



NSW NATIONAL PARKS & WILDLIFE SERVICE

Development of a new Aboriginal joint management model for NSW national parks



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A new Aboriginal joint management model for national parks

This paper sets out a groundbreaking proposal to develop, in consultation with Aboriginal people and other national park stakeholders, a new model for Aboriginal joint management of the NSW national park estate.

The NSW Government recognises that land title is central to the development of a new model for Aboriginal joint management. Accordingly, it is anticipated the new model will provide for the potential handback of title to all NSW national parks – covering nearly 10% of the State – over a 15 to 20-year period, subject to the land being leased back (long-term and for nominal rent) to the NSW Government for its continued use and management as a national park.

This would be an historic step which no other Australian jurisdiction and few, if any, countries in the world have taken in recognising the importance of Aboriginal land ownership and management in the stewardship of protected areas.

Expanding Aboriginal joint management across the national park estate will be a significant practical step towards Closing the Gap targets. It will deliver economic benefits for Aboriginal communities by increasing Aboriginal employment and creating additional opportunities for Aboriginal businesses, as well as strengthening the role of Aboriginal communities in national park decision-making and enhancing the protection of cultural heritage.

In other words, this proposed initiative is more than just an historic handback of nearly 10% of the State. It is about seeking to establish a model for Aboriginal joint management that ensures Aboriginal communities enjoy greater economic, social and cultural benefits from the management of the NSW national park estate.

Existing joint management arrangements cover around 30% of the national park estate but utilise 3 different and inconsistent models depending on whether the land is held under freehold title (that is subject to statutory constraints) or is covered by Indigenous Land Use Agreements or involves administrative arrangements only.

Currently, Aboriginal people hold title to a little over 2.2% of the national park estate. In addition, native title has been formally recognised over 2.4% of the national park estate.

It is proposed that a new model be developed which provides for a consistent, cohesive and equitable approach, supporting joint management across the entire national park estate. The foundation for this model will be Aboriginal people holding title to the land – or jointly holding title – and providing a long-term lease at nominal rent back to the NSW Government for the ongoing management of that land as a national park.

In developing a model that provides for title to be held by Aboriginal people, the new model will seek alignment with native title processes and outcomes.

The proposed new model will be developed in consultation with Aboriginal communities and native title holders, as well as with other stakeholders who use and value our national parks. This consultation process is expected to take around 18 months.

The proposed new model will also be designed to strengthen the effective management and conservation of our national parks through the increased recognition and application of Aboriginal knowledge and customary land management.

The level of investment in fire management, feral animal and weed control, visitor infrastructure and management and threatened species protection is currently at record levels across the national park estate. A new model will build on these recent efforts to

ensure on-ground land management is the world's best practice, while providing continued public access and visitation.

Accordingly, in developing a new joint management model, the NSW Government is committed to:

- providing ongoing public access to the national park estate in a manner that showcases our natural and cultural heritage and positions New South Wales as a world leader in nature-based tourism
- implementing effective fire management across the estate, consistent with existing statutory obligations, including under the *Rural Fires Act 1997* and NPWS hazard reduction commitments
- implementing feral animal, weed control, threatened species protection and other on-ground land management, which protects natural and cultural values in a manner consistent with NSW national parks being one of the world's leading protected area estates.

The new model will provide for the continuation (grandfathering) of existing statutory lease back arrangements and will honour all commitments under existing Indigenous Land Use Agreements.

The 18-month consultation process will include working with peak Aboriginal groups, existing joint management partners, and Aboriginal groups who have expressed an interest in joint management.

Detailed consultation will also occur with the range of other stakeholders who use and value our national parks, including conservation groups, tourism bodies, local government and recreational users.

Consultation will include targeted regional workshops and broad public consultation, including a request for input on the proposed model.

Current joint management arrangements will remain in place whilst a new model is being developed.



Photo **Sunset over Menindee Lake in Kinchega National Park. John Turbill/DPE**

How much of the national park estate is currently under Aboriginal joint management?

