

# **Overview of native title and joint management arrangements for protected and other conservation areas in the Northern Territory**

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## Overview

Joint Management Agreements have been achieved in the Northern Territory in a variety of ways:

- Under the [Aboriginal Land Rights Act \(Northern Territory\) 1976 \(Cth\)](#) (ALRA)
  - Kakadu National Park and Uluru-Katatjuta National Park with lease back to the Commonwealth;
  - Through park/reserve specific Northern Territory legislation (*Nitmiluk (Katherine Gorge) National Park Act 1989*)
- Through the Indigenous Protected Area Program
  - administered by the Federal Government's Department of the Environment, Water, Heritage and the Arts
- As Indigenous Land Use Agreement (ILUAs) under the *Native Title Act 1993* (NTA) within the *Parks and Reserves (Framework for the Future) Act 2003* (NT).

The focus of this overview is arrangements arrived at through the Native Title Act.

A new joint management regime in the Northern Territory has resulted from the *Ward* native title decision (*Western Australia v Ward* [2002] HCA 28), which determined that the declaration of the Keep River National Park (under section 12 of the *Territory Parks and Wildlife Conservation Act*) was invalid.

Following legal advice that 49 Parks and Reserves in the Northern Territory could also be declared invalid, the Northern Territory government re-declared 38 of these Parks and Reserves, though the advice was that they would still be subject to land claims under the ALRA, native title determinations and compensation claims. Rather than entering into prolonged and costly opposition of such claims, the Northern Territory Government chose to enter into negotiated settlements over the Parks and Reserves to secure the park system through joint management with the traditional owners (represented by the Central and Northern Land Councils) and conditional upon their withdrawing any land claims under the ALRA and negotiating ILUAs under the NTA. Native title remains unaffected.

The Northern Territory Government passed the *Parks and Reserves (Framework for the Future) Act 2003* (NT) (the Framework) which provides for the settlement of outstanding Native Title claims affecting 27 Parks and Reserves in the Territory. The Framework contains a mixture of land tenure changes, leasing and joint management arrangements and purports to take into account the relative strength of ALRA claims.

In 2005 the *Territory Parks and Wildlife Conservation Act 2003* (NT) was amended to give full legal force to joint management arrangements under the Framework (see also subsequent proposed amendments to this Act in the following links).

Download:

[\*Parks and Reserves \(Framework for the Future\) Act 2003 \(NT\)\*](#)

[\*Parks and Reserves \(Framework for the Future\) Act 2003 Regulations\*](#)

[\*Parks and Reserves \(Frameworks for the Future\) Act 2003 \(NT\) - Agreements, Treaties and Negotiated Settlements Summary Information\*](#)

[\*Territory Parks and Wildlife Conservation Act 2003 \(NT\)\*](#)

[\*Territory Parks and Wildlife Conservation Act Amendment Act 2005 \(NT\)\*](#)

[\*Second Reading Speech: Territory Parks And Wildlife Conservation Amendment \(Joint Management Parks\) Bill 2007 \(NT\)\*](#)

[\*Second Reading Speech: Territory Parks and Wildlife Conservation Amendment Bill 2008 \(NT\)\*](#)

[\*Explanatory Statements: Territory Parks and Wildlife Conservation Amendment Bill 2008 \(NT\)\*](#)

Moyses, M and B Panton, '[Indigenous Partnerships in Northern Territory Protected Areas: Joint management of national parks and support for Indigenous Protected Areas](#)', in D Smyth and G Ward (eds), *Protecting Country: Indigenous governance and management of protected area*, AIATSIS, Canberra, 2008.

Donohue, P, '[Working Together – Respectful Engagement: Joint Management of NT Parks and Reserves](#)', PowerPoint presentation to the National Native Title Conference, Melbourne, 5 June 2009

## **Parks and Reserves (Framework for the Future) Act 2003 (NT)**

The [\*Parks and Reserves \(Framework for the Future\) Act 2002 \(NT\)\*](#) was the result of an agreement between the Northern Territory Government, Northern Land Council and Central Land Council to resolve outstanding native title and ALRA issues over 27 Parks and Reserves. The aim was to secure the Parks system through joint management with Traditional Owners, by settling land issues in relation to a number of Parks and Reserves.

The purpose of the legislation is to provide a framework for negotiations between the Territory and the Traditional Owners of certain Parks and Reserves, for the establishment, maintenance and management of a comprehensive system of Parks and Reserves ([Section 3](#)).

Under [S3](#), a ‘comprehensive system’ incorporates the following principles:

- A system which develops a partnership between the Territory and the Traditional Owners
- A system which benefits Traditional Owners by recognising, valuing and incorporating Indigenous culture, knowledge and decision making processes
- A system which protects biological diversity
- A system which serves the educational and recreational needs of Territorians and visitors
- A system which enjoys widespread community support

The Framework only applies to the specific Parks and Reserves listed in the [Schedules 1, 2, 3 and 5](#).

