



# Indigenous Ownership and Joint Management of Conservation Lands in Western Australia

Consultation Paper July 2003

Consultation Paper



# Foreword

Cover page:  
Top: Karijini Visitor Centre.

Western Australia has some of the world's most remarkable land and seascapes that have been cared for by Aboriginal people over tens of thousands of years. And over time they have applied their law and nourished their spiritual connection to the country and all the things in it.

Since European settlement the countryside has been subjected to massive change and Western Australia's population has grown and benefited from farming, mining, fishing, forestry, pastoralism and other primary industries. But these changes have come at a cost to both the environment and to the opportunity for Aboriginal Traditional Owners to care for their country.

Traditional Owners have a deep-seated need to continue to meet their responsibility to 'care for country' under their traditional law. The State Government recognises that existing laws and management arrangements are continuing to erode Aboriginal aspirations to care for traditional country, particularly that country which comprises our national parks and conservation reserves.

The Government is committed to biodiversity conservation and social justice for Aboriginal people in our State and is committed to achieving both of these in a way that strengthens the capacity of Aboriginal and non-Aboriginal people to work together for the overall benefit of our society and the environment.

This consultation paper outlines how the *Conservation and Land Management Act 1984* might be improved to enable Aboriginal ownership and joint management of our national parks and other conservation lands. The security of our conservation lands, which will continue to be managed as public lands for the benefit of the whole community, can be assured, whilst social justice can be achieved.

Comments on the proposals in this paper are welcomed and will play an important part in ensuring the best possible changes are made to the Conservation and Land Management Act 1984.



*Judy Edwards*

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# Introduction

The involvement of Aboriginal people in the management of conservation lands<sup>1</sup>, especially national parks, in Western Australia (WA) has come to the fore a number of times in the past 15 years, and especially since native title was recognised by the High Court of Australia in 1992.

Several efforts have been made by previous Governments and the Department of Conservation and Land Management (CALM) to put in place suitable co-management<sup>2</sup> arrangements to allow both the obligations of Aboriginal Traditional Owners<sup>3</sup> of land to be expressed and the objectives of conservation and recreation by the public to be met, but most of these have not been satisfactorily concluded.

The State Government wishes to put in place joint management<sup>4</sup> mechanisms that will allow for Indigenous aspirations and for the objectives of conservation lands to be met consistent with its election commitments and with its publicly stated position of achieving a level of land justice for the Indigenous citizens of the State.

Indigenous people, as the first peoples of WA,

also have a strong desire to improve their capacity to manage their traditional lands and seek to do this in partnership with the State. However, in the absence of a consistent statewide approach to the co-management of lands, aspirations of both parties are being unnecessarily frustrated.

Until the decision of the High Court of Australia in *Western Australia Government vs Ward (Miriuwung-Gajerrong)* the State had expected that native title would coexist with the conservation lands and that joint management arrangements would be achieved progressively with the successive determination of native title claims lodged in the State.

However, the High Court found in *Western Australia vs Ward* that native title has been extinguished by the vesting of reserves under section 33 of the *Land Act 1933*. This finding is likely to have two effects, a reduced likelihood of successful native title claims over much of the conservation estate and a decreased likelihood of the gazettal of new protected areas on lands subject to native title claim and native title determination in the absence of joint management policy.



Opposite page: Dales Gorge, Karijini National Park.

Above: CALM Bush Rangers, Wongutha Christian Aboriginal Parent-directed School, near Esperance.

<sup>1</sup> Conservation lands include terrestrial and marine reserves and are those lands and waters/seas to which the *Conservation and Land Management Act, 1984* applies. They are also known as 'protected areas' which are 'areas of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means' (IUCN 1994).

<sup>2</sup> Co-management is an umbrella term applied to conservation lands that indicates that a legal agreement applies to the land which provide for the involvement of Aboriginal people in decision making and land management activities.

<sup>3</sup> Traditional Owners are Aboriginal people with a customary or traditional association with the land, regardless of their common law native title.

<sup>4</sup> Joint management is an arrangement for conservation lands whereby the land is owned by Aboriginal people and management planning, decision making and implementation is shared on a joint basis between Aboriginal people and the State. This often includes leaseback to the State for a finite period or some other form of agreement, the creation of a Board of Management with a majority of Traditional Owners with decision making authority, management planning responsibility and resource and income sharing arrangements.

Ngarluma and Yindjibarndi women fish at Deep Reach pool at the inaugural Millstream Park Council meeting in March 2003.



This consultation paper explores these issues and proposes some policy options that will lead to amendments to the *Conservation and Land Management Act 1984* (CALM Act) that will enable joint management provisions to apply to both conservation lands and Aboriginal held lands<sup>5</sup>.

The Government seeks to put in place a framework that ensures the recognition of Aboriginal aspirations and the management of conservation objectives fit together for the benefit of all Western Australians.

The State Government was elected on strong environment, Indigenous affairs and native title platforms aimed at:

- creating a world-class network of interlinking national parks, marine parks and reserves;
- providing a level of land justice to the Indigenous citizens of the State;
- implementing meaningful joint management strategies for conservation reserves in full consultation with

Indigenous people;

- including Indigenous people in management and decision making;
- providing Indigenous people with employment and training opportunities;
- amending the CALM Act to include reference to Indigenous people and joint management in the Act;
- taking positive steps to resolve native title issues by negotiations and agreement;
- improving the status, recognition, living conditions and rights of Indigenous people to establish and build partnerships between Government, at all levels, Indigenous people and the wider community.