Broadly defined, joint management of national parks involves Aboriginal people and the National Parks and Wildlife Service (NPWS) working together to protect natural and cultural heritage. Joint management is established through a written agreement between the NPWS and Aboriginal communities and requires the two parties to work together in managing a particular park or reserve.

About 2.28 million hectares, or one-third of the NSW national park estate, is currently managed under a joint management arrangement. However, of this area, Aboriginal people hold freehold title (that is subject to statutory constraints) to 172,791 hectares only – i.e., 2% of the national park estate as a whole, or 7.5% of the area under joint management.

There are currently 3 models of joint management. Only one model involves Aboriginal owners holding title, and each of the 3 models offers varying levels of recognition of Aboriginal connection and governance and delivers varying levels of economic benefits and autonomy in decision-making.

The models are:

- Aboriginal ownership, with title held on behalf of Registered Aboriginal Owners, under Part 4A of *National Parks and Wildlife Act 1974*. The land is leased back to the NSW Government for a national park, with rent set at market value. There are 7 leases covering 172,791 hectares.
- Joint management arrangements with native title holders within Indigenous Land Use Agreements under the *Native Title Act 1993*. There are 9 agreements covering 551,760 hectares. The Indigenous Land Use Agreements typically provide for matters such as a governing advisory committee, consultation about park management, including protection of Aboriginal cultural heritage, some preferential contracting, employment and training. No rent is paid.
- Memoranda of Understanding with local community and traditional owners. There are 17 Memoranda of Understanding covering 1,556,522 hectares. These Memoranda of Understanding typically provide for a governing advisory committee, consultation about park management, including protection of Aboriginal cultural heritage, some preferential contracting, employment and training. No rent is paid.

There are over 220 Aboriginal joint management board and committee members involved in supporting current joint management arrangements.