The Act outlines the Northern Territory Government’s offer to facilitate the transfer of some of the designated lands to Traditional Owners, on the proviso that the land is immediately leased back to the Government for use as Parks or Reserves for a minimum of 99 years (with 5 yearly reviews) and that an agreement by the Traditional Owners not to introduce entry fees and to withdraw claims under the ALRA is reached ([Section 10](#)).

The Act provides for Joint Management Partners (the Traditional Owners and the Northern Territory Parks and Wildlife Service) to create Plans of Management for the designated areas, and to be responsible for the management of the individual Parks and Reserves. The legislation authorises the Chief Minister to execute on behalf of the Territory, a joint management agreement (usually referred to as and in the form of a Joint Management Plan) for each of the parks and reserves specified in the schedules to the Act.

A broader Joint Management Agreement is subject to ongoing negotiations between the Northern Territory Government (NT Parks and Wildlife) and the Land Councils to include:

- regional and NT wide advisory bodies
- monitoring and evaluation programs (currently a joint project is being run by Charles Darwin University with the Central and Northern Land Councils as partners under an Australian Research Council Linkage grant to set up a Monitoring and Evaluation process which is being piloted in a number of parks), and
- commitment to the development of an Aboriginal employment and training strategy.

#### ***Schedule 4: Principles of the Leases***

As outlined above, the specified Parks and Reserves in Schedules 1, 2 and 5 are to be leased back to the Northern Territory government by the Traditional Owners.

[Schedule 4](#) outlines the principles which govern the leases and includes:

- A term that the lease is for 99 years
- That the lease must not extinguish Native Title rights or interests
- That the lease must require the lessor to permit Territorians and visitors to the Territory to enter the Park or Reserve without an entry permit
- That the lessee must give preference to the participation of the traditional Aboriginal owners in any commercial activities conducted under the lease
- That the lease must permit traditional Aboriginal owners of the Parks and Reserves to use the land in accordance with the Joint Management Agreement

The Chief Minister is authorised to execute the leases to the Northern Territory for the Parks and Reserves specified in Schedules 1 and 2 under [Section 8\(c\)](#).

*Download:*

Northern Territory Government: Draft Lease Documentation for Schedule 1 ALRA Parks

### **Indigenous Land Use Agreements under the Native Title Act 1993**

Under [Section 10\(1\)](#) of the [Parks and Reserves \(Framework for the Future\) Act 2003](#), Indigenous Land Use Agreements are required to be executed between the Government and Traditional Owners, for the Parks and Reserves listed in Schedules 1, 2 and 3. The ILUAs are required to deal with compensation issues and with facilitating future development. The ILUAs must also be executed in accordance with the lease principles specified in Schedule 4, as above.

The Chief Minister is authorised to execute the ILUAs on behalf of the Territory ([Section 8\(e\)](#)).

A number of ILUAs have been registered with the National Native Title Tribunal, however, the details vary as to whether they refer to Parks or Reserves in Schedules 1, 2 or 3 (see below).

*Download:*

[Northern Territory Government: Draft NT Indigenous Land Use Agreement Template](#)

## **Territory Parks and Wildlife Conservation Act Amendment Act 2005 (NT)**

The [Territory Parks and Wildlife Conservation Act Amendment Act 2005 \(NT\)](#) provides a basis for establishing and implementing Joint Management arrangements settled under the *Parks and Reserves (Framework for the Future) Act 2005* between the Northern Territory and the Traditional Owners ([Section 25AA](#)).

The objectives of the Joint Management arrangements are to establish an equitable partnership to manage and maintain the Parks and Reserves to benefit the Traditional Owners and wider community ([s 25AB\(a\)](#)), to protect biological diversity ([s 25AB\(b\)](#)) and to serve visitor and community needs for education and employment ([s25AB\(c\)](#)).

### ***Functions of Land Councils under the Territory Parks and Wildlife Conservation Act Amendment Act 2005***

Under the [Section 25 AO](#) of the [Territory Parks and Wildlife Conservation Act Amendment Act 2005 \(NT\)](#), the Land Councils (Central Land Council and Northern Land Council) are required to perform a number of functions in relation to the Parks and Reserves specified in Schedules 2 and 3 of the Northern Territory *Parks and Reserves (Framework for the Future) Act*. These functions include:

- To ascertain and express the wishes and the opinion of Aboriginals living in its area as to the management of the Parks and Reserves
- To protect the interests of the traditional Aboriginal owners of those Parks and Reserves
- To consult with the traditional Aboriginal owners about the use of those Parks and Reserves
- To supervise and provide assistance to the Park Land Trusts holding the park freehold title.

The Land Councils must not take any action in relation to the Parks and Reserves unless the Traditional Owners understand the nature of the action and consent to it and any Aboriginal community or group affected by the proposed action has been consulted and has had an opportunity to express its view to the Land Council.

