country-centred.

Both the key informant interviews and the literature review show increased recognition today of the importance of living in harmony with Nature for human health and well-being. All the participants were acutely aware of the need to maintain human-Nature relationships with trees (particularly in urban environments) to ensure future liveability. Shears described the system of

development in Australia as being so focused on the economic equation that it fails to recognise the amenity value and benefits of trees, and the relationship between trees and human health is undervalued. There is a need to recognise that "divorcing ourselves from Nature" restricts the potential to achieve positive outcomes from human-Nature connections (Miles, 2022, p. 18). In fact, Miles asserts that "depriving people of contact with Nature …. is a form of violence" (p. 22). The anguish respectively expressed by Djab Wurrung women Sissy Austin and Senator Lidia Thorpe as they described their experiences of grieving the loss of The Directions Tree in 2020 epitomises this deprivation of Nature through the violent disruption of Country (Austin, 2021, pp. 62-67).

Most of the research participants also considered that value-based decision-making regarding trees is uncommon. According to Shears, Moore and Boyle, this presents a challenge when it comes to trying to protect trees and working with traffic engineers who tend to be focused on straight-line solutions and the bottom line. The planners told me that engineering considerations will have undoubtedly contributed to the devaluing of the Djab Wurrung Birthing Trees for the Western Highway development project. Road safety was the main argument used by the state government for the chosen route, plus economic considerations. As a result, heritage considerations and the value of Nature, Country, and the cultural practices of First Nations people were disregarded.

Both Indigenous and non-Indigenous research participants spoke of how government agencies and agents have fixed attitudes towards Indigenous cultural viewpoints and very often show a lack of respect towards First Nations people and Country. According to the interviewees and much of the literature reviewed for this research, this leads to notable barriers to successful engagement with First Nations people (McGrath & Rademaker, 2023, p. 11; Tola, 2018, p. 26; Kramm, 2021, p. 2). These barriers are discussed in more detail in Sections 7.4 and 7.5.

7.4 Power, policy and legislation

This research highlights a continuous history in Australia of the state systematically failing to recognise and respect the rights, worldviews and ways of First Nations people and Country. Historically, mainstream development processes have excluded (and continue to exclude) First Nations people from governance roles and the decision-making that informs policy, planning and development (Davis, 2006, p. 135; Langton & Palmer, 2003, p. 45). Both the literature

reviewed in this thesis and the key informant interviews illustrate a distinct pattern of power imbalances in Indigenous and non-Indigenous interactions throughout Australia's policy, planning, and development processes (Gammage & Pascoe, 2021, p.35). The interviews further identified tensions between development professionals and a system of policy and development legislation (in particular, the current planning scheme) that has been designed and is governed by politicians with political and economic motivations, which have little regard for safeguarding the rights and well-being of Nature, First Nations people and Country.

The research participants described how, as planners and developers, they are hamstrung by the rules of development legislation and the current planning scheme. For example, Boyle (Urban Planner and Landscape Architect, October 17, 2024), remarked that Australia's governance and planning processes are heavily influenced by development financiers. Both Boyle and Moore (Botanist, Plant Scientist and Urban Tree Canopy Advocate, October 10, 2024) stressed that this was an ongoing problem because any improvements to development considerations for Nature, First Nations people and Country are reliant on policy and legislation, with decision-making powers resting in the hands of politicians.

Despite some modifications to legislation to protect the rights and cultural interests of Country and First Nations peoples in planning and development, these rights are frequently undermined. A system of power and control, welded to institutions like the World Bank and the IMF, continues to allow states and corporations to extract natural resources for industrialisation and to implement infrastructure projects aimed at promoting economic growth (Putzer et al., 2022, p. 521; Moore, 2015, p. 162; Berry, 2011; Raworth, 2017, p. 269). This is particularly evident in Australia, as portrayed in the two notable examples discussed within this research (Juukan Gorge in Western Australia and the Djab Wurrung Birthing Trees in Victoria), which exemplify how state governments overtly prioritise the consumption of natural resources over the rights of First Nations peoples, their land and cultural heritage.

Overwhelmingly, the research shows that the current planning and development system is based on legislation crafted to accommodate the commercial interests of international corporations and state and federal government budgets. The system enables corporations like Rio Tinto to legally absolve themselves of responsibility for blowing apart a sacred Aboriginal Heritage Site at Juukan Gorge in Western Australia in May 2020. The government of Western Australia gave ministerial approval to Rio Tinto for exploratory development "to blast the caves" so that high-grade iron ore (with an estimated value of over $100 million) could be extracted, and the actions

were in accordance with WA laws (Hofmeister et al., 2023). The actions were condemned globally, and a parliamentary inquiry was launched, which found the need for more robust cultural heritage laws. As a result, this initially led the Western Australian government to introduce the *Aboriginal Cultural Heritage Act 2021*, which aimed to strengthen protections for Aboriginal Heritage sites. However, just five weeks later, the Act was repealed following intense criticism from stakeholders and politicians who believed the Act was far too stringent, and "unworkable for all members of the community, and causing stress and confusion". Consequently, the *Aboriginal Heritage Act 1972* was restored, reverting the states heritage protections to the previous business as usual system; a system that was designed to support capitalist interests and is underpinned by settler-colonial structures, which absurdly, also has responsibility for the protection of Nature, Country and First Nations interests (Pearson, 2023).

This research illustrates that when it comes to native title laws and legislation, as well as mining explorations, forestry and roading development in Australia, the state has the power to ignore, rewrite or erase legislation that obstructs development, seemingly at will (Watson, 2014, p. 285; Ingram, 2021, p. 33). For instance, during my research, the Ngarigo Monero Elder shared that they had noticed "a slight shift in the last couple of years" from one government development agency, which had been legislated to engage properly. The Elder referred to a case study involving a First Nations community that successfully reached an agreement with Parks Victoria to protect the Dyuritte (more commonly known as Mount Arapiles) on Wotjobaluk Country in Victoria, through restricted access for rock climbing and tourism under a new management plan. A few days after my conversation with the Ngarigo Monero Elder, this case became another example of when a government agency revokes its commitments to a First Nations community and the protection of Country. Members of the local township of Natimuk won the right to extend the consultation process on the draft management plan, arguing to retain access to "world-class climbing routes", which they claim are vital to the region's tourism (Parkes-Hupton, 2024). Once again, the voices of First Nations people have been overpowered, cultural heritage has been devalued, and Country-centred development thinking has been sidelined.

Yet another example of how unjust the power dynamics can be when considering environmental and cultural heritage was highlighted during the interview with Cunningham (Chapter 6). This time, a passionate group of tree advocates had fought, and successfully won the right (via the courts and local Council) to prevent a stand of snow gums in front of an RSL commemorative

site on Mount Macedon from being cut down. However, Cunningham later discovered that Parks Victoria (at the behest of "the minister") ignored the decision and went ahead and cut the trees down anyway.

7.5 Ontological justice

This section discusses the research findings on the complex interrelationships between Australia's governance systems and the ongoing barriers First Nations people encounter regarding their rights and cultural heritage. First, I discuss the foundations of these governance systems, which are rooted in settler-colonial history and ideologies of white supremacy, highlighting how they impede progress in Indigenous rights and recognition. Next, I will discuss the findings from key informant interviews that reveal a pervasive ignorance within planning processes regarding the significance of culturally important sites, such as the Djab Wurrung Birthing Trees. Then I will address the systemic constraints that development professionals face when attempting to incorporate Indigenous knowledge, emphasising the prevalence of consultation fatigue experienced by both Indigenous and non-Indigenous development sector professionals. Finally, I reflect on the broader societal reluctance to engage meaningfully with the concept of Country, as I move towards the latter section of this chapter, which advocates for a deeper understanding of Country and systemic change.

The findings presented in Chapters 5 and 6 (supported by the literature reviewed in Chapters 2 and 3) illustrate how Australia's governance systems and structures are built on the foundations of the nation's settler-colonial history and, with that, ideologies of white supremacy and assimilation. This research shows that the progress on ensuring Indigenous rights, native title and cultural heritage in Australia is hampered by these settler-colonial nation-building systems of belief, and the ongoing racist contempt for First Nations people and their worldviews among state and federal governance (Langton & Palmer, 2003, p. 45; Ali & Keenan, 2016, p. 89). Both the key informant interviews and the literature reviewed in Chapters 2 and 3 show how discriminatory undercurrents are ever present within Australian politics and society, impeding the development and progress of First Nations people and Country. Some Australians believe that the process of truth-telling, which means recognising a more comprehensive account of First Nations people's history and perspectives, is nothing more than an attempt to "Blackwash Australia's great history, with politically correct BS" (Carlson & Farrelly, 2023, p. 12).

This research shows that development professionals are conscious of the need for proper inclusion of Indigenous knowledge and perspectives in planning and development processes. However, the research also found that even the most senior executive management roles within state government development organisations are repeatedly hemmed in by a planning scheme and development system that is money-driven and insensitive to the needs of Indigenous-focused development. The struggle to remove residual racism from a political system that sought to eradicate First Nations people's rights and cultural connections to Country continues today. The normalisation of bigoted remarks, which are openly made as 'free speech' in the media and online commentaries, and no bill of rights or treaty to protect First Nations people continues to stymie reforms on truth, treaty and closing the gap for Aboriginal and Torres Strait Islanders in Australia (Kemp, 2022, p. 58; McNeil, 2012, p. 135; Paul, 2016, p. 80).

During the key informant interviews, I observed several research participants refer to a concept known as professional ignorance. These participants felt that a level of ignorance exists within planning and development when considering Country and places of cultural significance to First Nations people. Shears, for example, spoke of how professional arrogance prevents genuine engagement with communities, thereby limiting understanding. The idea that developers might be unaware of the value and significance of Country, and in this case, centuries-old Djab Wurrung ancestral Birthing Trees, demonstrates a key barrier identified in this research: the failure to engage with the *right* First Nations people. Some of the interviewees believed that the state development agents (VicRoads) responsible for cutting down the Djab Wurrung Birthing trees at the time of planning and decision-making did not know the significance of the trees. Others, like Moore, felt that while it was possible not everyone involved was aware of the value of the trees, ignorance should not be used as an excuse; rather, it "might be part of the reality" that needs to be appreciated. The literature reviewed for this research suggests that the reality of mainstream development is dominated by Western settler-colonial and capitalist approaches, such as industrialised agriculture and mining which relentlessly overpower any considerations of Nature, Indigenous people and their rights and perspectives invisible (Blaser, 2009a, p. 891; Kidd, 2016, p. 6; Campbell, 2021, p. 178).

Many Australians today are vocal about their reluctance to make the effort to understand what Country means and why connection to Country is so important to Aboriginal people. Consequently, advocating for cultural appreciation can be tiring for First Nations communities and anybody working to effect changes (Taylor, 2017). The research participants were clearly

not ignorant of the need for change. However, some participants displayed a level of lassitude towards the case study at times. Several interviewees exhibited signs of what De Souza and Dreher (2021, p. 35) refer to as consultation fatigue (also known as decolonial fatigue), due to an inability to address the implications for Country and First Nations people via the current planning scheme. While decolonial fatigue is primarily experienced by Indigenous people, having to tolerate engagement that involves "minimal listening despite continuous 'consultation' [with] governments and bureaucrats", it can also be felt by non-Indigenous people when trying to produce positive change through Indigenous focused projects (Thill, 2009, in De Souza & Dreher, 2021, p. 35; El Gawad, 2023, p. 292).