NPWS Aboriginal Joint Management Reserves 2022

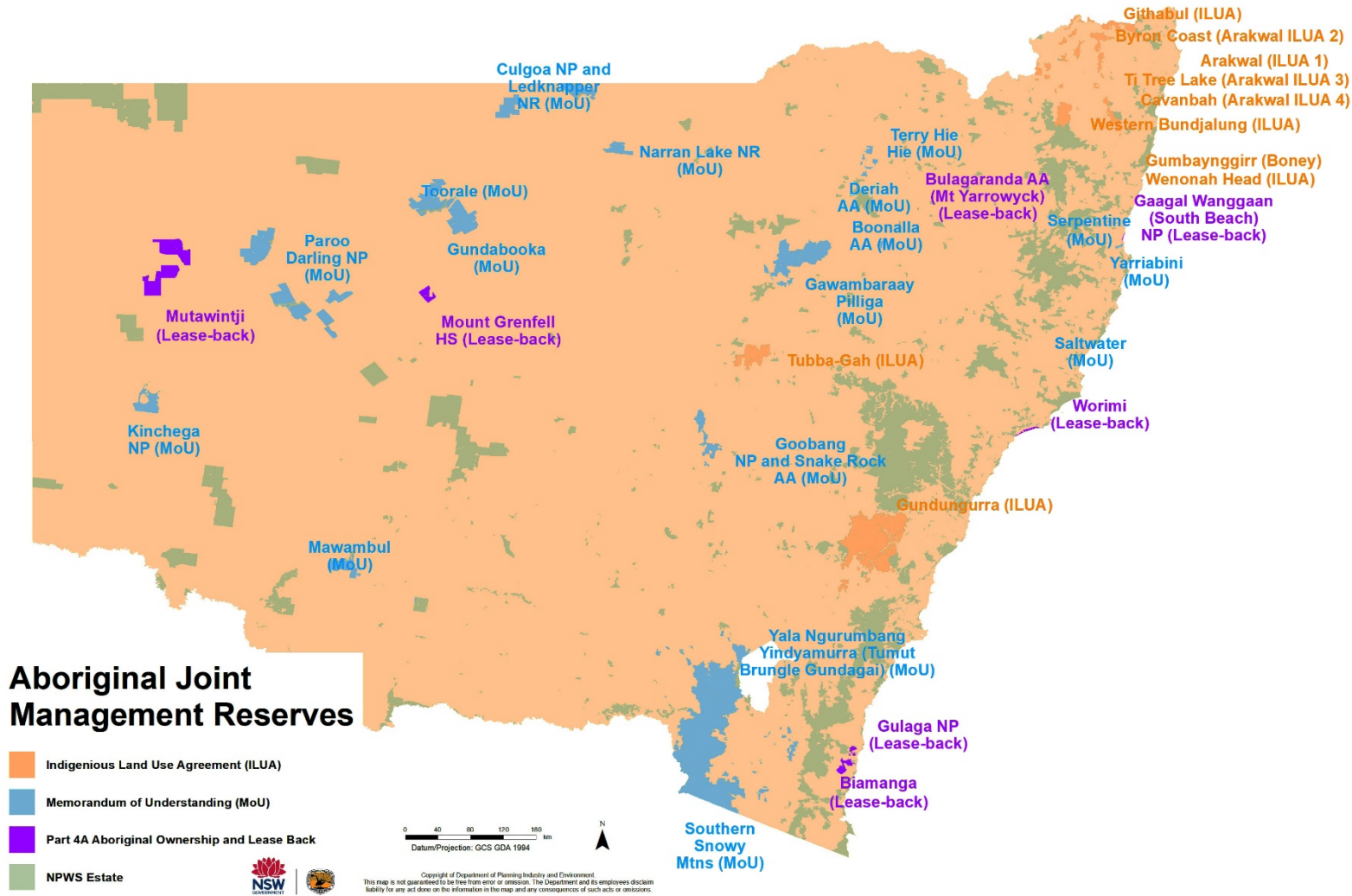


Figure 1 Map of NPWS Aboriginal joint management reserves in 2022

History of joint management

New South Wales has been a leader in recognising and developing joint management arrangements. The first national park to be handed back to Aboriginal ownership was Mutawintji in 1998 in western NSW.

The Aboriginal ownership and lease back of parks in New South Wales was established in response to activism from the Aboriginal community in New South Wales for land rights and joint management of parks, particularly in the 1980s and early 1990s. This was before the historic High Court Mabo decision on native title in 1992. Relevant legislation was first introduced to Parliament in 1991 as a direct response from the NSW Government to Recommendation 315 of the 1991 Royal Commission into Aboriginal Deaths in Custody.

While it took 5 years to resolve, in December 1996 the *National Parks and Wildlife Amendment (Aboriginal Ownership) Bill 1996* was passed. The Bill established a process by which lands of Aboriginal cultural significance can have their ownership legally transferred from the Minister to Local Aboriginal Land Councils, to hold title on behalf of Registered Aboriginal owners, and a majority Aboriginal owner board of management has the care, control and management of the park.

In 2001, Arakwal National Park in northern NSW became the first national park in Australia to be created and jointly managed through an Indigenous Land Use Agreement under the *Native Title Act 1993*.



Photo Nigel Stewart – painted face and didgeridoo, Dolphin Dreaming education program, Arakwal. David Young/DPE

Why do we need a new Aboriginal joint management model?

Around 30% of the national park estate is covered by joint management arrangements. Many Aboriginal communities have requested that joint management be extended to national parks not covered by existing arrangements.

However, the existing joint management models are not equitable or consistent. Only one model allows Aboriginal people to hold freehold title. The models offer varying levels of involvement for Aboriginal people in decision-making and provide inconsistent economic and employment outcomes.

A new model is needed to support the expansion of joint management, and the transfer of title (or co-ownership) to Aboriginal people, across potentially the entire national park estate in a manner that is consistent, equitable and affordable, and supports the ongoing implementation of core national park management priorities including access for recreation and the delivery of fire management, feral animal control and threatened species conservation.

In this respect, it is not possible to expand the existing Aboriginal ownership and lease back model (under Part 4A of the National Parks and Wildlife Act) across the entire national park estate because the cost would be prohibitive – i.e., the NSW Government is not in a position to pay market rent on nearly 10% of the State including around 45% of the coastline.