### ***Process of developing and implementing Joint Management Plans***

Under [Section 25AD](#), a draft Joint Management Plan must be created as soon as practicable after a Park or Reserve has been declared or re-declared. The plan is essentially a shared vision for how the Park or Reserve should be managed. Submissions will be invited after the preparation of the Plan and considered by the Joint Management Partners. After the submissions are considered, the draft plan is forwarded to the Minister.

The draft plan is then tabled in the Legislative Assembly by the Minister in accordance with [Section AF](#). After the plan comes into operation, the Minister places a notice stating that the plan has come into operation and where copies can be inspected ([Section 25AG](#)). The Joint Management Partners must then manage the Park or Reserve in accordance with the Joint Management Plan ([Section 25AI](#)).

Before a Joint Management Plan comes into operation, a 'business as usual' approach is taken for the management of the Parks and Reserves ([Section 25AK](#)), usually based on existing plans.

### ***Contents of the Joint Management Plan***

The legislation outlines the following principles which must be taken into consideration when creating Joint Management Plans ([Section 25 AC](#)):

- Recognizing, valuing and incorporating Aboriginal culture, knowledge and decision making processes
- Utilising the combined land management skills and expertise of both Joint Management Partners
- Recognizing and addressing the need for institutional support and capacity building of the Joint Management Partners
- Recognizing that community living areas are an integral part of the natural and cultural resource management of Parks and Reserves
- The continuing Statutory responsibilities and functions of the Minister
- Managing Parks and Reserves may include Co-operative Management Agreements for areas of land outside the Parks and Reserves
- Establishing a process for the consideration of applications for mining and petroleum.

The Joint Management Plan must also incorporate the factors listed in [Section 25AE](#), including the identification of natural and cultural values of the Park or Reserve, management of the sites and developing relevant training and employment strategies in relation to the Park or Reserve.

Details and updates on the preparation of the Joint Management Plans can be accessed on the Northern Territory Department of Natural Resources, Environment, The Arts and Sport website at <http://www.nt.gov.au/nreta/parks/manage/joint/develop.html>

### **Status of tenure, leasing, ILUA and joint management plans of the specified Parks and Reserves in the Parks and Reserves (Framework for the Future) Act 2003**

The [Parks and Reserves \(Framework for the Future\) Act 2003](#), only applies to the specific Parks and Reserves listed in the Schedules 1, 2, 3 and 5.

## **Schedule 1**

### ***Tenure***

- Specified Parks and Reserves which fall under the ALRA to be converted to 'Aboriginal Freehold Title'.
- The Traditional Owners agree to lease the specified land back to the Northern Territory government for 99 years.
- Indigenous Land Use Agreements are signed for the specified parks and reserves.

### ***Common features of Schedule 1 ILUAs***

- The ILUAs were created for the purpose of granting the Park or Reserve as Aboriginal land under the ALRA.
- The land will be leased to the Northern Territory Government for 99 years, and must be used for Parks or Reserves.
- Agreements outlining the joint management of the land will be developed.
- Parties consent to the future development of the Park or Reserve in compliance with the Aboriginal Land Rights Act.

### ***Joint Management details for specified Schedule 1 Parks and Reserves***

#### **1. Arltunga Historical Reserve**

##### ***Tenure***

- Freehold Title granted to the Traditional Owners on the 12<sup>th</sup> June 2009
- Land leased to the Northern Territory government for 99 years.

##### ***ILUA***

- Registered 30 September 2005
- Executed by the Central Land Council and the Northern Territory Government
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3034>

##### ***Management Plan***

- Existing Plan of Management (November 2000) governs the Reserve until the Joint Management Plan is prepared
- The current Plan can be accessed online  
<http://www.nt.gov.au/nreta/parks/manage/plans/pdf/arltungapom.pdf>

#### **2. Chamber's Pillar Historical Reserve**

### ***Tenure***

- Freehold Title granted to the Traditional owners on the 12<sup>th</sup> June 2009
- Land leased to the Northern Territory government for 99 years.

### ***ILUA***

- Registered 30 September 2005
- Executed by the Central Land Council and the Northern Territory Government
- Summary available on the ATNS website  
<http://www.atns.net.au/agreement.asp?EntityID=3035>

### ***Management Plan***

- [Draft Joint Management Plan](#) developed between the Northern Territory government and the Traditional Owners assisted by the Central Land [Council open for community submissions until 23 March 2009](#).

