

INNOVATIVE ARRANGEMENTS FOR CO-MANAGEMENT OF PARKS IN SOUTH AUSTRALIA

Greg Leaman
Executive Director, Policy
Director of National Parks and Wildlife
Department of Environment and Natural Resources

INTRODUCTION

South Australia covers approximately 98 million hectares and has a population of almost 1.7 million, of which around 1.8% are Indigenous people.

The South Australian protected area system includes 341 parks and reserves encompassing over 21 million hectares, or more than 21% of the State. Many of these areas are significant to Aboriginal people.

A similar area of the State is Aboriginal freehold land. Due to its size, remoteness and relatively intact and undeveloped condition, much of the Aboriginal freehold land can make a significant contribution to the conservation of biological diversity and natural systems in South Australia.

The Australian Government has established six Indigenous Protected Areas over Aboriginal lands in South Australia, encompassing around 3.3 million hectares.

In July 2004, the *National Parks and Wildlife Act 1972* (SA) (the Act) was amended to enable the establishment of co-operative park management arrangements over national parks and conservation parks in South Australia through statutory co-management agreements between the Minister for Environment and Conservation (the Minister) and the relevant Aboriginal group.

Five co-management agreements are now in place under the new arrangements. These encompass approximately 3 million hectares, or around 14% of the formal reserve system in South Australia.

The co-management arrangements under the Act are being increasingly recognised as an important tool for resolving issues relating to native title through negotiated settlement rather

than expensive litigation. Additional co-management agreements are being negotiated, all of which are linked to native title negotiations and Indigenous Land Use Agreements (ILUAs).

This paper provides a brief overview of South Australia's approach to co-management of parks, including the benefits, and policy and management considerations. Governance arrangements, management effectiveness, community engagement and equity considerations are discussed using the Vulkathunha-Gammon Ranges National Park as a case study.

CO-MANAGEMENT FRAMEWORK

In 2002, the incoming State Labor Government made a commitment to hand back the 2.1 million hectare (then called) Unnamed Conservation Park in the far west of South Australia to the traditional owners while continuing to maintain the area as a conservation park.

This represented a significant commitment by the State to work with Aboriginal people to jointly manage natural resources and conservation lands. However, there was no framework in place for this to occur and changes to the Act were required.

Under the legislation in place at the time, parks could only be established over Crown-owned lands and all parks were under the control of the Minister and under the management of the Director of National Parks and Wildlife.

This initiative by the Rann Government provided an opportunity to amend the legislation — firstly, to enable the handback of the Unnamed Conservation Park, and secondly, to transfer control and/or management of other parks to the traditional owners.

The Act was amended in July 2004 to provide for statutory agreements to be established between the Minister and the relevant Aboriginal group for co-management of National Parks and Conservation Parks. It also enabled National Parks and Conservation Parks in South Australia to be constituted over Aboriginal-owned lands.

An Aboriginal-owned park may arise as a result of the return of an existing Crown-owned park to the traditional owners or at the request of the registered Aboriginal proprietor of the land. In the latter instance, the land must also be proclaimed as a new park under the Act.

A co-management agreement may result in the creation of a co-management board, in which case the park is placed under the management control of the board. A co-management board assumes the powers of the Director, who ceases to have management responsibility for the park. Co-management boards may also assume some functions previously reserved for the Minister (e.g. approval of leases and licences).

Alternatively, a co-management agreement may result in the creation of an advisory structure (e.g. an advisory committee to the Director of National Parks and Wildlife) which provides advice but does not have control or management responsibility for the park.