Other participants shared similar feelings about feeling constrained by the system when working to protect trees and Nature, Country and other First Nations interests. For example, in their conversation with me about the Western Highway development processes on the Djab Wurrung Birthing Trees, the Senior Planning Executive seemed a bit 'removed' from the reality of the impacts of the highway development on the Djab Wurrung community. The interviewee did not remember (until I reminded them) that the Directions Tree had been cut down and removed from Country in October 2020, while they were involved in the State Planning Approval and Environmental Effects processes at DELWP. A question arose for me after the interviews: if a Senior Planning Executive is incapable of implementing change they identify as being necessary for improving the rights and wellbeing of First Nations people and Country, how will change ever be possible? Many of the participants indicated that politics are getting in the way of good development, which aligns with the argument forming in Chapter 2, that a lack of political will (globally, nationally and locally) can limit progress for improvements to development processes (Wensing & Porter, 2016, p. 92; Lowe, 2014, p.11; Sydes, 2014, p. 66).

In their interview, the Forestry Sector Professional disputed some of Bill Gammage and Bruce Pascoe's ideas about Aboriginal land management, specifically the practices of burning and farming (see page 89). This stance highlights how oppositional viewpoints can lead to dissension among scholars and authors, which in turn influences public opinion about what First Nations people did and did not do before colonisation. Such a divisive position by the Forestry Sector Professional touches on an ongoing and often heated debate in Australia today surrounding Gammage's 2011 book *The Biggest Estate on Earth* (2011) and Pascoe's 2014 book, *Dark Emu.* Both Gammage and Pascoe brought forth ideas and knowledge of First Nations land management systems that were more structured and scientific than previously

acknowledged by non-Indigenous scholars. What followed was an intense (and continuing) debate, with scholars such as Hardaker (2021) arguing that "the tiresome culture wars that dominate the public discourse" surrounding *Dark Emu* should be considered more scrupulously. Several Indigenous Australian scholars who spoke with Hardaker, including Professor Marcia Langton, Stan Grant, and Dr Hannah McGlade, advocated vehemently for deeper consideration of how the 'culture war' discourse further impedes recognition of First Nations culture, identity and human rights.

There is evidence (such as within the *First Knowledges* series, edited by Margo Neale) beyond Pascoe's work that shows how First Nations land management systems in Australia historically involved agricultural landscape manipulation (farming) and plant management (cultivation and harvesting) to ensure consistent access to food on Country (Cumpston et al., 2022, p. 124; Lopes et al., 2023, p. 11). Ongoing debates such as this fuel the vitriolic racism (as discussed in Chapter 6) that already exists amongst public commentary on the value and benefits of ensuring First Nations cultural connections to Country and dilute the possibilities for better inclusion of Indigenous knowledge(s) and perspectives in constitutional matters, and any future planning and development in Australia (Davis, 2006, p. 136; Langton & Palmer, 2003, p. 45). The research has found that any sort of divide between understanding Indigenous and non-Indigenous worldviews and ways is not black and white; rather, there are *many* different worldviews and ways that must be considered. The Ngarigo Monero Elder stated that my research provided an opportunity to "have a good, hard look" at the Djab Wurrung case study, and then call out what I find, so the research can contribute as an act of truth-telling, about how and why mainstream development is currently failing to respect First Nations people and Country.

7.6 The Future of Development: Ways forward

From here, the research proceeds to answer Research Question 2, beginning with a discussion about the critical examination of the removal of the sacred Djab Wurrung Birthing Trees for the Victorian State Government Highway upgrade. This section outlines the key changes necessary to align development practices with principles of respect and inclusivity. The research has found that planning and development processes in Victoria often disregard the rights of Nature, especially trees, alongside the rights and voices of First Nations peoples, which ultimately undermines the very essence of Country itself. It is time to advocate for a shift in our approach,

placing respect for both the land and its original stewards at the forefront of development initiatives.

Several changes have been identified as being necessary for achieving more Country-centred development. These include a shift in educational focus to reframe the history of Australia to include the First Nations narrative. Mainstream development processes must involve greater understanding and inclusion of Indigenous knowledge, worldviews and ways, through a pluriverse or manifold approach, where different ways of understanding and relating to the world coexist harmoniously. By reframing our understanding of history and fostering genuine partnerships with Indigenous communities, we can pave the way for a sustainable future that is informed by centuries of ancestral stewardship.

The research argues that recognising and implementing Indigenous Rights alongside the Rights of Nature is not a rejection of development; rather, it is an imperative for a more thoughtful and sustainable approach. In Australia, this necessitates building partnerships with Country, which involves developing stronger relationships between the state, planning professionals, private organisations, and First Nations communities. This isn't a novel concept; it represents a longstanding commitment to sustainable development practices which embrace the idea of working with Country, to deeply nurture and preserve the land as an essential component of both physical and mental well-being (Duff et al., 2020, p. 58). A significant finding of this research is that working with Country must involve listening to Country and observing First Knowledge systems. In essence, this means allowing Country to shape our thinking and actions (Bawaka Country et al., 2015, p. 272). Achieving this transformative relationship requires authentic engagement with First Nations peoples, something which the key informant interviews revealed as an existing barrier to Country-centred development. The literature reviewed suggests that by integrating the knowledge and experiences of First Nations Australians, we can tap into over 100,000 years of agricultural and horticultural wisdom that can inform and enhance our development efforts (Pascoe, 2021, p. 37).

There was an awareness among the research participants of the value of First Knowledge systems and Country-centred development, however, and they, and the literature identified a need for international and state laws to be altered for increased protection of Nature, in and of itself, and for human rights law to better ensure that future generations can retain connections with Nature (Miles, 2022, p. 22). The research participants are willing and ready to make the changes that will provide better outcomes for Nature, First Nations heritage and Country;

however, they need legislative reform to establish a more flexible planning scheme that facilitates genuine engagement and accountability between developers and First Nations communities, and a set of Country-centred rules which they can follow.

7.7 Revaluing Trees

The relationship between mainstream development and environmental stewardship is increasingly coming to the forefront of planning discussions, particularly in relation to the role of trees and Nature. This research clearly demonstrates that a stronger focus on how we value Nature, and particularly trees, in planning and development processes will be beneficial for people, Nature and climate change mitigation. This perspective also helps to highlight the cultural, ecological and health benefits of trees beyond their economic value. Nature-positive valuing, such as this, and a deeper understanding of heritage considerations, might have meant a different approach to the Western Highway development project.

Throughout their interviews, the research participants demonstrated an understanding of the benefits of human-Nature relationships, particularly with trees, which aligns with the literature, particularly Miles (2022, pp. 21-22) who describes the human-Nature connection as being essential for our "physical, cognitive, emotional, existential, social and spiritual well-being". However, the system of policy, planning, and development remains overly focused on the economic value of trees and Nature. In terms of protecting Nature, Country and specifically trees, Shears believes that a 'living infrastructure lens' must be applied to any urban development, and this should be considered more important than any transport infrastructure. Otherwise, "you know, the future, because of climate change, is going to lead us to an unliveable environment" (Ian Shears - Urban Forestry and Urban Greening Landscapes, November 4, 2024). Several participants felt that there is an imperative to expand existing national parks and reserves and to ensure that 'green space' is maintained to ensure future liveability. Shears believes a revaluing of Nature in development decision-making is required:

> Change occurs all the time, so we need to be guided by the principles of having greening at the heart of the decision-making, driving change, rather than decision-making which puts a value on things (Ian Shears - Urban Forestry and Urban Greening Landscapes, November 4, 2024).

The findings from this research emphasise the importance of considering trees in all aspects of future planning and development. Some participants specifically highlighted the need to

recognise the value of trees beyond their natural resource contribution and economic worth. Butterworth pointed out the health benefits associated with human interactions with trees, while Shears, Moore, and Fordham discussed the environmental services that trees provide, such as cooling and shading. Furthermore, the Ngarigo Monero Elder, Cunningham, along with Howard and the Senior Planning Executive, stressed the importance of trees for maintaining human-nature connections, cultural significance, ecological relationships, and the overall well-being of the land. It's clear that valuing trees is essential for a sustainable and thriving future, and in Australia, this must involve Country-centred planning and development approaches.

According to Howard (Strategic Planning, Design and Infrastructure, October 17, 2024), they are seeing improvements today in development engagement with Nature, First Nations communities and Country. Howard knows some companies begin projects by taking the whole project team out to Country. Rather than starting with an outcome already in mind, they begin by developing an awareness of Country and then take that Country-specific learning and let it inform the process, with the intention of providing better outcomes.

7.8 Country-centred frameworks

Available literature on the worldviews and ways of First Nations people in Australia, such as the *First Knowledges* series, illustrates that Caring for Country is fundamentally about reflecting the past and embracing the present. Working with Country means "nurturing and custodianship of land as central to physical and psychological well-being" (Duff et al, 2020, p. 58). Based on their extensive experience, the research participants overwhelmingly recognised the value of incorporating working with Country strategies into all development processes. To achieve this, some participants (particularly the Ngarigo Monero Elder, Boyle, Butterworth, Howard and Porter) spoke of the need for 'the system' to involve better recognition and deeper understanding of the complete history of Australia. What this means, is deeper listening (dadirri) to the lived and oral histories of First Nations people, and greater understanding of, and respect for Country, as a 'place' that carries forward intergenerational knowledge, such as the Aboriginal women's business of birthing practices associated with the Djab Wurrung Trees (Bawaka, Country et al., 2015, p. 272; Coleman, 2021, p. 1; Amerena, 2018; Austin, 2021, p. 63).

The research has shown that professionals working in planning and development are aware of the need to ensure planning frameworks are more Country-centred. For example, when asked to comment on the Djab Wurrung case study, Howard queried why their "individual opinion matters". Once I explained that I was interested in hearing about their knowledge and experience as a development professional working with First Nations people and Country, Howard offered the following comments:

> My fundamental belief [is] that we make better decisions about how we design and plan if we collectively listen to Country and work with Country, and if we have deep consideration of how Indigenous cultural perspectives can help us to deliver a better outcome (Michelle Howard - Strategic Planning, Design and Infrastructure, October 17, 2024).

Howard's comment below, shows benefits from considering the cultural loss of removing trees:

> Country is everything… that informs my view. So therefore, a tree, aside from its own living entity, is deeply connected with the health and healing of Country. Trees nourish and renew us…then if you add cultural significance, that, to me, creates a very important conversation…about um, to use an economic term, the opportunity cost of [the] loss of that tree (Michelle Howard - Strategic Planning, Design and Infrastructure, October 17, 2024).

This comment further illustrates that people have divergent perspectives on trees. It also aligns with the Indigenous perspective, that trees are living reminders of stories and history, which point to centuries of place-based knowledge, as reviewed in Chapter 3, to show that "trees are the key to reading Country" (Steffensen, 2020, p. 59).

