



Unbroken whispers

The ripples connecting

Sea-kin

Acknowledgement

This document was carried into being on Sea Country that was never ceded: the Sea Country of every Aboriginal nation this corridor runs through, from the Coral Sea to the Southern Ocean. We acknowledge their Traditional Custodians and pay deep respect to their Elders: past, present, and the ones not yet born who will carry this Law after us. We acknowledge Gurruuja, Beowa, Yanggaay and all our whale, dolphin and shark kin, not as research subjects but as teachers and family. What is written here was not extracted; it was given, across generations, in the hope of being heard properly by those with the power to act on it. This document draws only on what has been offered to the public record: where it meets the sacred, the restricted, the properly withheld. It stops and names that stopping rather than reaching past it. This knowledge remains where it has always belonged: with the custodians, in relationship with Country and ocean, not on any page.

We acknowledge, too, that this is disproportionately women's knowledge, carried across matrilineal lines, in songs sung to call kin to shore, in the authority of Elders whose standing was never granted by any institution because it was never institutions' to grant. This authority has not lapsed, only gone largely unheard by the rooms where decisions are made. The sea does not forget what it has been told, and neither do the people who have kept faith with it for longer than any nation in this chamber has existed. This document does not ask you to protect a memory. It asks you to recognise a living system of law that has governed this coastline since before the last ice age receded, and that is still, right now, doing the work no Act of this Parliament has yet been asked to share.

ICIP statement

Under the terms of the Unbroken whispers project agreement, all Indigenous Cultural and Intellectual Property and cultural knowledge contributed by participants is retained by those participants, and is not transferred to, or held by, the institution, program, or any co-authored publication in which it appears.



Above: Arlene Mehan on Birpai Country (Port Macquarie) with Dinuni (grey nurse shark). Image: Natalia Baechtold; artwork © Feather Flower Creative

Left: Bee Cruse on Yuin Country with Beowa (orca). Image: Natalia Baechtold; artwork © Feather Flower Creative
Background: Humpback whales on Gumbanggir Country. Image: Natalia Baechtold

Introduction

Whales and dolphins are culturally significant for many Aboriginal nations, particularly in south-eastern Australia. They are totemic species and are held as sacred in stories of creation and lore/law. The importance of these Sea-Kin is embedded in culture and expressed in song and dance, rock art and contemporary art.

Many large marine species have experienced serious declines. While whales are no longer hunted in Australia, their marine and coastal habitats continue to be developed and exploited. They also face the effects of climate change, both in Australia and along international migratory pathways. Some are listed as threatened under national and state laws. Efforts to protect and rebuild populations are based on what is known about populations and the threats they face.

In Australia, Indigenous knowledge has been applied effectively through collaborative management of culturally significant entities in biodiversity conservation, improving environmental outcomes and the health and wellbeing of Indigenous people. Indigenous land management covers on average 45% of the range of threatened species in Australia, and the knowledge held by custodial peoples about those species often provides the most detailed, place-specific, and temporally deep ecological dataset available.

Aboriginal, Torres Strait Islander and Pacific custodial knowledge holders hold significant multigenerational behavioural baselines for threatened and migratory cetaceans. This includes knowledge of whale arrival timing, behavioural norms at specific headlands, acoustic patterns, and the health indicators encoded in cetacean behaviour. Much of this knowledge cannot be generated by instrument-based monitoring and is not supplementary to cetacean conservation science. It is a primary long-term dataset for these corridors, and its formal recognition in threatened species recovery planning is the most direct contribution available to the management of these animals under climate change.

For example, when an Elder reports the late arrival of a whale species, or the absence of a dolphin family group from a headland where it has been present for living memory, these are comparisons against a baseline dating far beyond modern records. Such cultural practices are part of custodial knowledge and responsibilities that must be practiced by Aboriginal people to be kept alive. They are part of a governance system that is not acknowledged or given due weight in policy designed to protect listed threatened and migratory species.

