



Managing Country



This Fact Sheet provides information about management and access to primarily parks and reserves in NSW.

It is one of a series of Culture and Heritage Fact Sheets which have been developed for Local Aboriginal Land Councils (LALCs) and the Aboriginal community by the NSW Aboriginal Land Council (NSWALC).

Please Note: While all care has been taken in the preparation of these Fact Sheets, they are not a substitute for legal advice in individual cases. The information in this Fact Sheet is current as of February 2016.

Joint Management and Co-management

For parks or reserves under the NSW Office of Environment and Heritage (OEH) / National Parks and Wildlife Services (NPWS) authority, joint management and co-management arrangements can allow local Aboriginal communities to have a say in the management of these areas.

The terms joint management and co-management have sometimes been used interchangeably. This Fact Sheet uses the terms as follows:

- **Joint Management** to refer to specific lease back arrangements under Part 4A of the *National Parks and Wildlife Act 1974* (NSW) (NPW Act), and
- **Co-management** to refer to other arrangements such as Memoranda of Understanding, Indigenous Protected Areas, Indigenous Land Use agreements and other information arrangements such as Aboriginal people participating in

advisory boards or consultation arrangements between Government staff and Aboriginal groups.

Joint Management (Part 4A Lease-back agreement)

Parks and reserves can be transferred back to Aboriginal ownership under a 'lease back agreement' negotiated with the NSW Government under Part 4A of the NPW Act. Under this arrangement, a park is returned to the LALC, which holds the park on behalf of the Aboriginal owners. The park can then be leased by the NSW Government on mutually agreed conditions. The lease payments are put towards the care, control and management of the park. The park's board of management also consists of a majority representation of Aboriginal owners.

See Fact Sheet 3 for more information on Part 4A Joint Management.

Memoranda of Understanding (MoU)

Aboriginal communities can enter into a formal agreement with the NPWS to outline their involvement in the planning and management of national parks and other reserves¹. A MoU recognises the local Aboriginal people's cultural association with a park and aims to provide Aboriginal people with greater involvement in its management. A MoU is generally non-binding but may aim to address issues such as access, park management, employment and education. The negotiations for a MoU are not controlled by legislation

making the process and the agreement flexible.

Indigenous Land Use Agreements

Registered native title claimants or holders may be able to negotiate an Indigenous Land Use Agreement (ILUA) with the NSW Governmentⁱⁱ. The provisions dealing with joint management within an ILUA are flexible, as there are no legislative requirements for what it must contain. For example, an ILUA can specify programs for training and possibly paid employment with the NPWS for Aboriginal people. If an ILUA is made, it can be registered on the Register of Indigenous Land Use Agreements, which legally binds the parties to the ILUA including all future native title groups, whether or not they were a party to the ILUA. As part of ILUA negotiations, the State may ask the native title group to agree to the extinguishment of native title rights. Please contact NTSCORP to find out more about native title.

Indigenous Protected Areas

Aboriginal land owners can agree to dedicate land as an Indigenous Protected Area (IPA). The aim of IPAs is to support Indigenous land owners to develop, declare and manage culturally and environmentally significant land. Funding for IPAs is allocated by the Federal Government and IPAs are recognised under Australia's National Reserve System.

Other ways to get involved

There are also other ways to be involved in the management of a park, for example, you may wish to participate in an existing management or advisory committee or you could request that an Aboriginal Advisory Committee be established. Your community could also have an informal arrangement with the NPWS on when and who they should consult within your community on particular issues.

Plan of management consultation process

For each park or reserve, the responsible agency is required to develop a plan of management, which is a legal document that

addresses issues such as; *what activities will be allowed, significant Aboriginal areas, and fire management strategies*. For Marine Parks, these plans also include zoning requirements. Agencies which manage parks and reserves include the NPWS, OEH and local councils.

Draft plans have public consultation requirements that must be met before they are approved. Depending on the Government agency responsible, the public consultation period can go for up to 90 days. LALCs and Aboriginal communities can submit a comment on a plan of management proposing more involvement with the local Aboriginal people, or making other recommendations for the management of the area.

Access

Some National Parks in NSW have vehicle entry fees. For further information on entry fees visit the NPWS website: www.nationalparks.nsw.gov.au.

A park manager may waive entry fees where they apply. Current policy is that Aboriginal people are exempt from park entry fees when they are entering the park for the purpose of undertaking cultural activity if they can show prior written consent from the park manager.

More information

- Visit the NPWS web page: nationalparks.nsw.gov.au
- Contact the Office of The Registrar of the *Aboriginal Land Rights Act 1983* (NSW) on 02 9562 6327
- Contact NTSCORP Head Office on 02 9310 3188 or freecall 1800 111 844
- Contact your local Zone Office
- Contact the NSWALC Policy and Programs Unit on 02 9689 4444

ⁱ<http://www.environment.nsw.gov.au/jointmanagement/mouforjointmanagement.htm>

ⁱⁱ<http://www.environment.nsw.gov.au/jointmanagement/indigenoulanduseagreement.htm>