The State Government has signed a 'Statement of Commitment to a New and Just Relationship between the Government of Western Australia and Aboriginal Western Australians' and is now extending that commitment to the resolution of long-standing issues associated with the ownership, administration, and joint management of the states conservation lands.

<sup>5</sup> Aboriginal held lands refer generically to lands and waters to which a legal interest in the land is held by, or on behalf of, Aboriginal people, including freehold land, leasehold land and Aboriginal Lands Trust land.

# Background

The deprivation of Indigenous people throughout the world has received increasing attention in the more developed countries, notably during the last 30 years. One aspect of difficulty for Indigenous people has been their inability to gain secure access to, and reasonable authority over, their traditional lands<sup>6</sup>. In Australia there have been a number of manifestations of this struggle since the late 1960s, most commonly in locations remote from cities and larger towns. Inevitably some of the lands which were of great interest to Aboriginal people had already been made national parks or other conservation lands, or were earmarked to become such.

In recent times, there has been a broad and global recognition that the gazettal of protected areas has the effect of further alienating Indigenous people from their lands, creating a level of resistance amongst Indigenous communities to the creation of new protected areas.

Concurrently, there is international recognition of the strong need for the development of a formal system of protected areas with the purpose of protecting landscapes and environments from the ecological pressures generated by modern society, while also providing opportunities for recreation and scientific endeavour. It is now time that these values, as well as those of Indigenous peoples, be considered together.



Some people believe that Indigenous rights and interests are in conflict with the interests of the broader community. This is not necessarily the case, and in a modern society, the needs and aspirations of Indigenous people and those of the ongoing development of the comprehensive, adequate and representative (CAR) reserve system should be viewed as complementary, not conflicting values, and values which augment each other.

CALM Bush Rangers working for the future on conservation lands.

In recognising this, the World Conservation Union (IUCN) provides a set of standards for the management of protected areas (see Box 1) while simultaneously recognising the need for the involvement of Indigenous people in protected area management and development. In developing best practice for the management of protected areas, the IUCN states that the values and rights of Indigenous people and the objectives of protected areas are complementary value systems and should be managed as such<sup>7</sup>.

<sup>6</sup> Traditional lands or traditional country refers to those lands and waters regarded by Aboriginal people as those lands to which they have a customary or traditional association.

<sup>7</sup> Beltran, J. (Ed.) (2000). *Indigenous and Traditional Peoples and Protected Areas: Principles, Guidelines and Case Studies*. IUCN, Gland, Switzerland and Cambridge, UK and WWF International, Gland, Switzerland.



CALM Indigenous Heritage Unit staff stand near rainbow serpent artwork at Swan View Senior High School.

The IUCN promotes a number of principles as best practice in relation to Indigenous peoples and protected areas. Amongst these are:

*'Indigenous peoples have long associations with nature and a deep understanding of it. Often they have made significant contributions to the maintenance of many of the earth's most fragile ecosystems, through their traditional sustainable resource use practices and culture-based respect for nature. Therefore, there should be no inherent conflict between the objectives of protected areas and the existence, within and around their borders, of Indigenous peoples. Moreover, they should be recognised as rightful, equal partners in the development and implementation strategies that affect their lands, territories, waters, coastal seas, and other resources, and in particular in the establishment of protected areas.'*<sup>8</sup>

and,

<sup>8</sup> *Ibid.* p.ix

*'Agreements between conservation institutions and Indigenous people for establishment and management of protected areas should be based on full respect for the rights of Indigenous peoples to traditional sustainable use of their lands [and] based on the recognition by Indigenous peoples of their responsibility to conserve biodiversity, ecological integrity and natural resources harboured in those protected areas.'*<sup>9</sup>

Thus IUCN best practice guidelines emphasise not only the cultural obligations of Indigenous people to protect, inhabit and use their traditional lands, but the duty of contemporary societies to protect ecological diversity, and it is on this basis that joint management policy is developed.

In Australia, possibly the greatest attention has focused on Kakadu and Uluru-Kata Tjuta national parks in the Northern Territory (NT), where joint management has been in place for about 20 years; but there have also been less well known examples in the NT and other States where joint management has been achieved and has been in operation for some time.

<sup>9</sup> *Ibid.* p.x



Several issues prevail in WA, and the Government believes that it is essential to have these resolved through the development of joint management policy:

- First, from the conservation perspective, there are many recommendations for the creation of conservation lands that have not been implemented.

Some of these, for example most of the Environmental Protection Authority's (EPA) recommendations for conservation lands in the Kimberley Region, System 7, have been outstanding since 1980. Although previous State Governments have accepted the EPA's recommendations, CALM efforts to create the reserves have foundered as much on the lack of clear policy for sharing of management with the Traditional Owners as on difficulties associated with issues such as exploration and mining interests. Also, there are some pastoral leases that were purchased for the purpose of conservation, but which have not yet been reserved. Delays in converting these lands into parks and reserves may lead to some degradation of conservation values from pests, fire and uncontrolled visitor activities.