### ***Governance in draft plan:***

- Joint Management Committee to be established under Clause 2.2 of the Plan to make decisions on behalf of the larger Traditional Owner group
- decision-making equitably shared between the government and Traditional Owners (the ‘Joint Management Partners.’)
- Pursuant to Clause 2.5, the Joint Management Committee will be responsible for passing on information to the wider Traditional Owner group
- Parks and Wildlife Service responsible for day-to-day management of the Reserve (Clause 5.2), as well as for financing and resourcing ongoing management (Clause 5.3)
- Annual Planning meetings of the partners will be held to share information, review progress, review satisfaction and approve operational management plans for the next year (Clause 2.1)
- Joint Management Partners to aim to ‘resolve disputes through open discussion and communication, involving the Central Land Council as required or requested by the Traditional Owners’ (Clause 2.6)
- Where disputes cannot be resolved, the partners will jointly appoint an independent mediator (Clause 2.6)

### ***Employment and training:***

- Operational Plan and a Program for direct and flexible Training, Employment and Enterprise Development to be determined by the Joint Management Partners each year and reviewed annually (Clause 5.5).
- continuation of Aboriginal Ranger Traineeship Program, Traditional Owners as preferred contract service providers;
- Traditional Owners encouraged to take up commercial tourism opportunities such as camp fire talks, campground maintenance and cultural tours (Clause 5.5).

### ***Monitoring and Evaluation of the Joint Management Plan***

- Performance monitoring through annual review of operational plans and through the monitoring of the Joint Management Partners' satisfaction of the Plan (Clause 5.7)

*Rights to hunt and harvest*

- Traditional Owners have rights to hunt and harvest plant materials on the Reserve (Clause 3.3); rights reviewed each year, and shooting on the Reserve is not permitted.

*Managing Cultural Heritage*

- Traditional Owners responsible for their cultural matters and activities and Parks and Wildlife to take the Traditional Owners' advice and agree to uphold restrictions and guidelines for sacred sites or culturally sensitive areas of the Reserve, as directed by the Traditional Owners (Clauses 3.1 and 3.2).
- The Joint Management Partners to develop a Cultural Heritage Management Program for the Reserve (Clause 3.5) to consolidate cultural heritage information, record oral history and knowledge protect Indigenous cultural and intellectual property rights and ensure training and employment for in cultural site management and interpretation.
- Traditional Owners "retain ownership and control of their cultural and intellectual property" consistent with a Policy that is to be developed between the Central Land Council and the Parks and Wildlife Service (Clause 3.4).

### **3. Corroboree Rock Conservation Reserve**

*Tenure*

- Freehold Title granted to the Traditional Owners on the 12<sup>th</sup> June 2009
- Land leased to the Northern Territory government for 99 years.

*ILUA*

- Registered 30 September 2005
- Executed by the Central Land Council and the Northern Territory Government
- Summary available on the ATNS website  
<http://www.atns.net.au/agreement.asp?EntityID=3038>

*Management Plan*

- Draft plan due 2009

### **4. Davenport Range National Park**

*Tenure*

- Freehold Title granted to the Traditional Owners on the 28 October 2008

- Land leased to the Northern Territory government for 99 years.

#### ***ILUA***

- Registered 3 October 2005
- Executed by the Central Land Council, the Northern Territory Government and the Traditional Owners
- Summary available on the ATNS website  
<http://www.atns.net.au/agreement.asp?EntityID=3053>

#### ***Management Plan***

- Preparations are expected to begin in mid 2009

### **5. Devils Marbles Conservation Reserve**

#### ***Tenure***

- Freehold Title granted to the Traditional Owners on the 28 October 2008
- Land leased to the Northern Territory government for 99 years.

#### ***ILUA***

- Registered 30 September 2005
- Executed by the Central Land Council and the Northern Territory Government
- Summary available on the ATNS website  
<http://www.atns.net.au/agreement.asp?EntityID=3036>

#### ***Management Plan***

- The Plan was passed the northern Territory Legislative Assembly in February 2009.
- A copy of the plan is available online:  
[http://www.nt.gov.au/nreta/parks/manage/plans/pdf/devils\\_marbles\\_jm\\_plan\\_feb\\_09.pdf](http://www.nt.gov.au/nreta/parks/manage/plans/pdf/devils_marbles_jm_plan_feb_09.pdf)

#### ***Governance arrangements***

- Joint Management Partners are the Parks and Wildlife Service and the Traditional Owners. The Central Land Council also represents the interests of the Traditional Owners.
- Parks and Wildlife Service is responsible for the ‘day-to-day management’ of the Park, under the direction of the Joint Management Committee (Clause 2).
- Traditional Owners are ‘responsible for managing traditional knowledge, looking after the land and maintaining sacred sites’ (Clause 2).
- Joint Management Committee to be formed.
- The functions of the Joint Management Committee include;
  - To prepare and review annual Action Plans in relation to the management of the Park (Clause 2.2)

- To establish Traditional Owner Advisory Groups to advise the committee on matters arising between annual meetings (Clause 2.2)
- To prepare local policy, guidelines, protocols and regional strategies (Clause 2.3)
- To assess permits, licences and Joint Management (Clause 2.3)
- To monitor the Reserve and Joint Management (Clause 2.3).

