



CORPORATE POLICY STATEMENT NO. 87

JOINT MANAGEMENT, COOPERATIVE MANAGEMENT AND JOINT VESTING WITH TRADITIONAL OWNERS

October 2024

1. OBJECTIVE

To provide a corporate position and direction on joint management, cooperative management and joint vesting with Traditional Owners.

2. SCOPE

This policy applies to the establishment and operation of joint and cooperative management arrangements with Traditional Owners, and joint vesting of lands and waters to which the *Conservation and Land Management Act 1984* (CALM Act) applies. The principles can be applied to other lands managed by the Department of Biodiversity, Conservation and Attractions (the department) as appropriate.

3. CONTEXT

The department is committed to building strong relationships with Traditional Owners to jointly manage Western Australia's conservation estate and protect Aboriginal culture and heritage. It has a long history of partnerships with Traditional Owners, supporting many successful and ongoing programs that recognise their intrinsic connection to Country and cultural obligations to look after it. The department is also dedicated to meeting requirements of national and State strategies that seek to build meaningful partnerships and meet the aspirations of Aboriginal peoples.

Joint and cooperative management and joint vesting are integral ways that the State Government and Traditional Owners can deliver on the shared desire to care for Country and deliver positive culture and heritage, conservation, social and economic outcomes.

The CALM Act provides a legislative framework for joint management and joint vesting with Traditional Owners. The CALM Act also has a primary management objective to protect and conserve the value of the land to the culture and heritage of Aboriginal peoples. Cooperative management is enabled under the South West Native Title Settlement (SWNTS) Indigenous Land Use Agreements (ILUAs).

Joint management is a partnership between the State Government and Traditional Owners, involving Aboriginal people who have a cultural connection with a park or reserve. It is a key tool to protect and conserve Aboriginal culture and heritage, as prescribed in the CALM Act. Under a Joint Management Agreement (JMA), a Joint Management Body (JMB) is established and has representation from the department and Traditional Owners. The JMB makes decisions to implement the joint management plan(s), monitors the management of the conservation estate and advises the department and the Conservation and Parks Commission (the Commission) on use and management.

Cooperative management is a whole-of-conservation estate approach to building partnerships between the Noongar Regional Corporations and the department, and applies only to the SWNTS area. Through Cooperative Management Agreements (CMAs) for each of the six SWNTS ILUA areas, the department and the respective Noongar Regional Corporations will establish Cooperative Management Committees (CMCs) to cooperatively manage the conservation estate.

Joint vesting legally recognises a shared responsibility between the State (through the Commission) and Aboriginal people to hold land, or land and waters, by recording this relationship on the reserve title. When conservation estate is jointly vested, the Aboriginal body corporate becomes a 'joint responsible body' under the CALM Act and takes on a range of roles and functions. Joint vesting and joint management are separate but related arrangements.

4. LEGISLATION

Conservation and Land Management Act 1984 (CALM Act)

The CALM Act provides for joint management and joint vesting of conservation estate with Traditional Owners.

Joint management arrangements are established under s 56A or s 8A. Other collaborative or partnership opportunities can be achieved through consultation, active participation in management projects and memorandums of understanding.

Section 8AA makes provision for lands and waters to be jointly vested in the Commission and an Aboriginal body corporate. Joint vesting is recognised on the title of the respective reserve or reserves.

Land Administration Act 1997 (LA Act)

The department is using the provisions of the LA Act for joint care, control and management of s 5(1)(h) reserves with Aboriginal bodies corporate.

Other relevant legislation includes:

- *Aboriginal Heritage Act 1972;*
- *Biodiversity Conservation Act 2016; and*
- *Native Title Act 1993 (Cth).*

5. POLICY

Where resources are available, the department will:

- 5.1 Pursue joint management with Traditional Owners. Further guidance is in *Corporate Guideline 11: Development and Management of Aboriginal Joint Management Arrangements*.
- 5.2 Engage in cooperative and joint management with Noongar Regional Corporations to meet the targets outlined in the SWNTS ILUAs.
- 5.3 Negotiate joint management arrangements that:
 - a) recognise the aspirations and needs of Traditional Owners;
 - b) account for individual circumstances and capacity, adopting a flexible approach to implementation;
 - c) set realistic expectations and work towards achieving common goals;
 - d) allow for review to reflect changes and evolution of the partnership;
 - e) empower Traditional Owners to participate equally and meaningfully in shared decision-making and co-design of joint management plans;
 - f) support cultural governance processes.