The Marine and Coastal Hub project 'Unbroken whispers: The ripples connecting Sea-Kin' was led by University of Wollongong Indigenous researchers Dr Chels Marshall (Gumbaynggirr), Dr Jodi Edwards (Walbanja/Yuin), and Ngarrindjeri cinematographer Natalia Baechtold.

'Unbroken whispers' refers to the cultural knowledge about cetacean-Aboriginal relationships passed through generations across millennia. The 'ripples' are the deep principles that underpin these sacred connections. The 'Theory of Cultural Relational Value' underpins the approach taken to this research, recognising that there is value in living systems, not only in objects.

The Unbroken whispers project represents the most comprehensive empirical and theoretical integration of Aboriginal custodial knowledge and western marine science in the Australian cetacean management context to date. It included the following components, with a focus on the southern whale, humpback whale, orca and dolphins in south-eastern Australia.

Literature review

A desktop study assessed national and global Indigenous marine mapping, anthropological and ethno-anthropological historic records and documents, oral history and language associated with identified marine habitats and species.

On-Country case studies

Seven case studies were conducted to understand and document the relationship between Aboriginal nations and their Sea-Kin, and the historical disruption of that relationship. On-Country gatherings were co-designed and convened with Indigenous communities to share and weave cultural knowledge around relationships with Sea-Kin and responsibilities to these kin.

Intergenerational transfer

Gathered knowledge was given back to the participating communities, enabling them to continue making decisions about how to share knowledge from generation to generation.

Implications for conservation policy

Indigenous knowledge and culture was analysed to identify where it can fill gaps in current marine conservation management and policy, such as in the protection and recovery of threatened and migratory species listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Core findings of this project

The case study analysis identified 12 principles or 'ripples' that have sustained the cetacean-Aboriginal relationship across millennia. These were examined alongside the contemporary marine governance landscape and current threats to cetaceans, yielding the following research findings.

Indigenous governance values relationships

Indigenous governance of Sea-Kin involves rights and responsibilities and focuses on the value of relationships. This includes the relationship between a custodian and their totem species; the relationship between a whale's arrival and the cultural obligation that arrival activates; and the relationship between songlines (connecting land, sea and sky) and the seasonal knowledge they encode. Aboriginal women have specific custodial authority over specific domains of knowledge and Sea Country. This governance system has guided human-cetacean relations and maintained ecological values in many cases for tens of thousands of years. All dimensions of the system, including songlines, living practice and species culture, must be protected for the system to remain intact. Traditional Ecological Knowledge provides a holistic complement to western conservation science, which values more discreet entities through for example, counting species, mapping habitats or assessing ecosystems.

Custodial governance areas are an ecologically coherent spatially correct unit of marine governance

Analysis confirmed spatial correspondence between Aboriginal songline waypoints and satellite-tracked cetacean migration corridors, including submarine geological features submerged more than 7,000 years ago. Songline handover points between custodial nations correspond precisely to ecological zone transitions identified by western marine science, such as headlands, sea canyons and upwelling zones.

The Kondoli case: 60,000 years of successful cetacean population maintenance

The Ngarrindjeri and Ramindjeri Kondoli Dreaming maintained southern whale populations in Encounter Bay, SA, for an estimated 60,000 years. Within 60 years of that cultural protection framework being replaced

by industrial whaling, the species collapsed globally to approximately 300 individuals, representing a 99% decline. While the southern whale population is slowly recovering, the Kondoli governance framework that made extractive take a cultural impossibility has not recovered at the same rate.

On-Country gathering is a primary monitoring methodology

On-Country gatherings co-designed with custodial communities along the corridor from Bruny Island, Tasmania, to K'gari, Queensland, are monitoring events in which knowledge holders compare current observations against a multigenerational baseline encoded in songlines. This is not a cultural activity that generates incidental ecological data. It is a primary ecological monitoring methodology for these corridors. No satellite tag or acoustic recorder has been operating long enough to replicate this.