The changes to the Act created a three-tiered framework for the co-management of Aboriginal-owned or government-held national parks and conservation parks:

- *Aboriginal-owned parks* — Aboriginal-owned national parks and conservation parks are under the control of, and managed by, co-management boards. A co-management board for an Aboriginal-owned park has a majority of members from the relevant Aboriginal group and is chaired by a person nominated by the Aboriginal owners. The Unnamed Conservation Park, now known as Mamungari Conservation Park was returned to its traditional owners in 2004 and is managed by an Aboriginal-majority board under a co-management agreement.
- *Crown-owned parks managed by a co-management board* — Co-management boards may be established for Crown-owned national parks and conservation parks, in which case the board has management control of the park. Membership of a co-management board for a Crown-owned park is determined by agreement between the Minister and the traditional owners. There are currently two Crown-owned parks managed by co-management boards: the Vulkathunha-Gammon Ranges National Park (128,228 hectares) and Witjira National Park (777,000 hectares).
- *Crown-owned parks with a co-management advisory structure* — A statutory advisory structure may be established for a Crown-owned national park or conservation park to provide management advice, however it does not have management control. The functions and membership structure of an advisory committee are determined by agreement between the Minister and the relevant Aboriginal group. The Ngaut Ngaut Conservation Park (49 hectares) and Coongie Lakes National Park (27,800 hectares) are managed in accordance with co-management advisory structures.

VULKATHUNHA-GAMMON RANGES NATIONAL PARK: A CASE STUDY

The Vulkathunha-Gammon Ranges National Park provides a useful case study for examining the governance arrangements, management effectiveness, stakeholder involvement and equity considerations associated with a Crown-owned park co-managed by a board under the South Australian framework.

The park is located in the visually spectacular northern Flinders Ranges, approximately 750 kilometres north of Adelaide. It incorporates a range of arid ecosystems and habitats, supports a number of species of conservation significance, and is popular with bushwalkers and those who enjoy outdoor recreation in South Australia's distinctive 'outback' environment.

The park is part of the traditional country of the Adnyamathanha people for whom it is of special cultural significance. It contains a wide range of important cultural features and evidence of their past occupation, and continues to be used for traditional purposes.

The park was co-named in 2003, to include 'Vulkathunha' in its title, to recognise Adnyamathanha tradition.

Governance and institutional setting

A co-management agreement over the Vulkathunha-Gammon Ranges National Park was signed by the State and the Adnyamathanha Traditional Lands Association in 2005. The co-management arrangements were linked to resolution of a native title claim through the establishment of an ILUA. Management of the park became the responsibility of the Vulkathunha-Gammon Ranges National Park Co-management Board.

Management of the park is undertaken in accordance with the Act, the *National Parks and Wildlife (Vulkathunha-Gammon Ranges National Park) Regulations 2005* (SA) (the Regulations), the co-management agreement and the park management plan.

The co-management agreement explicitly recognises that the quality of the natural environment in the park is due to a combination of the traditional care it has received from Aboriginal people for many thousands of years, its history as grazing land under a pastoral lease, and conservation measures applied by the State since its dedication as a park in 1970. The agreement sets out how the park will be managed and provides for the use of the park by Adnyamathanha people in such a way that their cultural, economic, social and environmental aspirations are enhanced in a manner consistent with the management objectives for the area. The agreement seeks to ensure that the quality of the park's natural environment is enhanced and its cultural significance to Aboriginal people is recognised and protected.

The co-management agreement is based on four principles:

- to ensure the continued enjoyment of the park by the Adnyamathanha people for cultural, spiritual and traditional uses;
- to ensure the continued enjoyment of the park by members of the public;
- to ensure the preservation and protection of Aboriginal sites, features, objects and structures of spiritual or cultural significance within the park, and;
- to provide protection for the natural resources, wildlife, vegetation and other environmental features of the park.

The Co-management Board comprises eight members (plus deputies) appointed for a four year term, with four representatives from the Adnyamathanha Traditional Lands Association, three from the Department of Environment and Natural Resources and one other nominated by the Minister. The Minister appoints the Chairperson from the members. The Board is currently chaired by an Adnyamathanha representative. Decisions of the Board are by majority and all members, including the Chair, have one vote. In the event that the Board is unable to reach a decision, the matter is referred to the Minister, although this situation has not arisen to date.

The Board meets quarterly. Agendas are set by the Chair in consultation with the Executive Officer. All Board members are encouraged to contribute to the agenda. Strategic planning is undertaken by the Board on a two-yearly cycle to identify priorities and set forward agendas.