#### *Employment and training*

- Participation, training and employment of local Aboriginal people is a ‘key priority’ (Clause 6).
- The Plan provides that ‘training, employment and business outcomes for Traditional Owners will be actively pursued’ (Clause 6.5) in various ways, including:
  - Annually reviewing opportunities for direct and flexible employment, contracts and enterprise development (Clause 6.5)
  - Maximisation of paid participation of Traditional Owners in Park Management Programs (Clause 6.6)
  - Traditional Owners and Aboriginal organizations they support will be preferred service providers (Clause 6.7)
  - Traditional Owners will be paid for specialist cultural advice and supervision (Clause 6.8)
  - The Parks and Wildlife Service will provide opportunities for direct employment and training for Aboriginal people (Clause 6.9)
  - Community-based Indigenous rangers will be encouraged to assist with management of the reserve (Clause 6.10)
  - Participation by Traditional Owners in research, survey and monitoring projects will be maximised (Clause 6.32)
  - Supporting Traditional Owners and local Aboriginal people to participate in training and employment opportunities in tourism and interpretation activities on the Park (Clause 4.10).

#### *Management of the Scenic Character, Landscape, Geology, Soils and Water*

- Under Clause 5, the Traditional Owners have chosen not to exercise their rights to use the natural resources of the land (to hunt wildlife and gather bush goods).
- The Plan provides for the protection of Traditional and Historical Knowledge of the Reserve, through:
  - inter-generational exchange (Clause 5.19)
  - documentation of oral histories (Clause 5.20)
  - the protection of traditional ecological knowledge (Clause 5.21)
  - the protection of intellectual property rights (Clause 5.22).

- The Plan provides for the research and monitoring of Native Plants and Animals on the Reserve (Clauses 5.24 to 5.29).

## **6. Emily and Jessie Gaps Nature Park**

### ***Tenure***

- The park will be returned to the Traditional Owners under Aboriginal Freehold Title and then leased to the NT Government for 99 years.

### ***ILUA***

- Registered 3 October 2005
- Executed by the Central Land Council and the Northern Territory Government
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3059>

### ***Management Plan***

- The existing Plan of Management (September 2000) governs the management of the Park until the Joint Management Plan is prepared
- The current Plan can be accessed online:  
<http://www.nt.gov.au/nreta/parks/manage/plans/pdf/emilyjessiepom.pdf>

## **7. Ewaninga Rock Carvings Conservation Reserve**

### ***Tenure***

- Freehold Title granted to the Traditional Owners on the 12<sup>th</sup> June 2009
- Land leased to the Northern Territory government for 99 years.

### ***ILUA***

- Registered 30 September 2005
- Executed by the Central Land Council and the Northern Territory Government
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3007>

### ***Management Plan***

- Preparations have not yet commenced for a new Joint Management Plan

## **8. Finke Gorge National Park**

### ***Tenure***

- The park will be returned to the Traditional Owners under Aboriginal Freehold Title and then leased to the NT Government for 99 years.

### ***ILUA***

- Registered 30 September 2005

- Executed by the Central Land Council and the Northern Territory Government
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3006>

***Management Plan***

- Preparations have not yet commenced for a new Joint Management Plan

**9. Gregory National Park**

***Tenure***

- The park will be returned to the Traditional Owners under Aboriginal Freehold Title and then leased to the NT Government for 99 years.

***ILUA***

- Registered 30 September 2005
- Executed by the Central Land Council and the Northern Territory Government
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3004>

***Management Plan***

- A Draft Management Plan (May 2001) can be accessed online:  
<http://www.nt.gov.au/nreta/parks/manage/plans/pdf/gregorypom.pdf>
- The Draft Management Plan will be replaced by the Joint Management Plan which is in preparation.

**10. Gregory's Tree Historical Reserve**

***Tenure***

- The park will be returned to the Traditional Owners under Aboriginal Freehold Title and then leased to the NT Government for 99 years.

***ILUA***

- Registered 15 November 2005
- Executed by the Northern Land Council, the Northern Territory Government and the Native Title Parties
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=2660>

***Management Plan***

- Preparations have not yet commenced for a new Joint Management Plan

**11. N'Dhala Gorge National Park**

***Tenure***

- Freehold Title was granted to the Traditional Owners on the 12<sup>th</sup> June 2009
- Land leased to the Northern Territory government for 99 years.

#### ***ILUA***

- Registered 30 September 2005
- Executed by the Central Land Council and the Northern Territory Government
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3037>

#### ***Management Plan***

- A draft plan is due for completion in late 2009

### **12. Trepkina Gorge National Park**

#### ***Tenure***

- Freehold Title was granted to the Traditional Owners on the 12<sup>th</sup> June 2009
- Land leased to the Northern Territory government for 99 years.

