

Overview of native title and joint management arrangements for protected and other conservation areas in the Australian Capital Territory

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An agreement to establish joint management arrangements over Namadgi National Park was signed by the Australian Capital Territory and ACT Native Title Claim Groups in 2001. There are no permanent joint management arrangements in place and the Interim Namadgi Advisory Board ceased meeting over two years ago. However, the Namadgi National Park Revised Draft Plan of Management 2007 and the ACT Standing Committee on Planning and Environment Inquiry into the Namadgi National Park Draft Plan of Management July 2008 indicate that negotiations for permanent management arrangements have begun.

Joint management arrangements are in place for the Booderee National Park in the Jervis Bay Territory. The Jervis Bay Territory is a Territory of the Commonwealth but is subject to the laws of the ACT. Ninety percent of the Territory has been granted to the Wreck Bay Aboriginal Community. Joint management arrangements for the Booderee National Park are underpinned by provisions of the [Environment Protection and Biodiversity Conservation Act 1999 \(Cth\)](#) (EPBC Act), the 1995 memorandum of lease between the Director of National Parks and Wildlife and the Wreck Bay Aboriginal Community Council and the [2002 Booderee National Park Management Plan](#).

Sources:

<http://www.parliament.act.gov.au/downloads/terms-of-reference/Namadgi%20National%20Park%20Final%20Plan%20Oct%202007.pdf>

<http://www.parliament.act.gov.au/downloads/reports/34peNamadgi.pdf>

http://www.ag.gov.au/www/agd/agd.nsf/Page/Territories_of_AustraliaJervis_Bay

http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/

<http://www.environment.gov.au/parks/publications/booderee/management-plan.html>

Namadgi National Park

Native title

The [Agreement between the Australian Capital Territory and ACT Native Title Claim Groups](#) agreed, as part of the permanent arrangements, to grant a Namadgi Special Aboriginal Lease over Namadgi National Park. Upon signing the Agreement signatories agreed to withdraw their native title claims over the area- (The [Ngunnawal People \(ACT\) claimant application ACD6001/98](#) and the [Ngunnawal People \(ACT\) claimant application ACD6002/98](#) have both been withdrawn.

Agreement details

The [Agreement between the Australian Capital Territory and ACT Native Title Claim Groups](#) was signed on 30 April 2001.

Tenure

As at February 2009 the permanent arrangements, as specified in the Agreement have not progressed.

The Special Aboriginal Lease, when granted, will not confer or create any lease or licence within the meaning of the *Planning and Development Act 2007*. The terms and conditions of the Namadgi Special Aboriginal Lease will be subject to further negotiation between the Parties.

The term will be for 99 years with an option for renewal at the end of that term.

Governance arrangements

The Interim Namadgi Advisory Board concluded in August 2007.

The [Namadgi National Park Draft Plan of Management 2007](#) and the [2008 Inquiry into the Namadgi National Park Draft Plan of Management](#) report that negotiations

have begun between the ACT Government and the Ngunnawal people on the terms and conditions for permanent cooperative management arrangements for Namadgi National Park.

The Namadgi National Park Revised Draft Plan of Management 2007 notes that Aboriginal parties to the negotiations have agreed on the matters to be subject to negotiation. These include:

- Cross-cultural awareness training for non-Indigenous people working in cooperative management
- Establishment of sites for Aboriginal cultural camps
- Traditional use of parts of Namadgi for hunting, food gathering and ceremonial purposes
- Employment and training of Aboriginal people at Namadgi
- Commercial and self-employment opportunities (research, art, entertainment and cultural tourism)

Employment and training

Employment programs undertaken on the park have included:

- The employment of an Aboriginal cultural heritage specialist by Environment ACT
- Recruitment of Aboriginal people as Trainee Rangers / Park Workers and in Visitor Information Centres
- Part time employment of Aboriginal people to assist with ranger guided and schools activities

In addition, the Board developed a training program in park management for Aboriginal trainee staff.

Other provisions

Under the interim management arrangements the Aboriginal parties to the Agreement have a right to be consulted on specific regional Aboriginal cultural issues and the

development of amendments to legislation that will impact on Namadgi National Park.

Sources:

<http://www.atns.net.au/agreement.asp?EntityID=1843>

http://www.nntt.gov.au/Applications-And-Determinations/Search-Applications/Pages/Application.aspx?tribunal_file_no=AC96/2

http://www.nntt.gov.au/Applications-And-Determinations/Search-Applications/Pages/Application.aspx?tribunal_file_no=AC97/1

<http://www.parliament.act.gov.au/downloads/terms-of-reference/Namadgi%20National%20Park%20Final%20Plan%20Oct%202007.pdf>

<http://www.parliament.act.gov.au/downloads/reports/34peNamadgi.pdf>

Tidbinbilla Precinct Discussion Paper: New plan of management (ACT Government, December 2008)

The Tidbinbilla precinct comprises Tidbinbilla Nature reserve, Birrigai Outdoor School and Block 60 Paddys River (Jedbinbilla).

The *Tidbinbilla Discussion Paper: New plan of management*, outlines a range of issues to be considered in the development of a plan to manage the Aboriginal cultural heritage values of the Tidbinbilla precinct.

The paper acknowledges the need to recognise Aboriginal peoples' interests in the management of sites and places of significance in the precinct. This includes control over cultural information and research, as well as issues of conservation, and access for Aboriginal people to the area for cultural and ceremonial purposes. In addition, the paper raises issues about the potential to create employment, education and training opportunities for Aboriginal people through the Tidbinbilla management plan.

While the paper notes that the Aboriginal community has been ‘more closely involved’ in management of the area since 1999, no mention is made of joint or co-management approaches (2008:11).