The functions and powers of the Board are set out in the Act and the Regulations. These are essentially the same as those of the Director of National Parks and Wildlife in terms of Crown-owned and managed parks (the Director no longer has any statutory authority in relation to the Vulkathunha-Gammon Ranges National Park). The powers may be delegated, and many have been delegated to staff from the Department of Environment and Natural Resources who undertake the day to day operations of the park on behalf of the Board.

The Board is required to submit an annual budget as part of the Department of Environment and Natural Resources' budget development process each year. Funding is at the discretion of the Minister and the Department. However, the Board may seek and apply for funds from other sources.

The co-management agreement must be reviewed by the parties (the Minister and the Adnyamathanha Traditional Lands Association) every five years and may be amended or varied by agreement of the parties at any time. The Agreement may be terminated by the parties under certain conditions, in which case the park ceases to be co-managed and reverts to a park under the control of the Minister and under the management of the Director of National Parks and Wildlife.

The Minister must consult the Board before introducing any new legislation into Parliament that would apply solely to the park or significantly affect the rights or powers of the Board.

Management effectiveness and evaluation

Under the Act, the Minister must prepare a management plan for all national parks and conservation parks. The management plan must 'set forth proposals in relation to the management and improvement of the reserve and the methods by which it is intended to accomplish the objectives of the Act in relation to that reserve'. Once adopted, the provisions of a management plan must be carried out and no management actions may be undertaken unless they are in accordance with the management plan. In the case of a co-managed park managed by a board, the Minister must prepare the management plan in collaboration with the Co-management Board.

A new management plan for the Vulkathunha-Gammon Ranges National Park was prepared collaboratively by the Minister and the Co-management Board and adopted by the Minister with the (required) agreement of the Board in 2006.

The Board must implement the management plan and prepare an annual report to the Minister which addresses matters specified in the Act, Regulations and Co-management Agreement. The Minister is required to table the annual report in State Parliament.

Apart from the annual report, there are no other formal processes or requirements for evaluating management effectiveness. However, a review of the co-management arrangements must be undertaken after five years.

Community engagement

The co-management agreement for the Vulkathunha-Gammon Ranges National Park is between the Minister for Environment and Conservation (on behalf of the State) and the Adnyamathanha Traditional Lands Association (representing the traditional owners). The key stakeholders were actively engaged in the development and terms of the co-management arrangements for approximately an 18 month period. This was preceded by a long period, in excess of 30 years, where the Department and local park rangers developed working relationships with the traditional Adnyamathanha owners. The agreement was signed with the support of the local Adnyamathanha community.

The co-management agreement recognises ‘that the Adnyamathanha people and the State wish to make a significant contribution towards the reconciliation of Indigenous and non-Indigenous people’ and that ‘the Adnyamathanha people have an acknowledged aspiration that the park be granted to them in freehold and continue to be managed as a national park’.

The majority of the South Australian population is urban-based and not directly affected by co-management of regional and remote parks such as the Vulkathunha-Gammon Ranges National Park. Nevertheless, co-management arrangements must reflect, or at least accommodate broader government requirements and be responsive to broader stakeholder and community views and aspirations. At this relatively early stage in their development it is important to ensure that co-management arrangements are successful, sustainable and adaptable to changes of and within government, and are seen by the community to be both equitable and workable.

The Act requires public consultation on management plans to help ensure broad community and stakeholder support for proposed park management directions and strategies. The broader community and stakeholders were actively engaged in developing the 2006 management plan for the Vulkathunha-Gammon Ranges National Park. The consultation process involved public input at the early stages, including targeted consultation with special interest groups within and outside government, followed by a statutory three month public exhibition and consultation phase. Prior to its finalisation and adoption, the plan was also reviewed by the South Australian National Parks and Wildlife Council (a statutory advisory committee to the Minister representing a range of state-wide interests).