Virtually all research participants considered that First Nations people were not respected in development processes. Specifically, several participants expressed concerns about the way Djab Wurrung women and Country had been disrespected during the planning and development of the Western Highway upgrade. This is significant because the Ngarigo Monero Elder repeatedly stated that *respect* is key to any engagement with First Nations people. This is a crucial finding of the research, and the literature reviewed in Chapter 3, supports this assertion; that respect is vital in any engagement with First Nations people in planning and development, to dismantle existing racist systems, and promote the rights and well-being of First Nations people and Country (Davis, 2006, p. 142).

7.9 Early engagement and accountability to First Nations communities

All the participants recognise from first-hand experience that early engagement with First Nations communities (or any community that will be affected by a development project) is more effective, with the Senior Planning Executive (State Planning Approval/Environmental Effects, October 29, 2024), stating that engagement with First Nations people "before pen is put to paper is critical" for projects to be successful. A significant finding of this research, is that future planning and development must begin with discussions with First Nations people and working with Country considerations:

> If you do proper strategic planning, and you start the conversation before there's any development outcomes mooted…you can take away the angst because you plan what you've got to protect and what you've got to integrate with at the beginning (Senior Executive - State Planning Approval/Environmental Effects, October 29, 2024).

> Obviously, there needs to be a lot of discussion with First Nations people about their aspirations and their culture…but it needs to be done in a way that doesn't steal their IP and consults at the grassroots level. Because, in my perception of what's been happening more recently, is that often the corporations don't represent the grassroots well (Forestry Sector Professional, November 6, 2024).

This comment by the Forestry Sector Professional was backed up by other participants who suggested that, in addition to direct and early engagement with First Nations people, developers and co-management partnerships must provide proper accountability to First Nations communities affected by development processes:

> The sooner you map lands of significance and know its value, and you've got a government policy committed to protecting, you've taken the profit incentive out… If you document it, then you can call the government to account, right? I also think there needs to be much greater awareness of the benefits, in terms of the well-being of Country, from proper planning with Indigenous knowledge (Senior Executive - State Planning Approval/Environmental Effects, October 29, 2024).

Here, the Senior Planning Executive offers their informed opinion that both government commitment to policy that recognises the importance of protecting Country for cultural and environmental heritage values is necessary, as well as generating increased awareness of the *benefits* of Country-centred planning and development for everyone.

7.10 Working with First Nations timeframes

Improved engagement with First Nations communities offers a unique opportunity to approach development differently, allowing for greater time and space for First Nations input. Some research participants shared examples where recent changes in laws and governance have led to more holistic methods of managing and protecting Nature and Country. Greater sensitivity towards First Nations worldviews and ways, especially in recognising the different timelines involved in project engagement and delivery, will certainly result in better development outcomes. The research indicates that transitioning from Eurocentric development thinking to Country-centred development thinking will more effectively incorporate First Nations perspectives and long-term timeframes, which align with the life cycle of trees and Nature.

Some participants recognised the need to consider First Nations' views on time and place, arguing that these are more akin to the broader life cycles of Nature and Country. Both Cunningham and Butterworth spoke about the benefits of considering the human life cycle versus the tree life cycle in development (Chapter 6) to enhance understanding of the need for long-term planning and development approaches, as well as finding new ways forward. When we consider that "trees live for centuries, but laws come and go" (Cunningham, 2019a, p. 34) and that First Nations people have intergenerational, temporal relationships with Country involving stewardship of ecological and social relationships (Kwaymullina, 2008, p. 6), there is proof enough that development should be considering a different timescale.

7.11 Gender: The importance of respecting Women's business on Country

While the original intention for this research was to participate in yarning with Djab Wurrung women, and sadly, this was not realised, gender has been carefully considered throughout. Particularly, understandings of relational aspects between women and Nature. The literature reviewed in Chapters 2 and 3 showed that Indigenous women are more often concerned with disruptions to human-Nature connections, due to many women (traditionally) having led Earth-centred lives (Moreton-Robinson, 2020, p. xi). This is reflected in the case study, where it is the Djab Wurrung women who are impacted most by the loss of access to intergenerational birthing practices associated with their ancestral Birthing Trees. Future planning and development approaches in Australia must therefore ensure enhanced respect and consideration of Indigenous women, to recognise and protect 'women's business', associated with Country.

During our conversation about the Djab Wurrung case study, the Senior Planning Executive highlighted the need for a greater focus on gender considerations in any future planning and development legislation. At the time of planning for the Western Highway upgrade, the Djab Wurrung women associated with the Birthing Trees were not (legally) recognised as traditional owners. Consequently, the rules must be changed to accommodate relationships with Country that are gendered, such as birthing practices. The Ngarigo Monero Elder also reflected on how heritage considerations must involve the recognition and protection of the distinct differences between 'men's business' and 'women's business', so that correct understandings of Aboriginal matriarchal societies and oral histories can be observed.

7.12 Potential of the Two-Ways model, Pluriverse and multi-perspective approaches

Findings from this research reveal that the evolving relationship between Indigenous and Western perspectives would benefit from adopting two-way, pluriverse or multi-verse approaches when addressing cultural understanding and community engagement in mainstream development processes. Particularly as younger generations of First Nations individuals seek to connect with their heritage and contribute meaningfully to their communities, the potential for integrating *multiple* worldviews holds promise for transformative change:

> A lot of young people coming in, they know they're Aboriginal, but they don't know what being Aboriginal is in terms of cultural connect, but they know that they want to work in the Aboriginal community with mob… I'm hopeful that the new generations can see it for what it is. And realise that, you know what? We don't need to do things this way! We need to be more respectful! (Ngarigo Monero Elder, November 14, 2024).

Escobar's Pluriverse method enables two-world approaches to operate in collaboration, rather than competition:

> [Pluriverse] operate[s] through relation and experience, as well as embodied and embedded reflexivity; they exhibit an acute consciousness of the planetary conjuncture; and they envision realizable utopias for the construction and entanglement of worlds through the pluriverse, such as the visions of Buen Vivir (well-being) and rights of Nature (Escobar, 2017, p. 250).

In their interview, Howard suggests the "two-way" training method, which they facilitate in partnership with an Aboriginal colleague, is a suitable response to gaps in understanding between Western and Indigenous ways and worldviews within development:

> We call it two-way, very deliberately, because you can't just make planners and designers ashamed of how they do things and who they are, nor should you, or could you dismiss the Indigenous perspective. So, you've gotta give respect to all of that and find a two way forward (Michelle Howard - Strategic Planning, Design and Infrastructure, October 17, 2024).

Through this two-way approach, Howard explains that they find "hopefulness" in the shifts that are possible with things like sustainability, circular economy, regenerative design, and intergenerational equality:

> I think there's some really interesting philosophical and potentially policy shifts that will support a two-way approach. But at the moment, we're working with, you know, the Town and Country Planning Act, and you know, a mindset that is culturally inappropriate and outdated (Michelle Howard - Strategic Planning, Design and Infrastructure, October 17, 2024).

A collaborative framework that respects and values both Indigenous and Western methodologies is essential for creating a sustainable future. By recognising the potential of a multiverse approach and the importance of intergenerational dialogue, we can hopefully pave the way for more innovative planning and development approaches that honour cultural diversity and promote a more inclusive society.

7.13 What about Treaty?

When talking about how we might do development differently in future, several participants said that Treaty has the potential to bring about positive change. Cunningham, Porter, Boyle and the Ngarigo Monero Elder all spoke of how Treaty has potential as a way forward for improving the working relationships between government agencies, government agents, and First Nations people and Country:

> Things wanted under treaty… you know, planning laws to engage better with communities and our next generations are all highly educated young people, articulate, and have really good thinking processes and work collaboratively. Not necessarily culturally connected. That's the thing that's missing. (Ngarigo Monero Elder, November 14, 2024).

The interview with the Ngarigo Monero Elder clearly illustrated their desire for a treaty to better facilitate interactions between Indigenous and non-Indigenous people through increased understanding, and fewer assumptions within the state government and its agencies about the ownership and management of Country:

> We're very hopeful for treaty because… under treaty they [will have to] recognise everyone and their rights to Country, and rights to look after Country, and our inherent right for being custodians of Country and Law. I think that through treaty, agents and departments will have to seriously look at their processes, and the way they seek to manage what they think is their right. You know, [Parks Vic], call it their estate, [but] it's our Country … you are invaders, and the government might give you rights, but we don't give you permission to do what you're doing. You need to ask (Ngarigo Monero Elder, November 14, 2024).

This comment reflects the views of Indigenous rights activist and former politician Pat Dodson (as discussed in Chapter 2), who believes strongly in the potential of treaties for protecting Indigenous rights, because the current Australian Constitution focuses on maintaining the powers of the Commonwealth Parliament, rather than the rights of *all* citizens.

7.14 Summary

With the help of political ontology, this chapter has responded to Research Question 1, illustrating how industrialisation has disrupted human-Nature relationships through exploitative development that has marginalised Indigenous rights in Australia. It highlights the inadequacy of the current planning systems and protections for cultural and ecological heritage, which permit the ongoing destruction of sacred sites due to cultural misunderstandings, misinterpretations, and discrimination against Indigenous communities. Additionally, the chapter responded to Research Question 2 to discuss possible pathways for future planning and development that involve the revaluing of Nature (particularly trees), and Country, improved engagement with First Nations people, more cultural considerations, such as the need to understand the gender concerns of Aboriginal 'women's business', and respect for Indigenous timeframes. Finally, the chapter considered the potential of pluriverse and multi-perspective approaches and treaties, as ways forward for Country-centred planning and development that reflect the diverse worldviews and ways of Indigenous and non-Indigenous communities.

Chapter Eight - Conclusion

Conducting this research has been a journey of self-reflection and discovery, accompanied by several challenges. A significant challenge was shifting my focus midway from directly engaging with Djab Wurrung women through yarning to conducting semi-structured interviews with key informants in policy and planning.

On a personal level, I faced the loss of my father the night before my final two participant interviews. This experience deepened my connection with concepts of death and grief and led me to seek solace in Nature. I took daily walks among the trees to process my emotions, which reminded me of the importance of staying connected to Nature for my well-being. I find comfort in trees, both in my current location and wherever I go. My research has shown that different worldviews lead to distinct relationships with Nature, particularly trees, and that contemporary development does not accommodate this diversity of understanding as well as it should. The research has found ways forward through frameworks that integrate and respect different ontologies. This involves a radical transformation toward more Country-centred approaches that acknowledge and honour the interconnectedness of all living beings. Moreover, by exposing the deep-seated influences of settler-colonial ideologies and the relentless grip of neoliberal capitalism on planning and development, it becomes evident that we must urgently reassess our governance structures. This call to action urges us to embrace a more inclusive framework that integrates Indigenous perspectives while prioritising the rights of Nature.

The research has critically examined the intricate relationship between policy, planning, and mainstream development processes in Victoria, Australia, with a focus on preserving heritage trees and affirming the rights of First Nations people. Through a political ontological lens, it highlights how contemporary planning is influenced by settler-colonial ideologies and neoliberal capitalism, necessitating a re-evaluation of governance frameworks. The findings reveal that exploitative and extractive development practices in Australia undermine vital human-Nature and Nature-culture relationships, threatening the existence of Nature, First Nations communities, and their cultural connections to Country.

