



Joint Management of National Parks (Part 4A)



This Fact Sheet provides information about joint management arrangements under Part 4A of the *National Parks and Wildlife Act 1974* (NSW) (**NPW Act**).

This is one of a series of Fact Sheets which have been developed for Local Aboriginal Land Councils (**LALCs**) and the Aboriginal community by the NSW Aboriginal Land Council (**NSWALC**). Copies of the Fact Sheets are available from www.alc.org.au or by calling the NSWALC Policy and Programs Unit on 02 9689 4444.

While all care has been taken in the preparation of this fact sheet, it is not a substitute for legal advice in individual cases. This Fact Sheet is current as of February 2016.

What is Joint Management?

Under Part 4A of the NPW Act, land which has been assessed to be culturally significant to Aboriginal communities and needed for conservation purposes can be handed back to Registered Aboriginal Owners.

As part of the joint management process, a LALC holds the title of the lands on behalf of Aboriginal Owners, and a lease-back agreement is negotiated with the NSW Government. This arrangement allows Aboriginal Owners and the NSW Government to jointly manage the land as a conservation area, usually as a national park or other form of reserve.

A Board of Management is set up to manage the park. It must consist of a majority of Registered

Aboriginal Owners, with government and other local and interest group representatives.

A rental fee is paid by the NSW Government into a fund which is used by the Board of Management to manage the land and for specific projects on park.

There are six areas of land currently under Part 4A joint management in NSW.

What is the Register of Aboriginal Owners?

The *Aboriginal Land Rights Act 1983* (NSW) (**ALRA**) includes provisions for the establishment of the 'Register of Aboriginal Owners'. This Register is a list of Aboriginal people who have a cultural association with land in NSW, the location of the land with which those Aboriginal persons have a cultural association and the nature of that cultural association. Each person nominated for entry into the Register must give written consent in order to be registered.

When can land be handed back as a National Park?

There are two ways that land can be Aboriginal owned and jointly managed as a national park.

The first is if the NSW Parliament recognises that land is of 'cultural significance' to Aboriginal people, and agrees to list that land in Schedule 14 of the NPW Act. Schedule 14 lands may already be national parks or nature reserves. A Part 4A lease

can be negotiated, and the land can be handed back to Aboriginal Owners and jointly managed as a national park.

The second way is through the Aboriginal Land Claims process. If a land claim made over Crown land by a LALC under the ALRA is refused by the Minister for Lands on the basis that the land is needed for the 'essential public purpose of nature conservation', under section 36A of the ALRA, the Government can enter into Part 4A negotiations with the LALC to jointly manage the land. If successful, the Minister for Lands can hand the land back to Aboriginal Owners on the condition that it is jointly managed as a national park or reserve.

Can other parks be returned to Aboriginal ownership?

Aboriginal people can nominate parks to be added to Schedule 14 to be considered for Aboriginal ownership. To list a new park in the schedule, the NPW Act requires that the Director-General, in assessing cultural significance, reports on a number of issues including archaeological and historical information.

Aboriginal people with a cultural association with a specific parcel of land may wish to talk to the NSW Office of Environment and Heritage (OEH) about arrangements for joint management and consideration of that land for listing in Schedule 14. The first port of call should be your local National Parks and Wildlife Services Office.

What other ways can Aboriginal people be involved in the management of parks in NSW?

Aboriginal people can be involved in the management of parks in NSW in a range of other ways. This includes Memoranda of Understandings (MoU), native title determinations or Indigenous Land Use Agreements, and by participating in park advisory committees.

See Fact Sheet 2 for more information on options for Managing Country.

Parks currently managed under Joint Management arrangements in NSWⁱ

Aboriginal-owned lands with Part 4A lease-back agreements are:

- Biamanga National Park, near Bega
- Gaagal Wanggaan (South Beach) National Park
- Gulaga National Park, near Bermagui
- Mutawintji National Park, Historic Site and Nature Reserve, near Broken Hill
- Mount Grenfell Historic Site, near Cobar
- Worimi Conservation Lands, near Newcastle

Indigenous Land Use agreements:

- Arakwal National Park ILUA, near Byron Bay
- Githabul ILUA, near Tenterfield

MoU arrangements:

- Boonalla Aboriginal Area, near Gunnedah
- Culgoa National Park and Ledknapper Nature Reserve, North Western NSW
- Deriah Aboriginal Area, near Narrabri
- Gawambaaray Pilliga, near Coonabararan
- Goobang National Park and Snake Rock Aboriginal Area, near Parkes
- Kinchega National Park, near Broken Hill
- Mungo National Park, Far West NSW
- Paroo Darling, near Wilcannia
- Saltwater National Park, North Coast
- Terry Hie Hie Aboriginal Area, North West
- Toorale National Park, near Bourke
- Tumut Brungle Gundagai Aboriginal Area, near Canberra
- Yarriabini National Park, near Nambucca
- Worimi Conservation Lands, North Coast

Where can I get more information?

The Office of the Registrar of the ALRA has a published guide on Aboriginal Ownership and Joint Management, which is available online at www.oralra.nsw.gov.au under the 'Information and Publications' heading. The Registrars' Office can also be contacted on (ph) 02 9562 6327 or email: adminofficer@oralra.nsw.gov.au for further information.

Visit the 'Culture and Heritage' pages of the NSWALC website at www.alc.org.au or contact the NSWALC Policy and Programs Unit on 02 9689 4444.

ⁱenvironment.nsw.gov.au/jointmanagement/jointmanagedparks.htm