As a result of this consultation process, the management plan includes objectives and strategies specifically aimed at involving the community, including neighbours, nearby communities, Adnyamathanha groups, volunteer groups, scientific institutions and researchers, statutory community-based authorities, and special interest community and business groups in the management of the park.

An important priority for the Vulkathunha-Gammon Ranges National Park Co-management Board has been developing partnerships with neighbouring landholders to achieve broader landscape-scale conservation, cultural, tourism and recreation outcomes. Park neighbours and the Adnyamathanha community are regularly invited to attend Board meetings and meet with the Board on the park to discuss issues of mutual interest and encourage community relationships. ‘Open days’ are also held on the park to showcase the work of the Board and engage the community. Overall, the co-management arrangements for the park appear to have strong support from the wider community.

Equity

Funding for management of co-managed parks is provided by the South Australian Government. Some costs are recouped through fees for entry, camping and other services; commercial tourism operators; and leases and licences. However the Vulkathunha-Gammon Ranges National Park has relatively low levels of visitation and use, so revenue is very limited. This would be the case whether or not the park was co-managed.

Under the co-management agreement, the Aboriginal owners are not required to pay entry, camping or any other fees for the use of or access to co-managed parks for cultural purposes.

Our experience to date indicates that co-management can add up to 20% to the direct cost of managing a park. These costs relate to payment of (very modest) sitting fees to non-government board and committee members, meeting costs (including travel and accommodation), provision of administrative and executive support to boards and committees, governance training for board members, and cultural awareness training for all board members and relevant management staff. These costs represent a positive investment in capacity building for both Aboriginal and non-Aboriginal board members and staff and local communities, and in relationship building between the co-management partners.

The co-management agreement for the Vulkathunha-Gammon Ranges National Park requires that preference be given to Adnyamathanha people in park employment. The Board must be consulted on the number and classification levels of employees required for the park as well as membership of selection panels. Currently there are three people who are based at and work directly on the park, all of whom are Adnyamathanha people. The co-management agreement requires that all non-Adnyamathanha board members and staff who work on the park are required to undertake cultural awareness training as determined by the Board in consultation with the Adnyamathanha people.

The Minister and the Board must also give preference to Adnyamathanha people when contracting for the provision of works and services on the park.

The co-management agreement provides for access to traditional resources by the Adnyamathanha community (eg hunting, taking of plants and eggs etc), subject to conservation considerations. This provides an opportunity for the continuance of traditional hunting and gathering practices, which can contribute to better economic, social and health outcomes for the Adnyamathanha community.

The co-management agreement contains specific provisions to protect Adnyamathanha culture, traditional knowledge and intellectual property. For example, all promotional material for the park that includes Adnyamathanha cultural information must be approved by the Adnyamathanha representatives on the Board prior to publication. The interpretation of Adnyamathanha culture on the park by licensed commercial tour operators also requires Board approval.

The Board may also make recommendations to the relevant Minister with respect to the naming or renaming of features of the park and must consider the Adnyamathanha names for features when making such recommendations. This has been an area of keen interest for the Board and further contributes to equitable management arrangements.

BENEFITS OF CO-MANAGEMENT

The relationship to land ('country') is central to Aboriginal culture, identity, spiritual beliefs and wellbeing. Access to country is critical to maintaining this relationship and can provide additional social, health and economic benefits for Aboriginal people. Traditional knowledge and land management practices can also inform and improve contemporary approaches to science and park management and enhance park visitor experiences.

Much of the protected area system in South Australia is of considerable significance to Aboriginal people and has the potential to play an important role in resolving issues relating to traditional land ownership and advancing the reconciliation process. As the single major landholder in the State, the Department of Environment and Natural Resources has the opportunity to significantly progress the reconciliation agenda, contribute to Indigenous self-determination and help to address Aboriginal disadvantage through the co-management of parks. The co-management provisions in the Act provide an appropriate mechanism for this to occur and have been well received by Indigenous communities involved in the process to date.