Exclusion of Aboriginal custodians from governance has conservation and cultural consequences

Under current frameworks, Aboriginal custodians are largely excluded from meaningful governance, decision-making and authority over their totemic species and kin. The disruption of cooperative relationships between Aboriginal communities and cetaceans, exclusion of custodians from Sea Country, and severing of cetacean-human relational governance represent changes in coastal ecological dynamics that no instrument-based monitoring program has measured. The current system places Aboriginal peoples in an impossible position: held responsible by culture, yet powerless under law.

Australia cannot currently meet international obligations to formally integrate traditional knowledge in ocean governance

Australia has ratified the High Seas Treaty (BBNJ Agreement). The treaty requires area-based management tools consistent with Indigenous peoples' rights and formal recognition of Traditional Knowledge as a co-equal guiding principle in ocean governance. For cetaceans traversing Australia's Exclusive Economic Zone and high seas, the agreement directly links domestic and international obligations. Australia's BBNJ compliance for migratory cetacean species is currently incomplete.



UNBROKEN WHISPERS: CASE STUDIES, LOCATIONS, TRADITIONAL OWNERS AND SEA-KIN

Case studies		Location	Traditional Owners	Sea-kin featured in this case study
1	Lunawanna-allonah and the Nuenonne People	Lunawanna Allonah (Bruny Island Tas)	Nuenonne	Southern whale, humpback, orca and dolphin
2	Gadu: whale custodianship, colonial devastation and the survival of Palawa Sea Knowledge	Lutruwita (Tas)	Palawa	Southern whale
3	Kondoli: 60,000 years versus 60 years	Fleurieu Peninsula, Encounter Bay, SA	Ngarrindjeri and Ramindjeri	Kondoli (southern whale)
4	Beowa, Muriyira and Burri burri	Illawarra to Eden, NSW	Yuin and Dharawal	Humpback, Beowa (orca), southern whale, dolphins, sharks
5	Gunditjmara: Budj Bim and the water that listens	Budj Bim, Lake Condah, Portland - Warrnambool, Vic	Gunditjmara	Koontapool (southern whale) and short-finned eel
6a	Guyiwan - shark people	Wallis Lake to South West Rocks, mid north coast, NSW	Birripi, Dhungutti and Minjungbal	Dinuni (grey nurse shark), Guyiwan (bull shark), Guparr (dolphin), Biluun (stingray)
6b	Gurruuja Yugiirr: caring song	Gumbaynggirr (Clarence River to Nambucca River, mid north coast, NSW)	Gumbaynggirr	Gurruuja (the whale), Yugiirr (the dolphin), Orca (offshore), Yanggaay (sharks)
7	Waters of return: Butchulla stewardship and humpback migration	Butchulla (Hervey Bay, NSW)	Butchulla	Kondari (Humpback whales), Milbi (sea turtle), Buthu (dolphin)

Actions recommended by this project

Analysis of the 12 ripples identified in the Unbroken whispers project yielded 12 instances in which policy fails to integrate Indigenous governance into cetacean protection.

For example, *Australia's Strategy for Nature 2024–2030* identifies equal representation and participation of First Nations peoples as an essential enabler of all national biodiversity targets. However, no existing Commonwealth marine instrument converts this enabler into co-design or co-governance authority over cetacean species and corridors. Recommendations of *The Independent Review of the EPBC Act* (The Samuel Review), the BBNJ Agreement and commitments under the Kunming-Montreal Global Biodiversity Framework also point to unmet obligations with respect to Indigenous governance.

Five of the policy gaps identified are classed as significant, meaning partial policy instruments exist but are either unenforced, uncommenced, or structurally insufficient. Seven of these 12 policy gaps are classed as critical, meaning no instrument currently exists that can help fill these gaps. The governance mandate implied by each of the 12 ripples points to actions required to give greater authority to Indigenous systems of management, strengthening cultural practice of Aboriginal people on Sea Country.

The resourcing of governance by custodial nations whose relationships with whale and dolphin kin have been severed or suppressed by colonial-era exclusion from Sea Country would also contribute to healing. Exercising the right to be present with one's kin on Country, in the season during which the relationships are alive, and in the manner one's Law requires, would have measurable effects on community health, cultural continuity, and intergenerational knowledge transmission.