- Second, as noted above, there has been a strong feeling among many Aboriginal people that their aspirations to be adequately and fairly involved in conservation land management have been frustrated. This is borne out of a failure by a succession of Governments to



Bottle Bay. Photo - CALM.

recognise that under traditional law and custom Aboriginal people inherit, exercise, and bequeath customary responsibilities to manage their traditional country. Moreover there are no specific provisions contained in the CALM Act pertaining to the protection of Aboriginal heritage or joint management of conservation lands by Traditional Owners.

- Third, native title claims have already been successful in WA, and there will be others covering existing or proposed conservation lands or parts of them.

It is essential that the Government has suitable policies in place to cope with this outcome. Although agreements for cooperative management have been



Top: *Acacia aprica*.  
Photo – Sally Madden

achieved between CALM and the Traditional Owners at Karijini National Park and Purnululu National Park, the Government wishes to put in place a policy framework to enable joint management to take place across the State.

- Fourth, the resolution of some native title claims is being unnecessarily delayed

because there is no clear policy about how native title or joint management should be treated in relation to existing or proposed conservation lands.

- Fifth, the Western Australian State Sustainability Strategy<sup>10</sup> provides a conceptual framework for the sustainable utilisation of resources. The strategy outlines the foundation principles, process principles, visions, goals and priority issues for Government that will help to guide the joint management of conservation lands and Aboriginal owned lands.
- Sixth, the 1991 report of the Royal Commission into Aboriginal Deaths in Custody<sup>11</sup>, the 1994 report of the Taskforce on Aboriginal Social Justice<sup>12</sup>, and the 2001 report of the Review of the Native Title Claim Process in Western Australia<sup>13</sup> contained recommendations relating to establishing processes to resolve the issues associated with joint management of conservation lands and Aboriginal held lands.

In brief, the time has come to put in place a system that will deliver a world class conservation lands system that also delivers social justice for Aboriginal people.

<sup>10</sup> Government of Western Australia 2002, Focus on the future: the Western Australian State Sustainability Strategy, Consultation Draft.

<sup>11</sup> Royal Commission into Aboriginal Deaths in Custody 1991, National report: overview and recommendations, AGPS, Canberra.

<sup>12</sup> Government of Western Australia 1994, Report of the Task Force on Aboriginal Social Justice.

<sup>13</sup> Government of Western Australia 2001, Review of the Native Title Claim Process in Western Australia.

<sup>14</sup> 'Protected areas' are 'areas of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means' (IUCN 1994).

# Objectives for discussion

The Government would like discussion in the community on options for joint management of conservation lands against a background of the following objectives:

- Western Australia should have a comprehensive, adequate and representative (CAR) system of conservation lands that forms an integral part of Australia's system of protected areas.<sup>14</sup>
- The CAR system of conservation lands in Western Australia is obliged under national and international agreements to meet the IUCN (the World Conservation Union) 1994 definitions of protected areas (see Box 1). It is also desirable to meet IUCN best practice guidelines in relation to the involvement of Indigenous people in protected area management.
- Each protected area must be managed in a way that allows the objectives for conservation, Aboriginal heritage and recreation (as far as appropriate) to be met. This will entail conformity to the international standards to which Australia has subscribed for many years. If the area is called national park, for example, it must be capable of being managed according to IUCN Category II.
- Traditional Owners of conservation lands must be properly and adequately represented on the management body and in the management planning, thereby allowing them to exercise their customary responsibilities to manage their traditional country.
- The wider community must be able to



The official opening of Karijini Visitor Centre.  
Photo - Nigel Higgs.

participate in the management planning of each reserve.

- Traditional Owners who have been dispossessed of country that comprises the State's conservation lands and protected areas, should be afforded the opportunity to re-establish their links with that country and jointly manage it with CALM for the purposes for which it has been set aside.
- There should be a consistent statewide system; expressed in legislation, so that as conservation lands are nominated for joint management, all parties understand the mechanisms that will be put in place.
- The CALM Act should reflect the aspirations of Aboriginal people to participate in conservation land management, and recognise the Aboriginal heritage of the state. The CALM Act should be amended to include provisions for:
  - (a) the protection and preservation of Aboriginal heritage;
  - (b) establishing Boards of Management comprising a majority of Traditional Owners; and

- (c) inalienable freehold<sup>15</sup> title or management orders for parks and reserves to be held by Aboriginal corporate bodies representing Traditional Owners.
- Native title should not be extinguished through the creation of new conservation lands.
- Government to expedite the creation of new conservation lands by agreement with the Traditional Owners and Native Title Representative Bodies (NTRB's)<sup>16</sup>.
- Joint management should be implemented throughout the State. In some cases this will involve transitional arrangements.
- The Minister for the Environment (Minister) should approve<sup>17</sup> decision-

making, excluding cultural heritage matters, on lands managed under the CALM Act on behalf of all Western Australians.

- Traditional Owners should be responsible for cultural heritage matters on lands managed under the CALM Act. The provisions of the *Aboriginal Heritage Act 1972* also apply to the lands managed under the CALM Act.
- There must be proper mechanisms for the resolution of disagreement between members of the management body. In practice this would mean the use of a number of steps, including the use of independent arbitrators to make recommendations, before finally calling on the Minister to determine an issue.
- An Indigenous Protected Areas program should be established to assist Aboriginal landholders to enter into conservation agreements with the Minister to enhance biodiversity conservation on Aboriginal held lands e.g. pastoral leases. This will be a component program of the initiatives outlined in the public consultation paper on the Biodiversity Conservation Act for Western Australia<sup>18</sup>.