The value of Aboriginal lands for biodiversity conservation is well-established and the co-management arrangements under the Act provide a secure mechanism for long-term statutory protection and recognition of the important conservation values of Aboriginal lands through the establishment and co-management of Aboriginal-owned parks.

Less tangible benefits include the active involvement of Aboriginal people in the control and management of their traditional lands, improved cultural site protection, maintenance of traditional practices that may have otherwise been excluded, and improved management of country through the synergistic combination of traditional knowledge and contemporary science.

There is considerable interest amongst Indigenous communities in advancing their aspirations for ownership and traditional management of country through the co-operative management of parks. The arrangements under the Act are being increasingly recognised as an important tool for resolving issues relating to traditional land ownership through negotiated settlement (i.e. ILUAs) rather than expensive litigation. Additional co-management agreements are currently being negotiated as part of this process.

ISSUES AND CHALLENGES

A number of matters have been identified through South Australia's experience that should be considered in the development of policy and the determination of strategies and priorities for the co-management of parks.

The capacity to contribute to effective park management at both the strategic policy and operational levels is variable across Aboriginal communities. Similarly, the Department's capacity to progress co-management arrangements through the negotiation stage, to provide services and support to boards and to work with Aboriginal communities to co-manage parks is limited and variable across the organisation. The tiered approach provided for in the Act enables capacity building over time, as the co-management of a park can occur at different levels and can move through the advisory committee, Board and handback phases as appropriate to the particular circumstances.

The degree of management complexity of a particular park must also be taken into account. For example, the management skill and effort that must be applied to a remote reserve with low visitor numbers and limited management issues is considerably different to a park subject to high visitation and complex management issues. Complexity of management must be matched with capacity.

Relationships are a critical factor – probably the most critical factor. The greatest successes to date have occurred where relationships between the Department and the traditional owners have been established over a long period. Again, the tiered approach to co-management available under the Act can provide the opportunity for relationships to evolve over time as co-management arrangements progress through the appropriate phases.

Resourcing can be a significant issue, particularly in times of limited resources. Identifying traditional owners and negotiating co-management agreements can incur significant costs. Costs must be balanced against the creation of new Indigenous employment opportunities, which is expected to provide economic benefits and improved quality of life. Boards of management can also create significant costs associated with sitting fees, travel and accommodation, as can the increased administrative and management input required to meet the aspirations and expectations of the co-management partners. These costs should be seen as a worthwhile investment in capacity building for both Aboriginal and non-Aboriginal park managers and improved park management outcomes.

The aspirations of Aboriginal communities regarding co-management vary across the State, as do broader community attitudes and expectations. Co-management provides a range of opportunities that need to be balanced against other considerations, opportunities and constraints. Care is required so as not to create unrealistic expectations and the issues which may arise from this.

Finally, our co-management policies, strategies and priorities must reflect and accommodate broader government and departmental requirements and be responsive to other stakeholder and community views and attitudes. It will be necessary to ensure that co-management arrangements are successful, sustainable and adaptable to changes of and within government and are seen by the community and other stakeholders to be both equitable and workable. A single failure within a co-management arrangement may cause a considerable setback in the broader process.

SUMMARY AND CONCLUSIONS

The innovative co-management framework established in South Australia under the Act provides the opportunity to progress the reconciliation agenda, contribute to Indigenous self-determination and help to address Aboriginal disadvantage. Co-management also provides a range of potential benefits for conservation and improved park management.

Five co-management agreements, covering approximately 14% of the formal reserve system, are now in place. However, there are a number of issues that must be addressed to ensure that co-management arrangements are sustainable in the long-term.

The Vulkathunha-Gammon Ranges National Park in South Australia provides a useful case study of governance, community engagement, and management and equity considerations under a successful co-management arrangement.

Although not the original driver, the co-management arrangements under the Act have proven to be an important tool for the resolution of native title claims in South Australia within the ILUA process.

The South Australian Department of Environment and Natural Resources is working closely with Aboriginal people and the State Native Title resolution team to identify further opportunities and consider how the framework can be improved and applied to other areas of the State.