



POLICY STATEMENT No. 87

ABORIGINAL JOINT MANAGEMENT

September 2013

1 OBJECTIVE

The purpose of this policy is to guide the Department of Parks and Wildlife's (DPaW) approach to involving Aboriginal and other parties in the management of the State's lands and waters. The department's objectives for joint management are to:

- foster and facilitate Aboriginal involvement in the planning and management of land and water managed under the provisions of the *Conservation and Land Management Act 1984* (CALM Act);
- protect and conserve the value of the land to the culture and heritage of Aboriginal persons under the provisions of the CALM Act;
- utilise the combined knowledge and skills of joint management partners for improved land management;
- develop the capacity of the department and Aboriginal partners for effective joint management of CALM land;
- provide opportunities for Aboriginal people to achieve economic and social benefits through the management of jointly managed lands and waters; and
- provide opportunities for park visitors to experience and learn about the culture, history and aspirations of traditional owners.

2 SCOPE

This policy applies to all lands and waters that the department manages under the provisions of the CALM Act. **Joint management** refers to arrangements where Aboriginal and other parties are involved in land management, from consultative to shared decision-making and formal joint management. Reference to **formal joint management** in this policy means a joint management agreement made under the CALM Act and signed by the relevant parties.

3 CONTEXT

The department is responsible for the management of a wide range of lands and waters on behalf of the State of Western Australia. The department recognises that there are areas of great natural, cultural, scientific, economic, recreational and aesthetic value outside the lands and waters vested in the Conservation Commission of Western Australia (CCWA) and the Marine Parks and Reserves Authority (MPRA) that have the potential to add significantly to the conservation reserve network through joint management, and there are other people and groups in the community with the expertise, knowledge, skills and desire to contribute to the management of the conservation estate and its natural, cultural, scientific, economic, recreational and aesthetic values. The department also acknowledges Aboriginal rights, interests and traditional responsibilities that may or do occur on land and waters managed by the department and the inherent connection and responsibility that Aboriginal custodianship carries for Aboriginal people to care for country.

The CALM Act enables the department to enter into *formal joint management* agreements with other parties. These agreements set a legal framework for decision-making over the lands and waters to which the agreements apply. The department has and continues to work cooperatively under other formal and informal joint management arrangements with a range of stakeholders and groups. It is intended to continue to provide for the meaningful involvement of other stakeholders in the management of land where formal joint management is not immediately possible. Joint management in any form requires commitment, goodwill, consensus, compromise and flexibility from all partners to be effective.

The department anticipates that the majority of joint management arrangements will be with Aboriginal groups and organisations, for several reasons. Firstly, because the department recognises that Aboriginal people are the traditional custodians of the lands and waters it manages, and the importance this places on maintaining culture and heritage on those lands and waters. Secondly, the department now has an obligation under the CALM Act to protect the value of the land for the culture and heritage of Aboriginal people on the lands and waters that it manages, which can most effectively be achieved through joint management. Thirdly, because many Aboriginal people have native title rights and interests over areas which are also of significant conservation value or are identified to be reserved and protected under the CALM Act.

4 LEGISLATION

For areas of Crown land to which the CALM Act applies (e.g. land that is solely or jointly vested in the CCWA or the MPRA), land can be jointly managed by an agreement made under section 56A of the CALM Act.

For other areas of alienated land or Crown land to which the CALM Act does not already apply, land can be jointly managed by the CEO of the department and one or more other parties by agreement made under section 8A of the CALM Act. This land can either be managed as if it were a category of CALM Act land, or for a public purpose consistent with the CALM Act, but does not affect the underlying tenure of the land for the purposes of any other written law.

Some Aboriginal people have determined native title rights and interests, or registered native title claims, in relation to certain lands and waters which are recognised as protected under the common law and the Commonwealth *Native Title Act 1993*. Native title rights and interests will be treated equitably alongside other forms of proprietary rights in the land management decisions of the department. The Native Title Act establishes procedures for how these native title rights are recognised and can be affected. These procedures and rights will influence the form and scope of joint management agreements and arrangements and guide decisions on which Aboriginal people speak for country.