Henry and Annie Dabb who work for Wongutha CAPS school teaching the Wongutha CAPS school Bush Rangers about bush tucker in Cape Le Grand National Park.

<sup>15</sup> inalienable freehold title means that an Aboriginal Body Corporate can hold land in perpetuity but does not have the right to sell it. A condition would be attached to the title to have the land managed under the provisions of the CALM Act. Third party rights and interests to access areas under the provisions of other Acts e.g. State Agreements Acts, Mining Act, Rights in Water and Irrigation Act may also apply.

<sup>16</sup> Native Title Representative Bodies (NTRB's) are appointed by the Commonwealth Minister for Aboriginal Affairs under the provisions of the *Native Title Act 1993* to facilitate native title applications, provide assistance to claimant groups and for notifying and advising applicants on management and development proposals from third parties on lands subject to native title applications.

<sup>17</sup> The Minister directs and controls the functions of CALM in relation to the management of land to which the CALM Act applies. The Executive Director of CALM does things with the approval of the Minister. Such an arrangement should continue to apply to jointly managed conservation lands.

# Ownership and management of protected areas

## Alternative ownership arrangements

Terrestrial conservation lands are Crown lands that are 'reserved' under the provisions of the *Land Administration Act 1997*. The Minister for Lands issues a management order allocating the 'title' of the land to the Conservation Commission of Western Australia (CCWA) for management by CALM in accordance with the provisions of the CALM Act. Marine conservation reserves are created under the provisions of the CALM Act and vested in the Marine Parks and Reserves Authority (MPRA) for management by CALM.

The High Court of Australia found in *Western Australia vs Ward (Miriuwung-Gajerrong)*<sup>20</sup> that lands reserved for conservation purposes and vested in the CCWA under section 33 of the *Land Act 1933* extinguished native title rights and interests in the reserve.

A significant portion of Western Australian conservation lands are now regarded as lands over which native title has been extinguished. Consequently there are no opportunities under the *Native Title Act 1993* for Traditional Owners to obtain native title to those lands and secure any interests or rights, including the practice of traditional customs.



The Government therefore considers that it is imperative to amend State legislation to enable Aboriginal people to secure rights and interests in conservation lands and guarantee their future involvement in the joint management of those lands with CALM, according to the objectives outlines earlier in this paper.

CALM's Barna Mia Visitor Centre, at Dryandra Woodland near Narrogin.  
Photo - Nigel Higgs

<sup>18</sup> Government of Western Australia December 2002, A Biodiversity Conservation Act for Western Australia, Consultation Paper.

The Government 'reserves' unallocated crown land for purposes of national parks, conservation, recreation and other uses and under a 'management order' places the care and control of that land in a management body.

<sup>20</sup> High Court of Australia, 8 August 2002.

The Government also considers that a new form of an inalienable freehold title, held by an enduring Aboriginal Body Corporate, should be available.

The Government is proposing that the title to conservation lands may be held either as:

- Crown land reserves placed in the care and control of:
  - (a) the CCWA;
  - (b) the MPRA;
  - (c) an approved Aboriginal Body Corporate (ABC);

or

- Inalienable freehold title held by an ABC.

In all cases conservation lands will, however, continue to be managed in accordance with the CALM Act, which shall protect the public rights and interests in the land.

## **Alternative management arrangements**

In Australia there are historically three broad approaches to co-management of protected areas. The Government proposes to amend the CALM Act to secure legal interests in the land for Traditional Owners and to enable protected areas to be co-managed by Traditional Owners and CALM. The three approaches to co-management will comprise:

### **1. Consultative management (Non-Aboriginal vested reserves)**

**Ownership (reserved Crown lands) is held**

**by the Conservation Commission of Western Australia (CCWA) or the Marine Parks and Reserves Authority (MPRA) with planning and management arrangements amended to secure the rights of Aboriginal people to practice their traditions and customs, and manage Aboriginal heritage sites in accordance with State law.**

In this situation the planning and day-to-day management of conservation lands would continue to be carried out by CALM which would consult with the Traditional Owners and other interested Aboriginal persons about public works that may affect Aboriginal heritage as defined under the *Aboriginal Heritage Act 1972* (AHA) and seek appropriate approvals under the AHA for works that may affect heritage values.

Traditional Owners secure the right to practice their culture and protect heritage sites.

### **2. Cooperative management (Aboriginal vested reserves)**

**Ownership (reserved Crown lands) of conservation lands is held by an approved Aboriginal Body Corporate (ABC). The ABC represents the Traditional Owners of the area. A management order is granted on condition that the ABC and CALM jointly manage the area for purposes defined in the CALM Act e.g. national park or other conservation reserve.**

This arrangement might apply where the Government assesses Aboriginal rights and interests as being substantial and meriting

transfer of title to secure enduring social and economic benefits to Traditional Owners.

In this situation the planning and day-to-day management of conservation lands is carried out by the ABC and CALM in accordance with a management plan and policies endorsed by the ABC and approved by the Minister.