#### ***ILUA***

- Registered 30 September 2005
- Executed by the Central Land Council and the Northern Territory Government
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3005>

#### ***Management Plan***

- A draft plan is due for completion in late 2009

### **13. West MacDonnell National Park**

#### ***Tenure***

- The park will be returned to the Traditional Owners under Aboriginal Freehold Title and then leased to the NT Government for 99 years.

#### ***ILUA***

- Registered 3 October 2005
- Executed by the Central Land Council, the Northern Territory Government and the Native Title parties
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3104>

#### ***Management Plan***

- A draft plan is due for completion in late 2009

## **Schedule 2**

### ***General Arrangements***

- Specified Parks and Reserves which are varied in title, and may not have been available for claim under the Aboriginal Land Rights Act.
- The specified Parks and Reserves are granted Freehold Title by the Northern Territory government.
- The title is then transferred to a Park Land Trust as Park Freehold (as defined in Section 9).
- The Traditional Owners agree to lease the specified land back to the Northern Territory government for 99 years.
- The Traditional Owners agree to withdraw their ALRA claims.
- Indigenous Land Use Agreements are signed for the specified parks and reserves.

### ***Park Freehold Title***

The Parks and Reserves specified in Schedule 2 are to be transferred into Park Freehold Title which is ‘an estate in fee simple over land that is a Park or Reserve’ ([Section 9\(1\)](#)). The conditions for the grant of Park Freehold Title are specified in [Section 9\(2\)](#), and includes;

- That the title can only be granted to a Park Land Trust for the benefit of Aboriginals
- The title is subject to any native title rights and interests in the land, but free of all other estates and interests in that land
- That the estate cannot be sold or mortgaged
- That the estate can be leased or sub-leased subject to the Joint Management Agreement
- That the estate can be surrendered to the Territory
- That the estate can be compulsorily acquired for a public purpose (, but if it is acquired, compensation is payable

The Chief Minister is authorized to grant Park Freehold Title over the Parks and Reserves in Schedule 2 ([Section 8](#)).

### ***Common features of Schedule 2 ILUAs***

- The ILUAs were completed to clarify the future title and management of the specified Parks and Reserves
- The purpose of the ILUA is to satisfy the requirements of the *Parks and Reserves (Framework for the Future) Act 2003* (NT) by granting ‘Park Freehold Title’ and executing a lease of the land to the Northern Territory Government for 99 years

- Under the ILUA, a Joint Management Deed is to be executed, as well as a Plan of Management for the Park or Reserve

***Joint Management details for specified Schedule 2 Parks and Reserves***

**1. Dulcie Range National Park**

***Tenure***

- NT Park Freehold Title was granted to a Park Land Trust on behalf of the Traditional Owners on the 12<sup>th</sup> June 2009

***ILUA***

- ILUA registered 3 October 2005
- Executed by the Central Land Council, the Northern Territory and the native parties
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=2731>

***Management Plan***

- A Draft Management Plan (May 2001) can be accessed online:
- [http://www.nt.gov.au/nreta/parks/manage/plans/pdf/dulcie\\_range\\_pom.pdf](http://www.nt.gov.au/nreta/parks/manage/plans/pdf/dulcie_range_pom.pdf)
- The Draft Management Plan will be replaced by the Joint Management Plan which is in preparation.

**2. Kuyunba Conservation Reserve**

***Tenure***

- NT Park Freehold Title was granted to a Park Land Trust on behalf of the Traditional Owners on the 12<sup>th</sup> June 2009

***ILUA***

**Conservation Reserve 1**

- ILUA registered 23 June 2005
- Executed by the Central Land Council, the Northern Territory and the Lhere Artepe Aboriginal Corporation
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=2853>

**Conservation Reserve 2**

- Registered 3 October 2005
- Executed by the Central Land Council and the Northern Territory
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3077>

### ***Management Plan***

#### ***3. Native Gap Conservation Reserve***

##### ***Tenure***

- NT Park Freehold Title was granted to a Park Land Trust on behalf of the Traditional Owners on the 12<sup>th</sup> June 2009

##### ***ILUA***

- Registered 3 October 2005
- Executed by the Central Land Council and the Northern Territory
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3078>

##### ***Management Plan***

- Preparations have not yet commenced for a new Joint Management Plan

#### ***4. Watarrka National Park***

##### ***Tenure***

- The tenure will be changed to Park Freehold Title and granted to a Park Land Trust

##### ***ILUA***

- Registered 3 October 2005
- Executed by the Central Land Council and the Northern Territory
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3079>

##### ***Management Plan***

- A draft plan is due for completion in late 2009

## **Schedule 3**

### ***General Arrangements***

- The underlying title of these Parks and Reserves may have meant that land was not available for claim under the Aboriginal Land Rights Act
- Current tenure arrangements remain in place over the specified land
- Joint Management Plans will be established for the specified Parks and Reserves
- Indigenous Land Use Agreements are signed

### ***Common Features of Schedule 3 ILUAs***

- The ILUAs were executed to clarify the future title and management for the specified Parks and Reserves.
- There are no changes in the tenure of the specified land.
- The ILUA specified that a Joint Management Deed be completed, in addition to a Plan of Management.
- The Park or Reserve will be managed in accordance with Joint Management Principles.