The study identifies five key barriers to effective engagement between Indigenous and non-Indigenous peoples in planning and development processes: power and control, incompatible knowledge systems, ignorance, inertia, and racism. The research shows that mainstream

development has the potential to evolve towards more equitable and sustainable development through a deeper understanding and inclusion of First Nations' knowledge and Country-centred development. Reforming legislation and creating a more flexible planning scheme will create an opportunity for development professionals to implement positive changes through genuine engagement with First Nations communities. This will help transform the existing planning and development landscape, through caring for Country strategies, paving the way for more inclusive and respectful development processes that benefit both people and Nature.

The latter part of Chapter 7 introduced the idea of ways forward, based on participant interviews, identifying important changes that interviewees felt were necessary in planning and development in Australia. In particular, the revaluing of trees, early engagement with First Nations people and Country-centred frameworks. Key recommendations from this research include an urgent need to overhaul the current political and regulatory framework (including the planning scheme) and ensure Indigenous voices are central to decision-making across all government levels, including mandatory endorsements from all the relevant traditional owners for projects impacting Country and culturally significant sites. There is also an imperative to raise awareness of the value of human-Nature connections, First Knowledges and cultural heritage *for all*, not just First Nations people. Furthermore, the research calls for both federal and state governments to do more to actively combat systemic racism.

By pursuing these recommendations, rather than mainstream development remaining solely focused on extractive and exploitative approaches, it will be possible to pave the way for a more equitable future for all, by working with Country and living with Nature. To achieve this, policymakers must prioritise the legal recognition and safeguarding of cultural heritage, such as the Djab Wurrung Birthing Trees and their associated Country, ensuring that development respects these sacred sites. Federal and state governments have a responsibility to promote education about Country and respect for First Nations cultures to encourage stewardship of our shared environment. Strong partnerships between Indigenous communities, researchers, and government agencies are crucial for developing sustainable practices that honour heritage Trees as living ancestors. This is because "trees are key to reading Country", which carry invaluable history, stories, memories, and act as connections for future generations based on centuries of Country-centred knowledge (Steffensen, 2020, p. 59).

The Djab Wurrung Birthing Trees is a poignant case study, illustrating the urgent need for development practices that respect the rights of Nature, Indigenous perspectives, and the

integrity of Country. In conclusion, this research underscores the pressing need for a transformative shift in development practices in Victoria and beyond, advocating for a just and sustainable approach that integrates, through genuine engagement, Indigenous knowledge and rights alongside environmental preservation. By recognising the interconnectedness of human-Nature relationships and valuing diverse worldviews, a more inclusive and equitable framework for development can emerge, thereby establishing increased understanding of the value of Nature, First Nations people and Country. As such, it is imperative that policy-makers and planners critically engage with First Nations' worldviews to understand the past and thereby inform a future that prioritises the coexistence of human and non-human entities, ensuring the well-being of both Nature and all its inhabitants.

As this research ultimately advocates for Country-centred planning and development in Victoria, it is fitting that this thesis should conclude with the words of an Aboriginal Elder from East Gippsland, an area of significant forest Country. This final comment by the Ngarigo Monero Elder reflects their personal beliefs and First Nations understanding of connections with Country, emphasising the value of place-based, Country-centred development. Their perspective serves as a powerful call to action, urging us to protect our trees for the benefit of both the land and future generations:

> A tree is … a living entity, and it lives on our Country. There are grandfather trees and grandmother trees, and trees that have strong cultural connection to places…and our people respected [trees] and taught us to respect all living things on Country because they're part of us. We're part of it, and we're custodians of these things. Trees nurture you … provide shelter, creatures live in them, we have relationships with [trees], both spiritually and physically. They give to us. We don't take from them. They need to stay on our Country, they're part of the Country. They're not there as a resource for economic reasons. They're there because they belong in that place (Ngarigo Monero Elder, November 14, 2024).

Reference Materials

Aboriginal Heritage Act, No. 16. (2006). State Government of Victoria. https://www.legislation.vic.gov.au/in-force/acts/aboriginal-heritage-act-2006/027

Aboriginal Cultural Heritage Act No. 27. (2021). Government of Western Australia.https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a147323.html

Adams, K., Faulkhead, S., Standfield, R., Atkinson, P. (2018). Challenging the colonisation of birth: Koori women's birthing knowledge and practice. *Women and Birth, 31*(2). 81-88. https://www.sciencedirect.com/science/article/abs/pii/S1871519216301299?via%3Dihub

Ahmed, M.A., Aylwin, N.S., & Coombe, R.J. (2009). Indigenous cultural heritage rights in international human rights law. In C. Bell & R. Patterson (Eds.), *Protection of First Nations' Cultural Heritage: Laws, Policy and Reform* (pp. 311-342). University of British Columbia Press. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2463927

Ali, S.H. & Keenan, J. (2016), Awkward Alliances, In A. C. Tidwell, & B.S. Zellen, (Eds.). (2016). *Land, Indigenous Peoples and Conflict* (1st ed.). Routledge. https://doi.org/10.4324/9781315726649

Alves, F., Costa, P.M., Novelli, L., & Vidal, D.G. (2023). The rights of nature and the human right to nature: an overview of the European legal system and challenges for the ecological transition. *Frontiers in Environmental Science, 11*. https://doi.org/10.3389/fenvs.2023.1175143

Amerena, M. (2018). 'Destroying the romance of treaty': Victoria vs the Djab Wurrung Embassy. *Overland.* https://overland.org.au/2018/07/destroying-the-romance-of-treaty-victoria-vs-the-djab-wurrung-embassy/

Anderson, S., Hamilton, J., & Barker, L.L. (2018). Yarning up oral history: an Indigenous feminist analysis. In K. Srigley, S. Zembryzycki, & F. Iacovetta (Eds.), *Beyond Women's Words: Feminism and the Practices of Oral History in the Twenty-First Century* (pp. 170-183). https://hdl.handle.net/1959.11/29158

ANU Reporter. (2022, November 1). *Destruction of Juukan Gorge highlights flaws in native title.* https://reporter.anu.edu.au/all-stories/destruction-of-juukan-gorge-highlights-flaws-in-native-title

Aranha, M. (2024, February 22). The women, poems and menus saving Ecuador's beloved blue crab. *BBC: Future Planet.* https://www.bbc.com/future/article/20240220-the-indigenous-women-saving-ecuadors-blue-crab

Archibald, J., Xiiem, Q.Q., Lee-Morgan, J. And De Santolo, J. (2022).

Decolonizing research Indigenous Storywork as Methodology. Bloomsbury

Argyrou, A., & Hummels, H. (2019). Legal personality and economic livelihood of the Whanganui River: a call for community entrepreneurship. *Water International, 44*(6-7), 752-768. https://doi.org/10.1080/02508060.2019.1643525

Arnold, C., Atchison, J., & McKnight, A. (2021). Reciprocal relationships with trees: rekindling Indigenous wellbeing and identity through the Yuin ontology of oneness. *Australian Geographer, 52*(2), 131-147. https://doi.org/10.1080/00049182.2021.1910111

Ascher, W., & Mirovitskaya, N. (2016). Development strategies and violence. In W. Ascher & N. Mirovitskaya, *Strategies and Inter-Group Violence. Politics, Economics, and Inclusive Development* (pp. 3-21). Palgrave Macmillan New York. https://doi.org/10.1057/9781137555120_1

Atkinson, J. (2002). *Trauma trails: Recreating song lines. The transgenerational effects of trauma in Indigenous Australia.* Spinifex. Press.

Austin, S.E. (2021). The Destruction of a Sacred Tree on Djab Wurrung Country has broken our hearts. In C. Day & B. Martin, *Tree Story* (pp. 62-67). Monash University Museum of Art. Monash University Publishing.

Australian Human Rights Commission (AHRC). (2021). *Implementing UNDRIP.* https://humanrights.gov.au/sites/default/files/2020-10/implementing_undrip_-_australias_third_upr_2021.pdf

Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS). (2008, September 27). *Case summary: Mabo v Queensland.* https://aiatsis.gov.au/publication/35464

Australasian Legal Information Institute (Austlii). (2013). *Government of Victoria – "Review of the Aboriginal Heritage Act: Victorian Government Response"* (Review IndigLRes 5). https://www.austlii.edu.au/cgi-bin/viewdoc/au/other/IndigLRes/2013/5.html

Banner, S. (2005) Why terra nullius? Anthropology and property law in early Australia. *Law and History Review, 23*(1), 95-131. doi:10.1017/S0738248000000067

Barletti, J.P.S., Prouchet, L, Larson, A.M. (2023). Rights-based approaches and Indigenous and local communities: findings from a literature review. *CABI Reviews, 18*(1). https://doi.org/10.1079/cabireviews.2023.0028

Barnes, S. (2018). *Rewild yourself: making nature more visible in our lives.* Simon & Schuster UK.

Barolsky, V. (2022). Truth-telling about a settler-colonial legacy: decolonizing possibilities. *Postcolonial Studies, 26*(4), 540-556. https://doi.org/10.1080/13688790.2022.2117872

Bawaka Country, Wright, S., Suchet-Pearson, S., Lloyd, K., Burarrwanga, L., Ganambarr-Stubbs., Ganambarr, B. & Maymuru, D. (2015). Working with and learning from Country: decentring human authority. *Cultural Geographies, 22*(2), 269-283. https://journals.sagepub.com/doi/abs/10.1177/1474474014539248

Behrendt, L. (2019). Indigenous storytelling decolonizing institutions and assertive self-determination: implications for legal practice. In J. Archibald, Q.Q. Xiiem, J.B.J Lee-Morgan, J. De Santolo (Eds.), *Decolonizing Research Indigenous Storywork as Methodology* (pp. 175–186). Bloomsbury Academic, Bloomsbury Publishing.

Berry, T. (2011). Rights of the Earth: we need a new legal framework which recognises the rights of all living beings. In P. Burdon (Ed.), *Exploring Wild Law.* (pp. 227-229). Wakefield Press.

Bessarab, D., & Ng'andu, B. (2010). Yarning about yarning as a legitimate method of Indigenous research. *International Journal of Critical Indigenous Studies, 3*(1), 37-50. https://doi.org/10.5204/ijcis.v3i1.57

Bhattacharjee, G. (2023). Nature's Rights: Alternatives to the conventional frame. In R. Bhattacharya & G.A. Sharma (Eds.), *Capital and Ecology: Developmentalism, Subjectivity and the Alternative Life-Worlds* (pp. 271-289). Routledge India. https://doi-org.ezproxy.massey.ac.nz/10.4324/9781003424420

Black, C.F. (2011). *The land is the source of the law: A dialogic encounter with Indigenous jurisprudence.* Routledge-Cavendish. https://doi-org.ezproxy.massey.ac.nz/10.4324/9780203844380

Blaikie, P., & Brookfield, H. (Eds.). (1987). *Land degradation and society.* Routledge. Taylor & Francis Group. https://doi.org/10.4324/9781315685366

Blaser, M (2009a). Political Ontology: cultural studies without 'cultures'? *Cultural Studies, 23*(5-6), 873-896. https://doi.org/10.1080/09502380903208023

Blaser, M. (2009b). The threat of the Yrmo: the political ontology of a sustainable hunting program. *American Anthropologist, 111*(1), 10-20. https://www.jstor.org/stable/40300782

Blaser, M. (2013). Notes towards a political ontology of 'environmental' conflicts. In L. Green (Ed.), *Contested Ecologies: Nature and Knowledge* (pp. 13-27).