Nevertheless, a key driver for developing a new model is to deliver greater economic benefits for Aboriginal communities by increasing Aboriginal employment and to create new opportunities for Aboriginal businesses, as well as strengthening the role of Aboriginal communities in national park decision-making.

Given the increase in native title claims in New South Wales, it is also timely to ensure that any new model will align with native title processes. While native title has been determined to exist across 187,363 hectares (2.4%) of the national park estate, another 2,379,729 hectares (30.7%) are subject to native title claims.



Photo Bush Tucker Tour with Aunty Deidre. Jessica Taunton/DPE

What benefits will be delivered by expanding Aboriginal joint management?

Expansion of Aboriginal joint management, including formal recognition of ownership and connection to Country, has the potential to make a significant practical contribution toward Closing the Gap targets and broader reconciliation objectives. The aim is to develop a model that will deliver a range of significant social and economic benefits for Aboriginal people, including increased direct employment and greater opportunities for Aboriginal businesses to deliver nature-based and cultural tourism and land management on park.

Handing back title to nearly 10% of the State, over a 15-20-year period, will be an historic step. A new model for joint management will, however, be designed to ensure this initiative also empowers Aboriginal communities to enjoy greater economic, social and cultural benefits from national park management.

Aboriginal joint management strengthens national park management. Under existing arrangements, Aboriginal people work in partnership with NPWS to deliver outcomes for the wider NSW community through conservation, sharing of culture and heritage, land management, facilitating public access, promoting tourism and contributing to local and regional economies. Visitors to national parks have an enriched experience through interaction with Aboriginal peoples and an understanding of Aboriginal cultural values.

Aboriginal people have legal rights that coexist with park management and public access and use of parks. Joint management agreements between NPWS and Aboriginal people can support the coexistence and exercise of these rights in a manner that promotes benefits for Aboriginal people, park management and the wider community.

Importantly, Aboriginal joint management provides opportunities for increased self-determination and decision-making by Aboriginal people on how Country is managed.



Photo Becky Chatfield at all female hazard reduction burn at Scheyville National Park.
Peter Taseski/DPE

Increased Aboriginal employment opportunities

In the 25 years of formal joint management agreements, rates of Aboriginal people being employed to care for their Country within jointly managed national parks have increased. This contributes to NPWS supporting a high rate of Aboriginal employment (12% of NSW National Parks and Wildlife Service staff are Aboriginal and/or Torres Strait Islander, which is significantly higher than that of the NSW public sector workforce [3.3%]). In areas with jointly managed parks, the rates for Aboriginal employment are even more impressive – around 50% of all staff in West Darling area are Aboriginal people and in Tweed Byron area around 25% of staff are Aboriginal people.

The Mutawintji National Park Board of Management have achieved their aim of having 100% of staff employed to work at Mutawintji being Wimpatja (Aboriginal people).



Photo Norm Graham, Ranger at Arakwal National Park. DPE

Tourism opportunities

The Worimi Conservation Lands employ 19 Aboriginal people, with plans to increase this number to 26 during 2022–23. The arrangements at Worimi Conservation Lands have helped support the development of an associated eco-tourism business owned and run by Worimi people. Land management contractors working on Worimi Conservation Lands also employ Aboriginal people. The Worimi Local Aboriginal Land Council holds a Parks Eco Pass and conducts tourism ventures both on and off park.



Photo Stockton Beach, Worimi Conservation Lands. Erin McGauley/DPE

Cultural heritage

Joint management agreements provide for Aboriginal people to have primary responsibility for the assessment, management, monitoring, protection and interpretation of Aboriginal cultural heritage. The Board of the jointly managed Mount Grenfell national park is working with Heritage NSW to undertake an audit of its art sites. Worimi Conservation Land Board and the Narran Lakes Joint Management Committee have climate change adaptation projects raising awareness of threats to cultural heritage and detailing the practical actions required to safeguard Aboriginal cultural heritage for future generations.



Photo Dolphin Dreaming Discovery program, The Pass, Arakwal tools. Lee Middelton/DPE

Key elements to be considered in developing a new model

The national park estate covers more than 7.75 million hectares or about 9.6% of New South Wales, containing a diverse range of landscapes, including rainforest, desert, alpine areas and vast woodlands and forests. This diversity attracts over 60 million visits annually, generating nearly \$18 billion in economic activity and supporting 74,000 jobs. Investment in national park visitor infrastructure is at record levels.