- 5.4 Consider opportunities for joint vesting with native title holders recognised as Traditional Owners for their Country. In particular, consider Aboriginal bodies corporate that have an existing JMA, so that their interests are recognised on the reserve title as well as through management.
- 5.5 Work constructively with Traditional Owners to:
- a) protect and conserve Aboriginal culture and heritage;
 - b) incorporate the traditional ecological and cultural knowledge and experience of their land and waters into management practices and science;
 - c) ensure traditional knowledge and traditional cultural expressions are recognised, respected and protected and incorporated into management practices;
 - d) establish strong and lasting relationships built on trust, shared vision, responsibility and mutual respect;
 - e) support continued connection to Country and customary activities;
 - f) build the cultural awareness of department staff and park users.
- 5.6 Build understanding, capacity and support among departmental staff for joint and cooperative management and joint vesting with Traditional Owners, and the benefits that flow from these partnerships.
- 5.7 Build Aboriginal empowerment through partnerships, shared decision-making and supporting Aboriginal-led initiatives.
- 5.8 Complement existing land management arrangements where appropriate, for example Indigenous Protected Areas.
- 5.9 Respect the needs and aspirations of other parties and the interests they may have in land and waters, and in consultation with Traditional Owners, work with these parties to consider their interests.

6. POLICY IMPLEMENTATION STRATEGIES

During the negotiation of agreements and joint and cooperative management planning and establishment, where resources are available, the department will:

- 6.1 Prioritise opportunities for joint management where:
- a) there is a government commitment;
 - b) it strengthens connections of Aboriginal people with their traditional lands and waters;
 - c) it protects and promotes Aboriginal culture and heritage values;
 - d) it provides opportunities to bolster social, employment and economic outcomes for Aboriginal people;
 - e) it delivers biodiversity conservation outcomes;
 - f) it delivers meaningful management outcomes relating to the enhancement or protection of other identified values.
- 6.2 Engage with Noongar Regional Corporations to execute CMAs and prioritise areas for joint management.
- 6.3 Consider joint vesting with native title holders or where an area of extinguishment exists within a positive determination of native title. Joint vesting may be considered for some tenures including national parks, nature reserves, conservation parks, marine nature reserves, marine management areas and marine parks.

During joint and cooperative management implementation, where resources are available, the department will:

- 6.4 Implement joint management and cooperative management under the guidance of the relevant JMB or CMC.
- 6.5 Address the requirements and arrangements of relevant agreements with Traditional Owners, incorporate joint and cooperative management into assessment, planning and decision-making processes across the department's responsibilities of science and research, wildlife protection, ecosystem management, fire management and tourism and visitor services.
- 6.6 Monitor, evaluate and report on the success of implementing joint and cooperative management and joint vesting arrangements. Findings will inform adaptive management processes and procedures.
- 6.7 Work with joint and cooperative management and joint responsible bodies to investigate and attract other sources of funding to support management activities.
- 6.8 Provide staff with resources, networking and mentoring opportunities and ongoing cultural learning opportunities, including cultural awareness training.
- 6.9 Support learning, sharing and exchange opportunities for JMB and CMC members, Aboriginal ranger groups and joint management staff.

7 CUSTODIAN

Executive Director Parks and Visitor Services Division.

8 PUBLICATION

This policy will be made available on the department's internet and intranet.

9 KEY WORDS

Aboriginal, cooperative management, conservation estate, culture and heritage, joint management, joint vesting, native title, partnership, Traditional Owners.

10 REVIEW

This policy will be reviewed within five years of approval, or earlier if required.

11 APPROVAL

Approved by



Stuart Smith
DIRECTOR GENERAL
CHIEF EXECUTIVE OFFICER

Date: 18 October 2024