Blicharska, M., & Mikusiński, G. (2014). Incorporating social and cultural

significance of large old trees in conservation policy. *Conservation Biology, 28*(6), 1558-1567. https://doi-org.ezproxy.massey.ac.nz/10.1111/cobi.12341

Boast, R.P. (1993). The Waitangi Tribunal: "conscience of the nation", or just another court? *University of New South Wales Law Journal, 16*(1), 223 244. https://www.unswlawjournal.unsw.edu.au/wp-content/uploads/2017/09/16-1-4.pdf

Bormpoudakis, D. (2019). Three implications of political ontology for the political ecology of conservation. *Journal of Political Ecology, 26*(1), 545-566. http://dx.doi.org/10.2458/v26i1.22014

Boucher, L. (2015). The 1869 Aborigines Protection Act: vernacular ethnography and the governance of Aboriginal subjects. In L. Boucher & L. Russell (Eds.), *Settler colonial governance in nineteenth-century Victoria* (pp. 63-94). ANU Press. https://doi.org/10.22459/SCGNCV.04.2015.03

Briggs, J. (2014). Indigenous knowledge and development. In V. Desai & R. Potter (Eds.), *The companion to development studies* (3rd ed., pp. 127-131). Taylor & Francis Group. https://doi.org/10.4324/9780203528983

Campbell, H. (2021). *Farming inside invisible worlds: modernist agriculture and its consequences.* Bloomsbury Academic Publishing.

Carlson, B., & Farrelly, T. (2023). *Monumental disruptions: Aboriginal people and colonial commemorations in so-called Australia.* Aboriginal Studies Press

Carmody, J. (2023, August 4). Cook government to scrap Aboriginal Cultural Heritage Act after months of controversy. *ABC News.* https://www.abc.net.au/news/2023-08-04/wa-government-scrap-aboriginal-cultural-heritage-act-/102692282

Cavanagh, V.I. (2021). This grandmother tree connects me to Country. I cried when I saw her burned. In C. Day & B. Martin (Eds.), *Tree Story* (pp. 22-33). Monash University Museum of Art. Monash University Publishing.

Chamberlain, C. (2023, September 7). Replanting the birthing trees. *Pursuit.* The University of Melbourne. https://pursuit.unimelb.edu.au/articles/replanting-the-birthing-trees

Coleman, C.G. (2021). *Lies, damned lies.* Ultimo Press.

Cox, L. (2022, May 20). Labor to set up independent environmental protection agency and restore 'trust and confidence'. *The Guardian.* https://www.theguardian.com/australia-news/2022/may/20/labor-to-set-up-independent-environmental-protection-agency-and-restore-trust-and-confidence?CMP=share_btn_url

Cullinan, C. (2011). If nature had rights what would we need to give up? In P.

Burdon (Ed.), *Exploring Wild Law* (pp. 230-235). Wakefield Press.

Cumpston, Z. (2022). Looking back, moving forward. In Z. Cumpston, M.S. Fletcher, & L. Head, (Eds.), *Plants: Past, Present and Future* (pp. 30-49). Thames & Hudson.

Cunningham, S. (2019a). *City of trees: essays on life, death & the need for a forest.* The Text Publishing Company.

Cunningham, S. (2019b). The Djab Wurrung Birthing Tree. *The Monthly* (July Ed. No.157), 56-57. https://www.themonthly.com.au/july-2019/vox/djab-wurrung-birthing-tree

Davies, M. (2015). The consciousness of trees. *Law & Literature, 27*(2), 217-235. https://doi.org/10.1080/1535685X.2015.1034476

Davis, M. (2006). A culture of disrespect: Indigenous peoples and Australian public institutions. *UTS Law Review,* (8), 135-152. https://search.informit.org/doi/10.3316/agispt.20081014

Davis, M. (2017). Self-determination and the right to be heard. In S. Morris (Ed.), *A rightful place: a road map to recognition* (pp. 119-146). Black Inc. & Shireen Morris.

De la Cuadra, F. (2015). Indigenous people, socio-environmental conflict and post development in Latin America. *Ambiente & Sociedade, 18*(2), 23-40. https://doi.org/10.1590/1809-4422ASOCEx02V1822015en

Department of Climate Change, Energy, the Environment and Water (DCCEEW). (2022). *Directions Report – First Nations Cultural Heritage Reform.* https://www.dcceew.gov.au/sites/default/files/documents/indigenous-heritage-directions-report.pdf

De Souza, P., & Dreher, T. (2021). Dwelling in discomfort: on the conditions of listening in settler colonial Australia. *Borderlands, 20*(2), 30-60. https://www.jstor.org/stable/48767822

Dodson, M. (1997). Citizenship in Australia: an Indigenous perspective. *Alternative Law Journal, 22*(2), 57- 59. https://www.austlii.edu.au/au/journals/AltLawJl/1997/23.pdf

Dodson, M. (2003). Unfinished business: a shadow across our relationships. In ATSIC and AIATSIS (Eds.), *Treaty let's get it right! A collection of essays from ATSIC's treaty think tank and authors commissioned by AIATSIS on treaty issues* (pp. 30-40). Aboriginal Studies Press.

Dodson, P. (2014). *Rights, recognition and reconciliation.* Presentation by Patrick Dodson. www.dunstan.org.au

Duff, A., Hanchant-Nicols, D., Bown, B., Gamage, S.H.P.W., Nixon, B., Nisi, P., Boase, J., & Smith, E. (2020). The right way, the wrong way and a better

way for energy engineers to work with Aboriginal communities. In G. Bombaerts., K. Jenkins., Y.A. Sansui & W. Guoyu. (Eds.), *Energy Justice Across Borders* (pp. 45-68). Springer. https://link.springer.com/chapter/10.1007/978-3-030-24021-9_3#citeas

Eggan, T. (2022). *Unsettling Nature: Ecology, Phenomenology, and the Settler Colonial Imagination.* University of Virginia Press. https://doi.org/10.2307/j.ctv2f4v5v2

El Gawad, H.A. (2023). Strategic Narcissism: A lived experience of 'decolonising', inclusion of and 'collaborations' with Indigenous researchers. *Journal of Social and Cultural Anthropology, 148*(2), 289-304. https://zfejsca.org/ojs/index.php/jsca/article/view/1315

Escobar, A. (2017). Sustaining the Pluriverse: the political ontology of territorial struggles in Latin America. In M. Brightman & J. Lewis (Eds.), *The Anthropology of Sustainability: Beyond Development and Progress* (pp. 237-256). Palgrave Macmillan. https://link.springer.com/book/10.1057/978-1-137-56636-2

Escobar, A. (2023). Welcome to possibility studies. *Possibility Studies & Society, 1*(1-2), 56-59. https://journals.sagepub.com/home/pst

Felli, R. (2021). *The great adaptation. Climate, capitalism and catastrophe.* Verso.

Fukuhara, R. (2018). Human and nature revisited: The industrial revolution, modern economics and the Anthropocene. In S.Yamash'ta, T. Yagi, & S. Hill (Eds.), *The Kyoto Manifesto for Global Economics: The Platform of Community, Humanity, and Spirituality* (pp. 35-62). Springer. https://link.springer.com/chapter/10.1007/978-981-10-6478-4_3

Gammage, B., & Pascoe, B. (2021). *Country: Future fire, future farming*. First Knowledges. Thames & Hudson.

Garrow, N. & Valentine, T. (2012). The role of mining in the Australian economy. In N. Finch (Ed.) *Contemporary Issues in Mining* (pp. 27-44). Palgrave Macmillan, London.

Gilbert, J. (2018). *Natural resources & human rights: an appraisal.* Oxford University https://doi.org/10.1093/oso/9780198795667.001.0001

Gilbert, J., Macpherson, E., Jones, E., & Dehm, J. (2021). Chapter 3: The rights of nature as a legal response to the global environmental crisis? A critical review of international law's 'greening' agenda. In D. Dam-de Jong & F. Amtenbrink (Eds.), *Netherlands Yearbook of International Law 2021, 52* (pp. 47-74). https://doi.org/10.1007/978-94-6265-587-4_3

Glass, D. (2020, July 30). *Investigation into the planning and delivery of the Western Highway duplication project.* Session 2018-20. (P.P. No. 141). Victorian Ombudsman.

Godden, L. (2012). Native title and ecology: agreement-making in an era of market environmentalism. In J.K. Weir (Ed.), *Country, Native Title and Ecology* (pp. 105-134). ANU Press. https://www.jstor.org/stable/j.ctt24h353.7

Gover, K. (2020). *Treaties and the UN declaration on the rights of Indigenous peoples: the significance of article 37.* UNDRIP implementation: comparative approaches, Indigenous Voices from CANZUS. [Special Report]. https://issuu.com/cigi/docs/undrip3-web

Government of Western Australia (1972). Aboriginal Heritage Act. https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_3_homepage.html

Government of Western Australia (n.d.). *Laws overturned: Aboriginal cultural heritage legislation replaced.* https://www.wa.gov.au/government/media-statements/Cook-Labor-Government/Laws-overturned%3A-Aboriginal-cultural-heritage-legislation-replaced--20230808

Grant, S. (2016). *Talking to my country.* Harper Collins Publishers Australia.

Greber, J. (2024, September 2). Anthony Albanese offers to water down planned environmental watchdog to secure Coalition support. *ABC News.* https://www.abc.net.au/news/2024-09-02/albanese-offers-to-water-down-environmental-watchdog/104301898

Grieves, V. (2009), *Aboriginal spirituality: Aboriginal philosophy, the basis of Aboriginal social and emotional wellbeing* [Discussion Paper No. 9], Cooperative Research Centre for Aboriginal Health, Darwin. https://www.pathwaysmh.com.au/Aboriginal_Philosophy.pdf

Griffiths, B. (2018). *Deep time Dreaming: uncovering ancient Australia.* Black Inc.