Traditional Owners secure the right to practice their culture, protect heritage sites and share in the economic benefits e.g. employment, associated with the management and protection of the land.

Such arrangements may apply to some parts of ALT reserved lands that are handed back to ABC's through the placement of management orders.

### **3. Joint management (Aboriginal freehold lands)**

**Ownership (inalienable freehold) of conservation lands is held by an approved Aboriginal Body Corporate (ABC). The ABC represents the Traditional Owners of the area. An agreement, normally a 99-year lease with an option, would be reached with Government to enable the ABC and CALM to jointly manage the area for purposes defined in the CALM Act e.g. national park or other conservation reserve.**

This arrangement will apply where Aboriginal people obtain exclusive possession of the land and lease it to government for conservation and public purposes.

The planning and day-to-day management of the conservation lands is carried out by the ABC and CALM in accordance with a management plan and policies endorsed by the ABC and approved by the Minister.

Public access to the lands would be in accordance with an approved management plan. Lease fees would be payable and subject to five yearly reviews.

It is envisaged that the Government and Traditional Owners will be able to agree on transitional arrangements that enable reserves to be vested in an ABC and then, at a future time, converted into an inalienable freehold title.

Snappy gums, Karijini National Park. Photo - Cliff Winfield.



# How might existing protected areas be transferred into Aboriginal ownership?

Title transfers may be achieved through legislative amendments to the *Land Administration Act 1997* and the *Conservation and Land Management Act 1984*.

- Traditional Owners would apply to the Minister for the Environment for the transfer of title to an approved ABC.
- The Minister would refer to the application to:
  - (a) the Minister responsible for Native Title;
  - (b) the Minister for Indigenous Affairs;
  - (c) the Minister for Lands;
  - (d) the Minister for State Development;
  - (e) the Minister for Local Government and Regional Development;
  - (f) the Minister for the relevant Region;
  - (g) ATSIIC;
  - (h) the relevant Local Government Authority; and

(i) the general community, through advertisement for advice and comment.

- The Minister for the Environment (in Cabinet) would then consider the transfer of title to an approved ABC, and if approved, the Minister for Lands would commence the necessary administrative or legislative proceedings under an amended Land Administration Act to cancel the management order for a nominated reserve and either;
  - (i) grant an inalienable freehold title to the appropriate ABC, or
  - (ii) a management order placing the reserved land with the appropriate ABC.
- Title will be provided subject to the land being jointly managed with the Executive Director of CALM for the purpose(s) of conservation, Aboriginal heritage and/or recreation.



CALM's Goldfields reserves officer, Sarah Adriano (right) and Dorothy Ward from the Central West Claimant Group, in the Gibson Desert Nature Reserve.  
Photo - Ian Kealley.

<sup>21</sup> Public advertisement in two editions of a newspaper circulating throughout the State and the Government Gazette specifying that submissions will be received for a period of not less than 8 weeks from the date of publication of the notice.



# How might new protected areas be created in Aboriginal ownership?

The Government would negotiate an agreement with Traditional Owners to establish new protected areas as either Aboriginal owned lands or Aboriginal reserved lands to be jointly managed with the Executive Director of CALM. The provisions of the CALM Act would apply to the land.



Left: Karijini National Park  
Photo—Western Australian  
Tourism Commission

# Joint management of conservation lands—what is proposed?

Two tenets of joint management that will be progressively applied by the Government are:

## 1. Consultation and joint decision making

The creation of Boards of Management will be the single most significant change to management of the State's conservation lands ever undertaken by any Government.

The Boards will approve management plans, approve works programs and make decisions about management that are consistent with management regulations and plans. They will monitor the implementation of the decisions by CALM and Traditional Owners. Board decisions would be consistent with the purpose of the reserve and the CALM Act.

Boards will be provided with Executive support through CALM, which may, by agreement with the Board, contract the provision of those services to an appropriate Aboriginal person or organisation.

## 2. Employment and economic development

The Government will implement employment and economic development strategies with the Traditional Owners and Commonwealth agencies such as ATSIC. A mix of organisations will play a role in capacity building programs that aim to achieve long term, sustainable employment and management outcomes.

There is both a need and a desire on behalf of

the Government to build internal capacity to enable joint management and meaningful employment and training of Aboriginal people in conservation and land management. Aboriginal people are the custodians of much of our knowledge about the natural environment, many live in remote locations that are costly to service and they have the ability to bring additional resources into conservation land management, e.g. through the targeted application of community development and employment programs.

The Government is also concerned that past policies have failed to engender an Indigenous workforce profile that is fully reflective of the community the Government serves or the regional communities in which the CALM operates. Aboriginal people represent the key group that the Government is seeking to target for employment as the initial component of a new broad corporate employment diversity strategy for CALM.

Below: A young CALM Bush Ranger on study leave.



# Guidelines for joint management of conservation lands

The following principles would guide the negotiations of joint management arrangements to be agreed before the transfer or granting of title to the land.