5 POLICY

5.1 The department acknowledges that Aboriginal and other parties in the community may have connections, values, history or other interests in the lands and waters it is responsible for managing. The department will work with Aboriginal people to incorporate into management, historical, ecological and cultural knowledge of the lands and waters. Native title holders (in the case of lands and waters subject to determinations of native title) and registered native title claimants (in the case of lands and waters subject to registered native title claims) are appropriate parties to be included in joint management arrangements.

- 5.2 The shared understanding between DPaW and other parties of resource availability is an important consideration in establishing realistic expectations arising from the department's initiatives in joint management.
- 5.3 When entering into joint management arrangements the department will:
- i. adopt a flexible approach in order to meet the differing circumstances of each proposal and the capacity, needs and aspirations of the partners;
 - ii. work within the resources available to protect the range of values and interests in the lands and waters and to meet the various objectives and challenges;
 - iii. respect the needs and aspirations of other parties to preserve the connection, values, history or other interests they may have in the land, and will work with the other parties to protect these values and or interests within the framework of the CALM Act; and
 - iv. work towards achieving common goals.
- 5.4 The department will give priority to opportunities where joint management:
- i. is a Government priority or commitment; or
 - ii. can strengthen connections of Aboriginal people with their traditional lands; or
 - iii. can protect and or promote Aboriginal culture, heritage and values; or
 - iv. can provide opportunities to increase employment and economic outcomes for Aboriginal people; or
 - v. delivers biodiversity conservation outcomes; or
 - vi. delivers meaningful management outcomes relating to the enhancement or protection of other values managed under the CALM Act.
- 5.5 The department will work constructively with Aboriginal groups and organisations to:
- i. enable Aboriginal people to actively participate and engage in managing lands and waters;
 - ii. combine traditional and contemporary land management objectives; and
 - iii. establish strong and lasting relationships built on trust, shared vision, shared responsibility and mutual respect.

When jointly managing with Aboriginal groups and organisations, the department will work towards achieving a *formal joint management* agreement wherever this is desired and can be achieved within the constraints of available resources.

Where joint management includes other existing land management arrangements such as Indigenous Protected Areas (IPAs), these interests will be incorporated into joint management arrangements.

6 POLICY IMPLEMENTATION STRATEGIES

- 6.1 The policy will be implemented in accordance with the Guidelines for Joint Management.
- 6.2 The department will enter into joint management in any form appropriate to the circumstance or objectives sought by parties and as resources permit. The form of joint management may evolve and change over time as circumstances, parties, objectives and the availability of resources change.

- 6.3 DPaW's services will consider the responsibilities the department has under the CALM Act to manage for Aboriginal heritage values, customary activities and joint management in establishing their annual service priorities.
- 6.4 The department will focus on strengthening its relationship and capacity to work with its joint management partners in order to facilitate effective joint management outcomes. Actions may include informal engagement, cultural awareness training, provision of employment and training opportunities and local area arrangements associated with Aboriginal customary activities.
- 6.5 The joint management arrangements and agreements entered into by the department will be consistent with guiding legislation, the objectives of the department and Government policies and objectives.
- 6.6 Where the department manages in partnership through *formal joint management*, the decisions of the joint management body will be implemented consistent with the CALM Act and in accordance with the management plan for the area.
- 6.7 The department will work with its joint management partners to seek external resources to support existing management activities.
- 6.8 The department will develop and implement measures for monitoring and reporting the performance of joint management arrangements.

7 CUSTODIAN

Director, Parks and Visitor Services

8 KEY WORDS

Aboriginal - joint management - agreement - trust - partnership - respect - native title

9 REVIEW

This policy will be reviewed before September 2017.

10 DIRECTOR GENERAL APPROVAL



Jim Sharp
Acting Director General

5 September 2013