In addition, around 75% of all hazard reduction burning in New South Wales is conducted in national parks as part of interagency arrangements involving NPWS, the Rural Fire Service and others. An important priority for fire management in national parks is reducing the risk to lives and property. NPWS is also conducting the largest feral animal and weed control programs in its history, is implementing a groundbreaking threatened species program committed to zero extinctions and has undertaken to become carbon positive by 2028.

A new joint management model must build on, and strengthen, these initiatives to ensure on-ground land management of our national parks is world's best practice, while also providing for continued public access and visitation showcasing our globally significant natural and cultural heritage.

Accordingly, the NSW Government is committed to developing a joint management model that:

- provides for the transfer of title (or co-ownership) to potentially all of the national park estate over the next 15 to 20 years to Aboriginal people, subject to a long-term lease at nominal rent, back to the NSW Government for the land to be managed as a national park
- significantly increases economic and employment opportunities for Aboriginal people and businesses on the national park estate, including through joint ventures and preferential contracting
- maintains public access and use of national parks for tourism, recreation and conservation (this is enshrined in the *National Parks and Wildlife Act 1974* and will be key to delivering benefits to Aboriginal businesses)
- provides for effective fire management across the estate, consistent with existing statutory obligations, including under the *Rural Fires Act 1997* and NPWS hazard reduction commitments
- guarantees core service delivery commitments are met in relation to feral animal, weed control, threatened species protection and other on-ground land management activities
- establishes joint management arrangements which support Aboriginal engagement and decision-making on park management issues
- provides for NPWS to continue to deliver day-to-day on-ground management, enhanced by increased Aboriginal engagement and employment
- recognises that Aboriginal people have primary and ultimate responsibility for the conservation and management of Aboriginal cultural heritage on national parks.

There are a range of complex issues that will need to be considered, including the appropriate mechanism for identifying the Aboriginal owners for each national park; alignment with native title processes; developing governance arrangements that are practical and affordable; articulating a framework for Aboriginal decision-making that supports seamless delivery of day-to-day management activities; and identifying a robust and transparent framework for increased economic participation by Aboriginal businesses.

Existing arrangements under Part 4A of the NPW Act will be maintained, and all obligations under Indigenous Land Use Agreements and native title determinations will be met.

All joint management arrangements will remain in place whilst a new model is being developed.



Photo Rhys Pacey and Uncle Kenny Walker at Diamond Flat cultural burn in New England National Park. Tom Denman/DPE



Photo Arakwal Aboriginal Bush Tucker, Arakwal National Park. Lee Middleton/DPE

How will the new model be developed?

The new Aboriginal joint management model will be developed in partnership with Aboriginal communities, and only finalised after extensive consultation with other stakeholders with an interest in our national parks as well as the broader community.

The NPWS Joint Management Custodians Network – comprised of representatives from each of the existing 33 joint management agreements – will play an important role in the design of a new joint management model. The Network has been instrumental in advocating for an expansion of joint management.

Other key groups will include native title holders and claimants, the NSW Aboriginal Land Council, Native Title Services Corporation, and Aboriginal communities who have registered an interest in joint management.

The process will also include effective engagement with the range of other stakeholders who use and value our national parks, including conservation groups, tourism bodies, local government and recreational users.

A detailed analysis of the costs involved in implementing a new model will be undertaken during the consultation process.

There will be 3 broad phases of consultation:

- Stage 1 will focus on understanding aspirations and issues
- Stage 2 will invite comment on a draft model developed based on feedback from Stage 1.
- A proposed model will be refined following Stage 2 and released for public comment (Stage 3).

The aim is to define a preferred joint management model, including a detailed analysis of financial implications, for consideration by the NSW Government by the end of 2023. If approved, legislative changes would then be presented to Parliament.



Photo Rod Penrith collecting corroboree frog eggs in Kosciuszko National Park. David Hunter/DPE