- The joint management will be subject to periodic reviews. The period between reviews will be agreed between the parties prior to the transfer of title. The reviews will most likely coincide the review of the management plan.
- Each reserve or group of reserves would be administered by a Board of Management, comprising representatives of the ABC and CALM. The Board would be chaired by a nominee of the ABC who is approved by the Minister. The ABC will also have the majority of members on the Board.
- The Board would have the functions of preparing management plans for the protected area and setting policy and management direction within the scope of the management plan.
- Decisions of the Board would be by consensus, but where agreement could not be reached, or where a decision has not been made, there would be provision for mediation and, where necessary, referral to the Minister for determination.
- The agency responsible for implementing the decisions of the Board is CALM.
- The Board through the agency of CALM should prepare a draft management plan as soon as possible after the transfer of title is executed. The draft management plan should be referred to the CCWA or the MPRA for advice before its release to the public. Where a difference of opinion exists between the Board and the CCWA/MPRA, there should be the provision for mediation and, where necessary, referral to the Minister for a decision.
- Final management plans should be produced by the Board for approval by the Minister in consultation with the CCWA or the MPRA. In submitting the final management plan the Board should also publish a summary of public submissions on the draft management plan.
- The ABC and CALM would manage the protected areas in accordance with the provisions of the CALM Act and be required to establish joint management performance indicators<sup>22</sup> that could be regularly assessed by the CCWA/MPRA.
- Government funding for the Board would be provided through CALM's annual expenditure appropriation approved by the Parliament.
- CALM will be able to enter into contractual arrangements with Aboriginal organisations to carry out management activities on behalf of the Department and the Board of Management.
- Aboriginal employment and training outcomes should be agreed and endorsed by Government.

<sup>22</sup> joint management performance indicators may include training and employment targets, such as the percentage of Aboriginal park staff.

# BOX 1

## **IUCN Guidelines for protected area management categories**

### **Category Ia**

**STRICT NATURE RESERVE: PROTECTED AREA MANAGED MAINLY FOR SCIENCE**

Area of land and/or sea possessing some outstanding or representative ecosystems, geological or physiological features and/or species, available primarily for scientific research and/or environmental monitoring.

### **Category Ib**

**WILDERNESS AREA: PROTECTED AREA MANAGED MAINLY FOR WILDERNESS PROTECTION**

Large area of unmodified or slightly modified land and/or sea, retaining its natural character and influence, without permanent or significant habitation, which is protected and managed so as to preserve its natural condition.

### **Category II**

**NATIONAL PARK: PROTECTED AREA MANAGED MAINLY FOR ECOSYSTEM CONSERVATION AND RECREATION**

Natural area of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for this and future generations, (b) exclude exploitation or occupation inimical to the purposes of designation of the area and (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.

### **Category III**

**NATURAL MONUMENT: PROTECTED AREA MANAGED FOR CONSERVATION OF SPECIFIC NATURAL FEATURES**

Area containing one or more specific natural or natural/cultural feature which is of outstanding value because of its inherent rarity, representative or aesthetic qualities or cultural significance.

### **Category IV**

**HABITAT/SPECIES MANAGEMENT AREA: PROTECTED AREA MANAGED MAINLY FOR CONSERVATION THROUGH MANAGEMENT INTERVENTION**

Area of land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species.

### **Category V**

**PROTECTED LANDSCAPE/SEASCAPE: PROTECTED AREAS MANAGED MAINLY FOR LANDSCAPE/SEASCAPE CONSERVATION AND RECREATION**

Area of land, with coast and seas as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, cultural and/or ecological value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area.

### **Category VI**

**MANAGED RESOURCE PROTECTED AREAS: PROTECTED AREA MANAGED MAINLY FOR THE SUSTAINABLE USE OF NATURAL ECOSYSTEMS**

Area containing predominantly unmodified natural systems, managed to ensure long-term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet community needs.

The IUCN guidelines were developed internationally to communicate information relating to protected areas, and also as a means of assessing the status of the global network of protected areas. The IUCN Guidelines for Protected Area Management Categories provide international standards for collection, handling and dissemination of data on protected areas.

IUCN – International Union for the Conservation of Nature, Gland, Switzerland.

# Capacity building and Aboriginal employment in CALM

There is a legitimate expectation from Aboriginal people and the broader community that Aboriginal people be strongly represented in conservation and land management employment. The Government recognises the unique role and expertise that Aboriginal people can play as both ‘Traditional Owners’ with a cultural responsibility to care for country, and as managers of the conservation lands and waters for the State.

In order to achieve a just and equitable Aboriginal employment outcome on conservation lands, the Government proposes, through CALM, to initiate a multi-faceted employment and training program in conjunction with non-Government training providers and land management organisations. This initiative contributes toward the Government’s recently released *Equity and Diversity Plan for the Public Sector Workforce 2001-2005*.

Below: CALM Aboriginal Trainees, from left to right are Ross Lynch, Anthony Richardson, Darren Mason and Luke Stokes.



# Current Aboriginal employment profile

CALM directly employs 24 full time equivalent Indigenous persons. An equivalent number of Indigenous people have been employed through alternate arrangements with Aboriginal corporations as a result of initiatives to provide training and develop enterprises, for example the Geikie Gorge tourist boat tour. Aboriginal employees are predominantly located in regional field based positions.

The last major conservation employment program initiatives undertaken by Government with Aboriginal people were conducted in the late 1980's. Several Aboriginal employees remain in CALM employment today as a direct result of undertaking the program. However, it is recognised that without an active targeted long-term strategy it will be impossible to significantly improve the Aboriginal employment demographic of CALM.