Groch, S. (2020, October 31). What do these sacred trees tell us about Aboriginal heritage in Australia? *The Sydney Morning Herald.* https://www.smh.com.au/national/what-do-these-sacred-trees-tell-us-about-aboriginal-heritage-in-australia-20201030-p56a0g.html

Gunn, B.L., & Fitzgerald, O. E. (2020). *Introduction. UNDRIP implementation: comparative approaches, Indigenous Voices from CANZUS.* [Special Report]. https://issuu.com/cigi/docs/undrip3-web

Hammad, S. (2020, October 21). 'Paradise lost': How Israel turned the West Bank into a sewage dump for its settlements. *Middle East Eye.* https://www.middleeasteye.net/news/israel-west-bank-settlements-sewage-dump

Handsley-Davis, M., Kowal, E., Russell, L., & Weyrich, L.S. (2021). Researchers using environmental DNA must engage ethically with Indigenous communities. *Nature Ecology & Evolution, 5*, 146-148. https://doi.org/10.1038/s41559-020-01351-6

Hardaker, D. (2021, July 13). Bruce Pascoe and the making of the myth: beyond the culture war, what does it all mean? *Crikey.* https://www.crikey.com.au/2021/07/13/bruce-pascoe-and-the-making-of-myth-beyond-the-culture-war-what-does-it-all-mean/

Harding, A., Smith, C., Williams, O. (2023, October 1). Uncovering the truth of our legal history. *Law Society Journal (LSJ) Online*. https://lsj.com.au/articles/uncovering-the-truth-of-our-legal-history/

Higgins, I. (2025, March 13). Disturbing closing the gap report shows there's been little political will to address inequality in the wake of the failed Voice referendum. *ABC News.* https://www.abc.net.au/news/2025-03-13/closing-the-gap-report-data-fail-address-indigenous-inequality/105046662

Hill, R.P. (1995). Blackfellas and Whitefellas: Aboriginal land rights, the Mabo decision, and the meaning of land. *Human Rights Quarterly, 17*(2), 303-322. https://www.jstor.org/stable/762519

Hobbs, H. (2020). The road to Uluru: Constitutional recognition and the UN Declaration on the Rights of Indigenous Peoples. *Australian Journal of Politics and History, 66*(4), 613-632. https://doi.org/10.1111/ajph.12707

Hofmeister, E., Sandhu, A., Douvartzidis, L. (2023, June, 6). Opinion: Rio Tinto and the Juukan Gorge incident: legal compliance – always necessary, rarely sufficient. *International Bar Association.* https://www.ibanet.org/Rio-Tinto-Juukan-Gorge-legal-compliance

Hollo, T. (2022). *Living Democracy: an ecological manifesto for the end of the world as we know it.* NewSouth Publishing. University of New South Wales Press Ltd.

Humphreys, D. (2017). Rights of Pachamama: the emergence of an earth jurisprudence in the Americas. *Journal of International Relations and Development, 20*, 459-484. http://dx.doi.org/10.1057/s41268-016-0001-0

Iorns-Magallanes, C.J. (2015). Nature as an ancestor: two examples of legal personality for nature in New Zealand. *VertigO - la revue électronique en sciences de l'environnement, 22.* https://doi.org/10.4000/vertigo.16199

Ingold, T. (2010). Footprints through the weather-world: walking, breathing, knowing. *Journal of the Royal Anthropological Institute. 16*, S121–S139. https://doi.org/10.1111/j.1467-9655.2010.01613.x

Ingram, I. (2021). Indigenous governance and native title in Australia. In D. Smith, A. Wighton, S. Cornell., & A.V. Delaney (Eds.), *Developing governance and governing development: International case studies of indigenous futures* (pp. 29-45). Rowman & Littlefield Publishers.

Jackson, S., Porter, L., & Johnson, L.C. (2018). *Planning in Indigenous Australia: from imperial foundations to postcolonial futures.* Routledge.

Jenkins, M., & Tutt, C. (2022). *Deadly duo working together to enhance Indigenous opportunities in science.* WEHI. https://www.wehi.edu.au/news/deadly-duo-working-together-to-enhance-indigenous-opportunities-in-science/

Jervis-Bardy, D. (2025, March 24). Labor vows to establish federal EPA if it wins second term – weeks after shelving 2022 election promise. *The Guardian.* https://www.theguardian.com/environment/2025/mar/24/labor-vow-federal-epa-second-term-environment?CMP=share_btn_url

Jetta, C., Zerafa-Payne, E., & Carmody, P. (2024, May 20). Indigenising teaching and learning through the big five ideas of traditional knowledge. *Times Higher Education.* https://www.timeshighereducation.com/campus/indigenising-teaching-and-learning-through-big-five-ideas-traditional-knowledge

Johnson, C. (2018). Australian planning texts and Indigenous absence. In S. Jackson, L. Porter, & L.C. Johnson (Eds.), *Planning in Indigenous Australia: from Imperial Foundations to Postcolonial Futures* (pp. 34-51). Routledge.

Johnson, L., Porter, L., & Jackson, S. (2018). Reframing and revising Australia's planning history and practice. *Australian Planner, 54*(4), 225-233. https://doi.org/10.1080/07293682.2018.1477813

Jones, P. (2023). *Human rights and development*. Routledge.

Kauffman, C.M., & Martin, P.L. (2021). *The politics of rights of nature: strategies for building a more sustainable future.* The MIT Press. https://doi.org/10.7551/mitpress/13855.001.0001

Kemp, D., Fredericks, B., Muir, K., Barnes, R. (2021, October 21). Fixing Australia's shocking record of Indigenous heritage destruction: Juukan inquiry offers a way forward. *The Conversation.* https://theconversation.com/fixing-australias-shocking-record-of-indigenous-heritage-destruction-juukan-inquiry-offers-a-way-forward-170212?utm_source=clipboard&utm_medium=bylinecopy_url_button

Kemp, D. (2022). *Human dignity through freedom and equality: consent of the people 1966-2022.* The Miegunyah Press.

Kemp, D., Kochan, K. & Burton, J. (2023). Critical reflections on the Juukan Gorge parliamentary inquiry and prospects for industry change. *Journal of Energy & Natural Resources Law, 41*(4), 379-402. https://doi.org/10.1080/02646811.2022.2156202

Kennedy, T. & Miles, M. (2024, August 14). Indigenous science can help solve some of the great problems of our time. *The Conversation.*

https://theconversation.com/indigenous-science-can-help-solve-some-of-the-great-problems-of-our-time-heres-how-236597?utm_source=clipboard&utm_medium=bylinecopy_url_button

Keys, E. & Week, D. (2022). Closing the gap: decolonisation, ANT and bridging The divide between urban planning practitioners and academics. *Urban Policy and Research, 40*(4), 351-362. https://doi.org/10.1080/08111146.2022.2076667

Kidd, C. (2016). The political ontology of conservation. In J. Bakels., S. Bhagwat., E, Drani., M. Enfield., & C. Kidd (Eds.). *Culture and conservation: investigating the linkages between biodiversity protection and cultural values and practices.* Arcus Foundation, Cambridge UK. https://www.arcusfoundation.org/wp-content/uploads/2017/01/Culture-and-Conservation.pdf

King, K. (2017). Lost in translation? The challenging of translating the global education goal and targets into global indicators. *Compare: A Journal of Comparative and International Education, 47*(6), 801-817. https://doi.org/10.1080/03057925.2017.1339263

Kramm, M. (2021). The role of political ontology for Indigenous self-determination. *Critical Review of International Social and Political Philosophy,* 1-22. https://doi.org/10.1080/13698230.2021.1997250.

Kuokkanen, R. (2016). International women's rights and international law: challenges of the UN Declaration on the Rights of Indigenous Peoples. In D. Short. & C. Lennox., (Eds.), *Handbook of Indigenous Peoples' Rights* (pp. 129-145). Routledge. https://doi.org/10.4324/9780203119235

Kwaymullina, A. (2005). Seeing the light: Aboriginal law, learning and sustainable living in Country. *Indigenous Law Bulletin 27, 6*(11). http://www5.austlii.edu.au/au/journals/IndigLawB/2005/27.html

Kwaymullina, A. (2008). Introduction: a land of many countries. In S. Morgan, T. Mia. & B. Kwaymullina (Eds.), *Heartsick for Country: stories of love, spirit and creation* (pp. 5-20). Freemantle Press.

Lamb, R. (2019). Historicising the idea of human rights. *Political Studies, 67*(1), 100-115. https://doi.org/10.1177/0032321717752516

Langton, M. & Palmer, L. (2003). Negotiating Settlements: Indigenous Peoples, Settler States and the Significance of Treaties and Agreements. In H. Glade, (Ed.), *Treaty: Let's Get It Right!* (pp. 41–52). AIATSIS.

Langton, M. (2023). *The Welcome to Country handbook: a guide to Indigenous Australia.* Hardie Grant Explore.

Langton, M. & Corn, A. (2023). *Law: the way of the ancestors.* First Knowledges. Thames & Hudson, Australia.

Lawrence, B., & Anderson K. (2005). Introduction to "Indigenous women: the state of our nations". *Atlantis, 29*(2), 1-8. https://atlantisjournal.ca/index.php/atlantis/article/view/1041

Lawrence, R. (2005). 'Governing Warlpiri subjects: Indigenous employment and training programs in the central Australian mining industry'. *Geographical Research, 43* (1), 40–48. https://doi.org/10.1111/j.1745-5871.2005.00291.x

Lawrence, D. (2019, September 24). The Djab Wurrung Trees, hermeneutical injustice, and Australia's First Nations people. *Prindle Post.* https://www.prindleinstitute.org/2019/09/the-djap-wurrung-trees-hermeneutical-injustice-and-australias-first-nations-people/

Li, Q. (2018). *Shinrin-Yoku: the art and science of forest-bathing.* Penguin Life. Penguin Random House, UK.

Lilleyman, A., Pascoe, J., & Garnett, S. (2024, February 12). First Peoples' land overlaps with 130 imperilled bird species – and this knowledge may be vital to saving them. *The Conversation.* https://theconversation.com/first-peoples-land-overlaps-with-130-imperilled-bird-species-and-this-knowledge-may-be-vital-to-saving-them-222758

Lindenmayer, D. (2024). *The Forest Wars.* Allen & Unwin.

Lopes, C.V.A., Mihrshahi, S., Ronto, R., & Hunter, J. (2023). Aboriginal food practices and Australian native plant-based foods: a step toward sustainable food systems. *Sustainable Food Systems, 15*(15), https://doi.org/10.3390/su151511569

Lowe, I. (2014). Wild law embodies values for a sustainable future. In P. Burdon & M.M. Maloney (Eds.), *Wild law: in practice* (pp. 3-16). Routledge.

Lowrey, T. (2023, June 20). It's official – the Voice referendum is happening. Here's what comes next. *ABC News.* https://www.abc.net.au/news/2023-06-20/heres-what-comes-next-in-the-voice-to-parliament-referendum/102498234

Major Road Projects Victoria. (n.d). *Western Highway duplication project benefits.* https://bigbuild.vic.gov.au/__data/assets/pdf_file/0010/597583/1890-REG-WHD-Project-Benefits-Fact-Sheet-Update_V1.pdf

Malins, P., McKinnon, C., Kruger, K., & Balla, P. (2020, November 4). An open letter from 1,200 Australian academics on the Djab Wurrung trees. *The Conversation.* https://theconversation.com/an-open-letter-from-1-200-australian-academics-on-the-djab-wurrung-trees-149147?utm_source=clipboard&utm_medium=bylinecopy_url_button

Marriott, R., Reibel, T., Coffin, J., Gliddon, J., Griffin, D., Robinson, M., Eades, A.M., & Maddox, J. (2019). "Our culture, how it is to be us" – listening to Aboriginal women about on Country urban birthing. *Women and Birth, 32,* 391-403. http://dx.doi.org/10.1016/j.wombi.2019.06.017

Marshall, V. (2019). Removing the veil from the 'rights of nature': the dichotomy between First Nations customary rights and environmental legal personhood. *Australian Feminist Law Journal, 45*(2), 233-248. https://doi.org/10.1080/13200968.2019.1802154

Martin, S., & Johnson, S. (2020, June 15). Abbot, Howard bust vandalism in Ballarat draws plea for an understanding of history, 'not take it down'. *ABC News.* https://www.abc.net.au/news/2020-06-15/busts-of-tony-abbott-john-howard-vandalised/12355190

McCaul, J. (2016). *Making rights a reality: the ongoing struggle for land justice in the Kimberley region, Australia.* Oxfam Australia and Kimberley Land Council. https://www.oxfam.org/en/research/making-rights-reality-ongoing-struggle-land-justice-kimberley-region-australia

McDougall, W. (2020, November 19). *Western highway upgrade: review of economic appraisal and road crash history.* https://wmcdougall.com/wp-content/uploads/2022/02/western-highway-economic-appraisal-and-crash-analysis-191120-web.pdf

McEntyre, E., Vaughan, P., & Dew, A. (2019). Taking the research journey together: the insider and outsider experiences of Aboriginal and non-Aboriginal researchers. *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research, 20*(1), 1–17. https://doi.org/10.17169/fqs-20.1.3156

McGrath, A., & Rademaker, L. (2023). The languages and temporalities of "Everywhen" in deep history. In A. McGrath., L. Rademaker., & J. Troy, (Eds.), *Everywhen: Australia and the language of deep history* (pp. 1-33). New South Publishing. UNSW Press.