The Tidbinbilla Discussion paper may be viewed at:

http://www.tams.act.gov.au/_data/assets/pdf_file/0019/130852/Tidbinbilla_Plan_of_Management_Discussion_Paper.pdf

Booderee National Park

Native Title

There is no active native title claim over Booderee National Park.

Agreement details

A memorandum of lease between the Director of National Parks and Wildlife and the Wreck Bay Aboriginal Community Council was signed in December 1995. The [Booderee National Park Management Plan](#) was released in March 2002.

Tenure

Inalienable freehold title was transferred to the Wreck Bay Aboriginal Community Council under the [Aboriginal Land Grant \(Jervis Bay Territory\) Act 1986 \(Cth\)](#). In December 1995 the Wreck Bay Aboriginal Community Council entered into a 99 year lease with the Director of the Commonwealth National Parks and Wildlife Service.

The Director may transfer, assign or sublet part of the Park to assist the development of Wreck Bay Aboriginal Community Council activities.

Governance arrangements

The Booderee Board of Management has ten members. Under [s.377](#) of the EPBC Act a majority of the members of the Board must be indigenous persons nominated by the traditional owners.

Administration and management of the Park are the function of the Director of National Parks under the EPBC Act. Under the EPBC Act ([s.376](#)), the key function of the Board is to make decisions relating to the management of the Park that are consistent with the management plan.

The Board, in conjunction with the Director, prepares management plans for the Park, monitors the management of the Park and advises the Minister on the future development of the Park.

All 'category 3' activities undertaken in the Park require the approval of the Board. Category 3 activities are activities that would be likely to have a major impact on natural or cultural heritage, significantly alter visitor use, are a major departure from existing services or facilities in the Park or have an impact on the interests of the Wreck Bay Aboriginal Community. Examples of category 3 activities include major realignment of existing roads or tracks, establishment of major infrastructure, construction of new roads and services, and establishment of new types of commercial activities.

Under the management plan, the park manager will also refer to the Council for consideration and advice any proposals that may have a potential impact on the interests of the Wreck Bay Aboriginal Community.

The management plan is prepared in conjunction with the Director. The Board, along with the Director, monitors that management of the Park and advises the Minister on the future development of the Park.

Members of the Board are paid prescribed allowances and remuneration determined by the Remuneration Tribunal ([s.381](#) of the EPBC Act).

Employment and training

Under the lease agreement the Director must take all practicable steps to contract the Council's services and engage Wreck Bay Aboriginal Community members in the administration, management and control of the Park.

Where appropriate, people from the Wreck Bay Aboriginal Community will be engaged under contract, or commercial services will be encouraged, to deliver interpretative services and programs in the Park.

The management plan states that the Director has funded a Community Liaison Officer position and that the Wreck Bay Aboriginal Community will negotiate a cost-sharing arrangement for employment of a cultural sites officer.

The 2002 management plan reported that more than half of Park staff were members of the Wreck Bay Aboriginal Community (20 staff members). Wreck Bay Enterprises Limited (established by the Community to undertake work contracts) has contracts for management of the Entry Station, road maintenance, horticultural maintenance and cleaning.

Under the lease agreement, the Director must establish a training program to train reasonable numbers of the Wreck Bay Aboriginal Community in skills relevant to the administration, management and control of the Park.

The management plan contains a number of provisions relating to training, including:

- A full time Park training officer will continue to assist in the provision of relevant training for members of the Wreck Bay Aboriginal Community
- The training officer will implement a career enhancement program to facilitate the promotion of Aboriginal staff to all levels within the staff structure.
- A Training Committee will be established to set priorities and direction of training for Park staff.

- The Director will continue to provide a number of trainee positions or alternative arrangements such as cadetship or scholarship programs for Wreck Bay Aboriginal Community members as agreed by the Park Board.
- Wherever possible, training positions in the Park will be filled by Wreck Bay Aboriginal Community members.
- Training in employment procedures will be provided to staff and Council members.

Other provisions

Under the lease agreement the Director must encourage appropriate business and commercial initiatives and enterprises by the Wreck Bay Aboriginal Community Council and Wreck Bay Aboriginal Community members within the Park. The management plan prescribes that commercial activities carried on in the Park must benefit the Wreck Bay Aboriginal Community.

Assessment of commercial tourism proposals will assess Wreck Bay people's involvement and how the Wreck Bay Aboriginal Community will benefit. Preference will be given to tourism proposals by traditional owners, their business enterprises, joint ventures involving traditional owners, or proposals supported by traditional owners and providing Aboriginal employment. Commercial cultural interpretation may be provided by Wreck Bay Aboriginal Community only.

The management plan provides that a steering committee comprised of Park staff and nominated Wreck Bay Aboriginal Community members will oversee development of education and interpretation material and programs. All education and interpretation material will be developed in consultation with the Wreck Bay Aboriginal Community.

The management plan provides that the Director will work with the Wreck Bay Aboriginal Community Council to develop guidelines for the Park Board's approval for the use and occupancy of the Park by Council members for traditional use, ceremonial and religious and other approved purposes.

Permits will be issued to allow the burial of traditional owners.

Sources:

<http://www.atns.net.au/agreement.asp?EntityID=3497>

<http://www.environment.gov.au/parks/publications/booderee/pubs/management-plan.pdf>

http://www.austlii.edu.au/au/legis/cth/consol_act/algbta1986422/

http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/

For a case study of Booderee National Park, see:

Bauman, T, and Smyth, D, [Indigenous Partnerships in Protected Area Management in Australia: Three Case Studies](#), Australian Institute of Aboriginal and Torres Strait Islander Studies in association with the Australian Collaboration and the Poola Foundation (Tom Kantor fund), 2009.