### *Joint Management details for specified Schedule 3 Parks and Reserves*

#### **1. Alice Springs Telegraph Station Historical Reserve**

##### *Tenure*

- Under Schedule 3, there will be no change to existing tenure arrangements.

##### *ILUA*

- Registered 23 June 2005
- Executed by the Central Land Council, the Northern Territory and the Lhere Artepe Aboriginal Corporation
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=2852>

##### *Management Plan*

- The existing Plan of Management (May 2001) governs the management of the Reserve until the Joint Management Plan is prepared
- The current Plan can be accessed online:
- <http://www.nt.gov.au/nreta/parks/manage/plans/pdf/alicepom.pdf>

#### **2. Black Jungle/ Lambells Lagoon Conservation Reserve**

##### *Tenure*

- Under Schedule 3, there will be no change to existing tenure arrangements.

##### *ILUA*

- Registered 15 November 2005
- Executed by the Northern Land Council, the Northern Territory and the Native Title Parties
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=2659>

##### *Management Plan*

- According to the NRETA website, a management plan is currently under preparation: <http://www.nt.gov.au/nreta/parks/manage/joint/develop.html>

### **3. Flora River Nature Park**

#### ***Tenure***

- Under Schedule 3, there will be no change to existing tenure arrangements.

#### ***ILUA***

- Registered 15 November 2005
- Executed by the Northern Land Council, the Northern Territory and the Native Title Parties (Wardaman People)
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=2657>

#### ***Management Plan***

- The existing Plan of Management (1998) governs the management of the Park until the Joint Management Plan is prepared
- The current Plan can be accessed online:  
<http://www.nt.gov.au/nreta/parks/manage/plans/pdf/florapom.pdf>
- According to the NRETA website, a new management plan is currently under preparation: <http://www.nt.gov.au/nreta/parks/manage/joint/develop.html>

### **4. Fogg Dam Conservation Reserve**

#### ***Tenure***

- Under Schedule 3, there will be no change to existing tenure arrangements.

#### ***ILUA***

- Registered 15 November 2005
- Executed by the Northern Land Council, the Northern Territory and the Native Title Parties
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3113>

#### ***Management Plan***

- According to the NRETA website, a management plan is currently under preparation: <http://www.nt.gov.au/nreta/parks/manage/joint/develop.html>

### **5. Harrison Dam Conservation Reserve**

#### ***Tenure***

- Under Schedule 3, there will be no change to existing tenure arrangements.

### ***ILUA***

- Registered 15 November 2005
- Executed by the Northern Land Council and the Northern Territory
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3107>

### ***Management Plan***

- According to the NRETA website, a management plan is currently under preparation: <http://www.nt.gov.au/nreta/parks/manage/joint/develop.html>

## **6. Mac Clark (Acacia Peuce) Conservation Reserve**

### ***Tenure***

- Under Schedule 3, there will be no change to existing tenure arrangements.

### ***ILUA***

- Registered 3 October 2005
- Executed by the Central Land Council and the Northern Territory
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3058>

### ***Management Plan***

- Preparations for a new Joint Management Plan have not yet commenced.

## **7. Mary River National Park**

### ***Tenure***

- Under Schedule 3, there will be no change to existing tenure arrangements.

### ***ILUA***

- Registered 10 October 2007
- The ILUA was executed between the Northern Land Council, the Chief Minister of the Northern Territory and the Native Title Parties.
- The purpose of the ILUA is to set out the Joint Management Agreement, Plan and Principles for the Park.
- The Agreement will be in operation for 99 years.
- Summary is available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=4227>

### ***Management Plan***

- Preparations for a new Joint Management Plan have not yet commenced.

## **8. Melacca Swamp Conservation Area**

### ***Tenure***

- Under Schedule 3, there will be no change to existing tenure arrangements.

### ***ILUA***

- Registered 15 November 2005
- Executed by the Northern Land Council, the Northern Territory and the Native Title Parties
- Summary is available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=2658>

### ***Management Plan***

- According to the NRETA website, a management plan is currently under preparation: <http://www.nt.gov.au/nreta/parks/manage/joint/develop.html>

## **9. Rainbow Valley Conservation Reserve**

### ***Tenure***

- Under Schedule 3, there will be no change to existing tenure arrangements.