Above: CALM Wildlife Officer Trevor Walley with students from Hope Valley Primary School, Rockingham. Photo - Rhianna Mooney.

Left: CALM's first cross cultural awareness course, run by the Department's Indigenous Heritage Unit. Photo - Ernie McLintock.

# Ten year mentored Aboriginal training and employment scheme

The progressive resolution of native title claims will inevitably lead to an increased involvement of Indigenous people in conservation land management as Governments commit to native title and non-native title outcomes. CALM as a major regional employer for the Government, will be required to implement Government approved negotiated outcomes in the short and long term. However, unless CALM initiates a systematic Aboriginal employment action plan it will be unprepared, ill-equipped and vulnerable to claims of complacency and intransigence in relation to reconciliation of Aboriginal interests and aspirations to be involved in the management and protection of their traditional lands.

CALM has reviewed its funding and staffing allocations in recognition of current budgetary constraints and identified strategies that will commence the delivery of meaningful training and employment opportunities for Indigenous people in conservation land management.

CALM is implementing three key strategies for training of Indigenous people to meet minimum entry-level qualification requirements. Strategy one applies to remote locations where trainees will be co-located with skilled mentors for the duration of their training, e.g. Ngauwudu Management Area (Mitchell Plateau) in the Kimberley and Goldfields region conservation lands. Strategy two applies in urban settings where trainees will be able to undertake formal group traineeships through Aboriginal corporations, e.g. Albany, Perth. Strategy three utilises the National Indigenous Cadetship Program to support tertiary students and provide

opportunities for Aboriginal people in professional areas within CALM and to provide for future management recruitment.

Each recruit who enters under strategy one or two will undertake mentored training and employment for up to three years to enable appointment to a range of occupations, including:

- National park ranger
- Park maintenance worker
- Field officer
- Wildlife officer
- Forest officer
- Aboriginal heritage officer

Below: CALM Wildlife Officer Trevor Walley (left) with Balga TAFE students at the Naragebup Rockingham Regional Environment Centre. Photo - Rhianna Mooney.

Bottom: CALM's Aboriginal trainee graduates with the Minister for the Environment Dr Judy Edwards (third from left) and CALM's Acting Executive Director, Keiran McNamara (right). Photo - Ernie McLintock.



# Mentored training



Aboriginal trainee recruit and former AFL star Dale Kickett with his CALM mentor, District Fire Co-ordinator Kevin Pollock.  
Photo - Sue McKenna

## Strategy one - remote location training

Trainees will be located at various sites throughout WA and they will be co-located with specially trained and skilled mentors for the duration of their training period. Training will be delivered and monitored by CALM's professional training staff (the Department has Registered Training Organisation (RTO) Status and over 60 category 2 qualified workplace assessors), supplemented by access to external RTO's which specialise in relevant curricula (e.g. park ranger training).

CALM proposes to have an intake of six Indigenous trainees per annum over six years to provide up to 36 fully qualified Indigenous field officers in remote locations within nine years. The Government will fund the program with the assistance of the Commonwealth Department of Employment and Workplace Relations.

## Strategy two – urban and near urban location training

CALM will enter into agreements with registered Aboriginal training organisations and the Department of Education and Training to arrange for training services to Indigenous people seeking employment opportunities in conservation and land management, including positions such as national park rangers and other Departmental field officers. CALM recognises the benefits of partnering with Aboriginal training organisations and will commit funding support for an annual intake of up to 12 Indigenous trainees for five years

throughout the State. The program will aim to provide up to 60 fully qualified Indigenous field officers within eight years.

CALM's professional training staff will monitor and progressively review the programs to ensure that trainees are provided with adequate and effective mentoring and the opportunity to participate throughout the program in hands-on conservation and land management work. It is envisaged that the program may be expanded to provide integrated training and employment programs with other agencies such as the Department of Agriculture, Indigenous owned farm and pastoral companies, mineral resource companies and Local Government Authorities.

## Strategy three – scholarships/cadetships

CALM will, in conjunction with the private sector and charitable foundations, establish a scholarship/cadetship program for tertiary training for young Aboriginal people wishing to pursue tertiary studies in a field associated with conservation and land management. It is envisaged that at least three scholarships/cadetships per annum will be offered with work experience opportunities factored into semester breaks. The scholarship/cadetship program will run for a minimum seven years producing up to fifteen tertiary trained Indigenous people for employment in the Department. Employment outcomes in other State Government agencies, local government, Indigenous organisations or private sector organisations would also be an acceptable result.



# Costs estimate

The training component will cost \$12 million over ten years. Up to \$2 million may be available from Commonwealth sources to subsidise the program. Additional external funds of up to \$2 million may be available from the private sector and charitable sector to augment the Government expenditure.

The deployment component will cost at least \$8 million over 10 years. These expenses include the additional costs of accommodation, travel, uniforms, vehicles, tools and equipment, consumables associated with full time, part time and seasonal employment of trainees around the State.