McIlroy, T. (2025, February 14). Federal Labor leaves Indigenous treaties to the states. *Financial Review.* https://www.afr.com/politics/federal/labor-revives-truth-telling-push-and-unveils-new-job-scheme-20240213-p5f4h6

McKernan, B. (2023, May 17). A precious resource: how Israel uses water to control the West Bank. *The Guardian.* https://www.theguardian.com/world/2023/may/17/how-israel-uses-water-to-control-west-bank-palestine

McMichael, P. (2014). Rethinking land grab ontology. *Rural Sociology, 79*(1), 34-55. https://doi.org/10.1111/ruso.12021

McNeil, K. (2012). Indigenous land rights and self-management. In L. Ford & T. Rowse (Eds.), *Between Indigenous Settler Governance* (pp. 135-147). Routledge.

Miles, E. (2022). *Nature is a human right: why we're fighting for green in a grey world.* Penguin Random House.

Milroy, G., & Milroy, J. (2008). Different ways of knowing: trees are our families

too. In S. Morgan, T. Mia. & B. Kwaymullina (Eds.), *Heartsick for Country: stories of love, spirit and creation* (pp. 22-42). Freemantle Press

Monaghan, J. (2022, May 25). *Environmental laws under the new federal government.* Holding Redlich. https://www.holdingredlich.com/environmental-laws-under-the-new-federal-government

Moore, M. (2015). *A Political Theory of Territory.* Oxford Scholarship Online. https://doi.org/10.1093/acprof:oso/9780190222246.003.0008

Moreton-Robinson, A. (2020). *Talkin' up to the white woman: Indigenous women and feminism (20th anniversary edition).* University of Queensland Press.

Morgan, S. (2008). *Heartsick Country: stories of love, spirit and creation.* Freemantle Press.

Moyn, S. (2011). *The last utopia: human rights in history.* Harvard University Press.

Muller, S. (2012). 'Two ways': bringing Indigenous and non-Indigenous knowledges together. In J.K. Weir (Ed.), *Country, Native Title and Ecology* (Vol. 24, pp. 1-20). ANU Press. https://www.jstor.org/stable/j.ctt24h353.7

Native Title Act, No. 110. (1993). Australian Government. https://www.legislation.gov.au/C2004A04665/latest/text

Neale, M., & Kelly, L. (2020). *Songlines: the power and promise.* First Knowledges. Thames & Hudson.

Neale, M. (2021). *Country: future fire, future farming.* First Knowledges. Thames & Hudson.

Noon, K., & De Napoli, K. (2022). *Astronomy: Sky Country.* First Knowledges. Thames & Hudson.

Nyholm, E. (1981). *The use of birchbark by the Ojibwa Indians.* https://folklife-media.si.edu/docs/festival/program-book-articles/FESTBK1981_03.pdf

Obran, E. (2023, October 31). "I thought we could find a Voice": Stan Grant on the referendum defeat. *ANU Reporter.* https://reporter.anu.edu.au/all-stories/i-thought-we-could-find-a-voice-stan-grant-on-the-referendum-defeat

O'Faircheallaigh, C.S. (2002). Overcoming severe obstacles to public participation: indigenous people and impact assessment procedures in Australia. In P. McLaverty (Ed.), *Public participation and innovations in community governance* (pp. 13-33). Routledge.

O'Faircheallaigh, C.S. (2013). Extractive industries and Indigenous peoples: a changing dynamic? *Journal of Rural Studies, 30*, 20-30. https://doi.org/10.1016/j.jrurstud.2012.11.003

O'Leary, Z. (2021). *The essential guide to doing your research project* (4th ed.). Sage Publications.

Panahi, R. (2024, March 13). Nonsense: calls for government to 'stand up' to activists delaying highway upgrade. *Sky News.* https://www.skynews.com.au/opinion/rita-panahi/nonsense-calls-for-government-to-stand-up-to-activists-delaying-highway-upgrade/video/1039a45a5aff1353a49861f80abe7ddd

Parkes-Hupton, H. (2024, December 9). *Tension over extension to Mount Arapiles climbing ban consultation.* https://www.news.com.au/technology/environment/natural-wonders/tension-over-extension-to-mount-arapiles-climbing-ban-consultation/news-story/9bd03f9f9a0d871b0bd3acfa40b573dc

Parliament of The Commonwealth of Australia (2021). *A Way Forward: final report into the destruction of Indigenous heritage sites at Juukan Gorge.* https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/024757/toc_pdf/AWayForward.pdf;fileType=application%2Fpdf

Partal, A., & Dunphy, K. (2016). Cultural impact assessment: a systematic literature review of current methods and practice around the world. *Impact Assessment and Project Appraisal, 34*(1), 1-13. https://doi.org/10.1080/14615517.2015.1077600

Pascoe, B. (2018). Australia: temper and bias. *Meanjin, 77*(3), 64-69. https://meanjin.com.au/essays/11312/

Pascoe, B. (2021). Cultivating Country. In M. Neale (Ed.), *Country: future fire, future farming.* First Knowledges (pp. 67-74). Thames & Hudson Australia.

Paul, E. (2016). *Australian political economy of violence and non-violence.* Palgrave Macmillan London. https://doi.org/10.1057/978-1-137-60214-5

Pearson, N. (2017). A rightful place. In S. Morris (Ed.), *A rightful place: a road map to recognition* (pp. 5-118). Black Inc. & Shireen Morris.

Pearson, E. (2023, August 22). *Western Australia scraps Aboriginal cultural heritage laws designed to stop 'another Juukan Gorge'.* The Institute of Art & Law: Internationally recognised source of knowledge on art and cultural heritage law. https://ial.uk.com/western-australia-scraps-aboriginal-cultural-heritage-laws-designed-to-stop-another-juukan-gorge/

Pleshet, N. (2018). Caring for Country: history and alchemy in the making and management of Indigenous Australian land. *Oceania, 88*(2), 183-201. https://doi.org/10.1002/ocea.5188

Porter, L. (2017). Indigenous people and the miserable failure of Australian planning. *Planning Practice & Research, 32*(5), 556-570. https://doi.org/10.1080/02697459.2017.1286885

Porter, L., Raheem, A., Verlie, B., Lay, B., Jago, M., & Douglas M. (2019, August 22). What kind of state values a freeway's heritage above the heritage of our oldest living culture? *The Conversation.* https://theconversation.com/what-kind-of-state-values-a-freeways-heritage-above-the-heritage-of-our-oldest-living-culture-122195?utm_source=clipboard&utm_medium=bylinecopy_url_button

Porter, L., Hurst, J., & Grandinetti, T. (2020). The politics of greening unceded lands in the settler city. *Australian Geographer, 51*(2), 221-238. https://doi.org/10.1080/00049182.2020.1740388

Porter, L. (2020, November 3). Why the destruction of the Djab Wurrung tree is so wrong. *The Fifth Estate.* https://thefifthestate.com.au/urbanism/infrastructure/why-the-destruction-of-the-djab-wurrung-tree-is-so-wrong/

Putzer, A., Lambooy, T., Breemer, I., & Rietveld, A. (2022). The rights of nature as a bridge between land-ownership regimes: the potential of institutionalized interplay in post-colonial societies. *Transnational Environmental Law, 11*(3), 501-523. https://doi.org/10.1017/S2047102522000334

Quiggin, R., & Janke, T. (2003). How do we treat our treasures? Indigenous heritage rights in a treaty. In ATSIC and AIATSIS (Eds.), *Treaty let's get it right! A collection of essays from ATSIC's treaty think tank and authors commissioned by AIATSIS on treaty issues* (pp. 53-71). Aboriginal Studies Press.

Rademaker, L., Goldhahn, J., Maralngurra, G., Mangiru, K., Taçon, P.S.C., & May. S.K. (2022, April 27). The amazing archive of First Nations stories written on stone. *Sapiens.* https://www.sapiens.org/archaeology/first-nations-rock-art-archive/

Raworth, K. (2017). *Doughnut Economics: seven ways to think like a 21st-Century economist.* Penguin Random House.

Reilly, A. (2006). How Mabo helps us forget. *Macquarie Law Journal, 25*, 25-47. https://www.austlii.edu.au/cgi-bin/viewdoc/au/journals/MqLawJl/2006/4.html

Roberts, Z., Carlson, B., O'Sullivan, S., Day, M., Rey, J., Kennedy, T., Bakic, T., & Farrell, A. (2021). A guide to writing and speaking about Indigenous People in Australia. Macquarie University. https://doi.org/10.25949/5TFK-5113

Rodgers, C. (2017). A new approach to protecting ecosystems: The Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. *Environmental Law Review, 19*(4), 266-279. http://journals.sagepub.com/home/elj

Rose, D. B. (1996). Land rights and deep colonising: the erasure of women. *Aboriginal Law Bulletin, 3*(85), 6-13. https://search.informit.org/doi/10.3316/IELAPA.970404001

Rose, D. B. (1998). Does cultural survival have a gender? Indigenous women and human rights in Australia. In T. Fenster (Ed.), *Gender, planning and human rights* (pp. 140-152). Routledge. https://doi.org/10.4324/9780203011003

Rose, D. (2005). An Indigenous philosophical ecology: situating the human. *The Australian Journal of Anthropology, 16*(3), 294-305. http://dx.doi.org/10.1111/j.1835-9310.2005.tb00312.x

Roy, A. S. (2023). *The architecture of modern empire: conversations with David Barsamian.* Penguin Books. London.

Sabilo, K. (2025, February 20). Taranaki Maunga New Zealand mountain declared a 'legal person'. *Mongabay.* https://news.mongabay.com/short-article/taranaki-maunga-new-zealand-mountain-declared-a-legal-person/

Smith, T. A. (2020). Episodes of concealing: the invisibility of political ontologies in sacred forests. *Cultural Geographies, 27*(3), 333-350. https://uk.sagepub.com/en-gb/journals-permissions

Stanner, E.H. (1979). *White man got no dreaming: essays 1938-1973*. Australian National University Press. https://openresearch-repository.anu.edu.au/items/4ac9c375-76e3-4943-9421-77cbeb371494

Steffensen, V. (2020). *Fire Country: how Indigenous fire management could help save Australia.* Hardie Grant Explore.