RIPPLES AND RECOMMENDED ACTIONS

Ripple number and required governance mandate/action		Policy gap status
1	Recognise custodial authority as governing, not advisory	critical
2	Protect relational value, not species alone	critical
3	Establish biocultural monitoring as primary methodology	critical
4	Protect mother–calf nursery areas regardless of what jurisdiction they are under	significant
5	Recognise songlines as governance infrastructure	critical
6	Enable women's authority as playing a key role in custodianship of Sea-Kin	critical
7	Protect cetacean culture as a second inheritance system	critical
8	Address conflicts between the EPBC Act and Native Title to avoid potential criminalisation of ceremonial cetacean interaction in Commonwealth waters	significant
9	Establish co-determination (not consultation) in governance of Marine Protected Areas	critical
10	Resource intergenerational knowledge transmission	significant
11	Pursue Particularly Sensitive Sea Area nomination for east coast cetacean corridor	significant
12	Enable BBNJ area-based management tool nominations grounded in songline-corridor GIS	significant

Uncle Rodney Dillon on Lunawanna-allonah Country (Bruny Island) with Putiya (whale).
Image: Natalia Baechtold; artwork © Feather Flower Creative





Aunty Joy Bonner and Aunty Veronica Bird on Butchulla Country (Hervey Bay) with Buthu (dolphin).
Image: Natalia Baechtold; artwork © Feather Flower Creative.
Background: Gunditjmirring Country, The Craggs.
Image: Natalia Baechtold

Reforms proposed by this project

The Unbroken whispers project proposes four new reform instruments to help give due authority to Indigenous governance systems that have sustained cetacean populations for 65,000 years.

Marine Cultural and Biocultural Metric

This scoring system provides the technical pathway for making the intangible tangible within existing policy frameworks. The metric has four dimensions:

- Marine Cultural Significance Index (totemic, ceremonial and kinship relationships);
- Marine Ecological Resilience Index (dependency of corridor resilience on active custodial governance);
- Knowledge Transmission and Continuity Index; and
- Sea Country Stewardship and Governance Index (co-governance authority, not consultation).

Biocultural Importance Areas Framework

Biocultural Importance Areas (BCIA) are spatially and temporally defined marine designations integrating Cultural Ecological Knowledge with biological data. Five BCIA categories are proposed. Four complement existing Biologically Important Areas (calving/nursery grounds, feeding areas, migration corridors and resting areas). A fifth category, covering areas where active custodial kinship relationships with cetaceans are practised and maintained, has no equivalent in existing Australian marine policy. Areas should be co-determined by the Commonwealth and the custodial nation: this is co-governance, not consultation.

IUCN Category V Whale and Dolphin Cultural Sanctuary

Unlike strict no-take categories, these whale and dolphin sanctuaries would allow ceremonial approaches, cultural monitoring, traditional observation and co-presence with cetaceans, which are the substance of custodial obligation. The proposed zoning is: Core Sanctuary Zone; Cultural Use Zone; Multiple-Use Buffer Zone; and Transit Corridor. This structure could operate as a governance overlay within existing Australian Marine Park boundaries.

Aboriginal Cetacean Kin Custodial Group

This group would be a formally recognised Indigenous governing body, (not an advisory body), with authority over custodial obligations to whales and dolphins as kin within Sea Country. The core functions of this body would be:

- cultural authority and kinship governance;
- co-decision-making on protection measures and sanctuary designation;
- spatial and temporal management of nursery areas and migratory corridors;
- regulation of tourism and vessel activity;
- monitoring, compliance and enforcement;
- knowledge stewardship; and
- intergenerational transmission of knowledge.



Uncle Grant Rigney on
Ngarrindjeri Country
(Encounter Bay) with
southern whale.
Image: Natalia Baechtold;
artwork © Feather Flower
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Background: Ngarrindjeri
Country Coorong.
Image: Natalia Baechtold



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Front cover Sea Country with
Sea-Kin artwork, and water
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