# Aboriginal employment outcome target

CALM is committed to a ten-year program to raise the number of directly employed Aboriginal people to a target range of 10-15% total of its full time equivalent workforce (FTE's). This commitment is made in recognition of the facts that:

- Indigenous people comprise 6.8 per cent of the population residing outside the Perth metropolitan area,
- CALM is the major land management employer in the State,
- under the *Native Title Act 1993* Indigenous people have claims to a legal interest in almost all the land managed by CALM,

- Indigenous people have cultural responsibilities to care for country, and
- the Government's election commitment was to implement joint management strategies for conservation lands with Indigenous people and to provide them with employment and training opportunities.

CALM will apply an affirmative action program to achieve a target of 50 Aboriginal employees/trainees (FTE's) by December 2004 rising to a minimum of 100 additional Aboriginal employees (FTE's) within ten years.

Year	Target range 10%-15% FTE's
2003	36-54
2004	45-68
2005	54-82
2006	63-95
2007	72-108
2008	81-121
2009	90-135
2010	99-150
2011	108-162
2012	117-175



# Integrating departmental outcomes with Aboriginal reconciliation and the resolution of native title claims

The Government considers that there are five principal strategies for reconciliation with Aboriginal people on conservation lands in Western Australia. These are:

- the Mentored Aboriginal Training and Employment Scheme,
- Boards of Management to enable effective and meaningful input into decision making over conservation lands,
- protection of Aboriginal heritage as a land management function of the Department,
- the amendment of the *Conservation and Land Management Act 1984* and the *Wildlife Conservation Act 1950* to accommodate Aboriginal values and

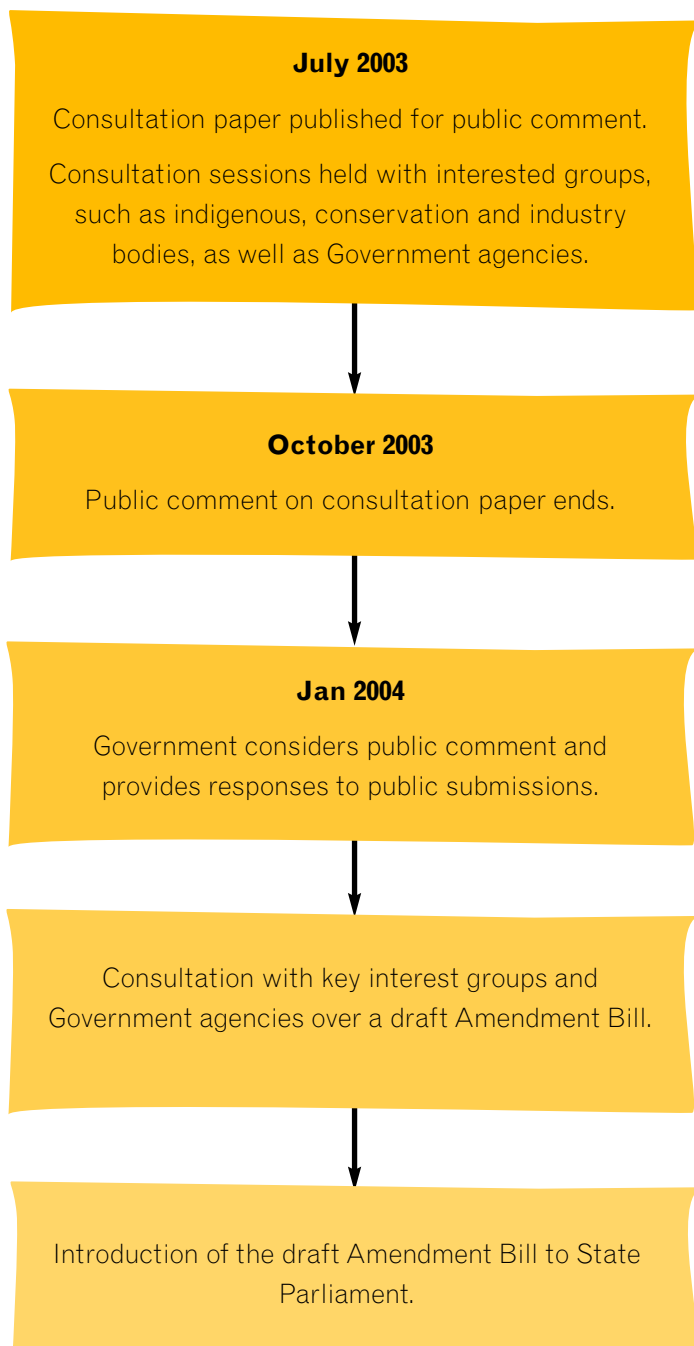
native title outcomes, and

- recognition of native title rights and interests where they are determined through negotiation or legal proceedings under the provisions of the *Native Title Act 1993*.

The successful implementation of these strategies will depend largely on the level of resourcing and the degree of support and involvement of Indigenous organisations. It is, however, unquestionably better to attempt to set achievable, measurable and justifiable Indigenous employment targets that provide a framework within which non-native title training and employment outcomes may be negotiated through Indigenous Land Use Agreements or other means.



Conspicuous Cliff Beach.  
Photo—Cliff Winfield



## How to comment

Please send your submission to the Executive Director of the Department of Conservation and Land Management, attention Peter Sharp.

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(Attention Peter Sharp)

We would like to make submissions available on CALM's web site. Please let us know if you would prefer your submission to be kept confidential.