Stocker, L., Collard, L., & Rooney, A. (2016). Aboriginal world views and colonisation: implications for coastal sustainability. Local Environment: *The International Journal of Justice and Sustainability, 21*(7), 844-865. https://doi.org/10.1080/13549839.2015.1036414

Stone, C.D. (1972). Should trees have standing? – Towards legal rights for natural objects. *Southern California Law Review, 45*, 450-501. https://iseethics.files.wordpress.com/2013/02/stone-christopher-d-should-trees-have-standing.pdf

Sydes, B. (2014). The challenges of putting wild law into practice. In P. Burdon & M.M. Maloney (Eds.), *Wild law: in practice* (pp. 58-72). Routledge.

Tănăsescu, M. (2020). Rights of nature, legal personality, and Indigenous philosophies. *Transitional Environmental Law, 9*(3), 429-453. https://doi.org/10.1017/S2047102520000217

Tănăsescu, M (2022). *Understanding the rights of nature: A critical introduction.* Neue Ökologie, 6. Majuskel Medienproduktion GmbH, Wetzlar. https://doi.org/10.14361/9783839454312

Taylor, Z. (2017, December 5). *Listen up: decolonisation is a collective effort by all Australians.* Curtin University. https://www.curtin.edu.au/news/listen-decolonisation-collective-effort-australians/

Te Aka Matua o te Ture: NZ Law Commission. (2023). Pūrongo Rangahau, NZLC SP24. *He Putama.* https://www.lawcom.govt.nz/assets/Publications/StudyPapers/NZLC-SP24.pdf

Te Kāhui Taiao, (2021). *Te Mahere Wai o Te Kāhui Taiao: a Mana Whenua waitua implementation plan to return mana to our freshwater bodies.* https://www.gw.govt.nz/document/16706/te-mahere-wai-o-te-kahui-taiao

Te Urewera Act, No. 51. (2014). https://www.legislation.govt.nz/act/public/2014/0051/latest/whole.html

The Uluru Statement (n.d.). *Our Story: The Law.* https://ulurustatement.org/our-story/the-law/

Tobin, B. (2014). *Indigenous peoples, customary law and human rights – why living law matters.* Routledge. https://doi.org/10.4324/9781315778792

Todd, Z. (2016). An Indigenous feminist's take on the ontological turn: 'ontology' is just another word for colonialism. *Journal of Historical Sociology, 29*(1), 4-22. https://doi.org/10.1111/johs.12124

Tola, M. (2018). Between Pachamama and Mother Earth: Gender, Political Ontology and the Rights of Nature in Contemporary Bolivia. *Feminist Review, 118*(1), 25-40. https://doi.org/10.1057/s41305-018-0100-4

Traditional Owners Settlement Act, No. 62. (2010). https://content.legislation.vic.gov.au/sites/default/files/2024-07/10-62aa026-authorised.pdf

Ungunmerr-Baumann, M.R., Groom, R.A., Schuberg, E.L., Atkinson, J., Atkinson, C., Wallace, R., & Morris, G. (2022). Dadirri: an Indigenous place-based research methodology. *AlterNative, 18*(1), 94-103. https://journals.sagepub.com/doi/pdf/10.1177/11771801221085353

Veracini, L. (2022). *Colonialism: a global history.* Routledge. https://doi.org/10.4324/9781003050599

Verrender, I. (2020, September 14). Consequences for Rio Tinto over Juukan Gorge catastrophe are the new norm. *ABC News.* https://www.abc.net.au/news/2020-09-14/superannuation-forcing-change-rio-tinto-juukan-gorge/12659824

Victorian Aboriginal Heritage Act, No. 16. (2006). https://content.legislation.vic.gov.au/sites/default/files/2023-05/06-16aa027-authorised.pdf

Victorian Aboriginal Heritage Council (VAHC). (2021, February 16). Review of the Aboriginal Heritage Act 2006. https://www.aboriginalheritagecouncil.vic.gov.au/review-aboriginal-heritage-act-2006

Victoria's Big Build. (2024). *Western highway upgrade.* https://bigbuild.vic.gov.au/projects/roads/western-highway-upgrade

Victorian Ombudsman. (2020, July 30). *Investigation into the planning and delivery of the Western Highway duplication project.* Session 2018-20. (P.P. No. 141). https://assets.ombudsman.vic.gov.au/assets/Reports/Parliamentary-Reports/Investigation-into-the-planning-and-delivery-of-the-Western-Highway-duplicationproject.pdf

Watson, N. (2014). What do we want? Not native title, that's for bloody sure. In G. Foley, A. Schaap, & E. Howell (Eds.), *The Aboriginal Tent Embassy: Sovereignty, Black Power, Land Rights and the State* (pp. 284–298). Routledge. https://doi-org.ezproxy.massey.ac.nz/10.4324/9780203771235

Watson, K. & Relph, D. (2024, October 22). Indigenous Australian senator defends heckling King. *BBC NEWS.* https://www.bbc.com/news/articles/c79n20r750po

Watts, V. (2013). Indigenous place-thought and agency amongst humans and non-humans (First Woman and Sky Woman go on a European world tour!). *Decolonization: Indigeneity, education & society, 2*(1). https://jps.library.utoronto.ca/index.php/des/article/view/19145

Webber, H. (2013). Aboriginal heritage management in Victoria: an overview. In S. Lawrence., D. Frankel., C. Spry., S. Cunning., & I. Berelov (Eds.), *Excavations, Surveys and Heritage Management in Victoria* (Volume 2., pp. 7-12). Archaeology Program, La Trobe University. https://opal.latrobe.edu.au/articles/chapter/Aboriginal_heritage_management_in_Victoria_an_overview/22225699/1/files/39503041.pdf

Webster, S. (2023). Revisiting memoricide: the everyday killing of memory. *Memory Studies, 17*(6), 1-21. https://doi.org/10.1177/17506980231184564

Weir, J. (2008). Connectivity. In M. Rooney & R. Smith (Eds.), *Australian Humanities Review* (pp. 153–164). ANU E Press. https://press-files.anu.edu.au/downloads/press/p38881/pdf/book.pdf

Weir, J. (2012). Country, native title and ecology. In J.K. Weir (Ed.), Country, Native Title and Ecology (Vol. 24, pp. 1-20). ANU Press. https://www.jstor.org/stable/j.ctt24h353.7

Wenar, L., & Gilbert, J. (2020). Fighting the resource curse: the rights of citizens over natural resources. *Journal of Human Rights, 19*(2), 30-79. https://scholarlycommons.law.northwestern.edu/njihr/vol19/iss2/2/

Wensing, E. & Porter, L. (2016). Unsettling planning's paradigms: towards a just accommodation of Indigenous rights and interests in Australian urban planning? *Australian Planner, 53*(2), 91-102. https://doi.org/10.1080/07293682.2015.1118394

Whittaker, A. (2017). White law, Blak arbiters, grey legal subjects: deep colonisation's role and impact in defining Aboriginality at Law. *Australian Indigenous Law Review, 4*(20), 4-47. https://www.austlii.edu.au/cgi-bin/viewdoc/au/journals/AILRev/2017/2.html#

Whittaker, A. & Watson, N. (2019). First Nations women: law, power, story. *Australian Feminist Law Journal, 45*(2), 179-184. https://doi.org/10.1080/13200968.2020.1837537

Whyte, K. (2016, September 17). Why the Native American pipeline resistance in North Dakota is about climate justice. *The Conversation.* https://theconversation.com/why-the-native-american-pipeline-resistance-in-north-dakota-is-about-climate-justice-64714

Whyte, K., Caldwell, C., & Schaefer, M. (2018). Indigenous lessons about sustainability are not just for "all humanity.". In J. Size (Ed.), *Sustainability: Approaches to environmental justice and social power* (pp. 149-179). https://kylewhyte.marcom.cal.msu.edu/wp-content/uploads/sites/12/2018/07/IndigenousInsightsintoSustainabilityarenotforAllHumanity.pdf

Williams, R.N. (2021, July 10). Will your grandchildren get to stalk with our sacred trees? Only if Indigenous culture is honoured. *The New Daily.* https://www.thenewdaily.com.au/news/indigenous-news/2021/07/10/naidoc-week-sacred-trees

Willis, F. (2021). A reconciled nation? Mabo and the reimagining of Australia's national history. *Journal of Australian Studies, 45*(4), 455-470. https://doi.org/10.1080/14443058.2021.1974922

Wilson, D., Mikahere-Hall, A., & Sherwood, A. (2022). Using indigenous kaupapa Māori research methodology with constructivist grounded theory: generating a theoretical explanation of indigenous womens realities. *International Journal of Social Research Methodology, 25*(3), 375-390. https://doi.org/10.1080/13645579.2021.1897756

Witty, D. (2023). *What the trees see: a wander through millennia of natural history in Australia.* Monash University Publishing.

Wood, S. (2023). *Rights of nature: Who holds them? A plain language legal guide for Earth citizens.* Centre for Law & The Environment, Peter A. Allard School of Law. University of British Columbia. https://allard.ubc.ca/sites/default/files/2023-09/RON1_v3.pdf

Woods, C. (2024, February 13). *Māori face a reversal of rights under coalition government. LSJ Online.* https://lsj.com.au/articles/maori-face-a-reversal-of-rights-under-coalition-government/

Yap, M.L.M., & Watene, K. (2019). The sustainable development goals (SDGs)

and Indigenous peoples: Another Missed Opportunity? *Journal of Human Development and Capabilities, 20*(4), 451–467. https://doi.org/10.1080/19452829.2019.1574725

Yoorrook Justice Commission. (2025). *Learn and engage: Evidence Library*. https://yoorrookjusticecommission.org.au/evidence-library/

Yunkaporta, T. (2019). *Sand talk: how Indigenous thinking can save the world.* The Text Publishing Company, Melbourne.

Yunkaporta, T., & Moodie, D. (2021). Thought ritual: An Indigenous data analysis method for research. *Indigenous knowledges: Privileging our voices*, 87-96. https://aiatsis.gov.au/publication/116472

Yunkaporta, T. (2023). *Right story, wrong story: adventures in Indigenous thinking.* The Text Publishing Company.

Appendix 1.

Key Informant Interview Questions

1. How do you think development can or should consider the rights and well-being of Nature (and specifically trees *as valuable assets*)?

2. So, what is a tree? Or what does a tree mean to you?

3. Why should we be protecting large old trees? (And what are the benefits of protecting these trees?)

4. What do you consider to be the main reason (or reasons) for the Victorian State Government having to cut down the Djab Wurrung birthing trees to upgrade the Western Highway?

5. If we could turn back time, do you have any suggestions for how this development process could have been done differently?

6. Some people consider there is a 'great divide' in Australia, between Indigenous and non-Indigenous people and their respective worldviews. Do you think there is such a divide? And if so, why do you think there is a divide?

7. How do you think we might address it?

8. What do you think the future of development should look like in Victoria? (AND how do you suggest we achieve that?)