### ***ILUA***

- Registered 3 October 2005
- Executed by the Central Land Council and the Northern Territory
- Summary is available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3080>

### ***Management Plan***

- The Joint management Plan was passed by the Northern Territory Legislative Assembly in June 2008.
- The Plan will have effect for no less than five years.
- The Joint Management Partners intend to update the plan no later than 2017.
- A summary is available at the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3080>
- A copy of the Plan can be accessed online:  
<http://www.nt.gov.au/nreta/parks/manage/plans/alice.html>

### ***Governance arrangements***

- All decision-making is to be shared equitably by the Joint Management Partners (the Government and Traditional Owners) under the plan.
- The Joint Management Partners are to make decisions on various aspects of the management of the reserve, including:
  - Standard procedures and day-to-day activity
  - Management program plans that are reviewed annually

- Development proposals
  - The impact of higher-level government policies on the management of the reserve.
- Central Land Council has an ongoing role in representing the Traditional Owners' interests, facilitating joint management consultations and monitoring the joint management process.
  - If a dispute arises between the Joint Management Partners that cannot be solved, the partners will “jointly appoint an independent mediator to help facilitate a final decision” (Clause 3.8). The Central Land Council will also facilitate dispute resolution between Traditional Owners, pursuant to Clause 3.9 of the Plan.
  - Under Clause 3.4, Annual General Meetings are held by the Joint Management Partners to review the progress made in the reserve's management, set annual operational plans, review or develop policies and consider development proposals (Clause 3.4.)
  - The success of the implementation of the Joint Management Plan is measured in accordance with the Annual Operational Plans developed by the Joint Management Partners (Clause 3.6.)

*Employment and training:*

- “Training, employment and business outcomes for Traditional Owners will be actively pursued” (Clause 3.12).
- The outcomes will be achieved by creating the following employment opportunities:
  - Paid participation of Traditional Owners in park management; including on-the-job and accredited training (Clause 3.13)
  - Traditional Owners and Aboriginal Organisations being preferred contract service providers (Clause 3.14 and Clause 8.1.4)
  - The Parks and Wildlife Service offering support to Traditional Owners for flexible work and training programs, in cooperation with other organisations (Clause 8.1.3)
  - The encouragement for Traditional Owners to pursue commercial opportunities in relation to the reserve (Clause 8.3.3).

*Monitoring of the Joint Management Plan*

- Under Clause 8.5.1, the Plan is to be reviewed annually by applying performance indicators and through annual reports.

*Cultural Heritage Management*

- The Traditional Owners will “control Aboriginal cultural heritage management activities, research and information” (Clause 5.1).

- A cultural heritage plan is also be developed between the Joint Management Partners and the Central Land Council (Clause 5.2).

#### *Traditional Owner Activities*

- Access all areas of the Reserve (Clause 5.3)
- Operate commercial guided tours to cultural sites (Clause 5.6)
- Prohibit commercial filming or photography of certain parts of the reserve (Clause 5.8)
- Gather bush tucker or use the natural resources of the Reserve, subject to the permission of the full Traditional Owner group or Committee and the conditions agreed by the Joint Management Partners (Clause 5.10).

### **10. Ruby Gap Nature Park**

#### *Tenure*

- Under Schedule 3, there will be no change to existing tenure arrangements.

#### *ILUA*

- Registered 3 October 2005
- Executed by the Central Land Council and the Northern Territory
- Summary available on the ATNS website:  
<http://www.atns.net.au/agreement.asp?EntityID=3081>

#### *Management Plan*

- Preparations for a new Joint Management Plan have not yet commenced.

## **Schedule 5**

#### *General Arrangements*

- Specified areas of *Aboriginal Land Rights Act 1976 (Northern Territory)* land which are adjacent to existing Parks and Reserves
- The land which is owned by Traditional Owners is to be incorporated into Parks and Reserves
- The land is then to be leased to the Northern Territory government for 99 years, to be managed as Parks and Reserves

#### *Park Freehold Title*

The Parks and Reserves specified in Schedule 2 are to be transferred into Park Freehold Title which is ‘an estate in fee simple over land that is a Park or Reserve’ ([Section 9\(1\)](#)).

The conditions for the grant of Park Freehold Title are specified in [Section 9\(2\)](#), and includes:

1. That the title can only be granted to a Park Land Trust for the benefit of Aboriginals
2. The title is subject to any native title rights and interests in the land, but free of all other estates and interests in that land
3. That the estate cannot be sold or mortgaged
4. That the estate can be leased or sub-leased subject to the Joint Management Agreement
5. That the estate can be surrendered to the Territory
6. That the estate can be compulsorily acquired for a public purpose, but if it is acquired, compensation is payable.

The Chief Minister is authorized to grant Park Freehold Title over the Parks and Reserves in Schedule 2 ([Section 8\(b\)](#)).

***Joint Management Details for specified Schedule 5 Parks and Reserves***

1. Aboriginal land adjoining Davenport Range National Park
2. Aboriginal land adjoining Gregory National Park

Further details and updates on the preparation of the Joint Management Plans can be accessed on the Northern Territory Department of Natural Resources, Environment, The Arts and Sport website: <http://www.nt.gov.au/nreta/parks/manage/joint/develop.html>.