



**AIATSIS**  
AUSTRALIAN INSTITUTE OF  
ABORIGINAL AND TORRES STRAIT  
ISLANDER STUDIES

**Executive**  
Tel: 02 6246 1111  
Fax: 02 6261 4286

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*Further understanding of Australian Indigenous cultures, past and present through undertaking and publishing research, and providing access to print and audiovisual collections*

The Coordinator  
QPWS draft Master Plan Naturally Queensland 2020  
Master Plan team  
Department of Environment and Resource Management  
GPO Box 2454  
Brisbane QLD 4001

2 December 2011

Dear Naturally Queensland 2020 review coordinator,

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) welcomes the opportunity to comment on the recent draft *Master Plan for protected areas, forests and wildlife in Queensland* (the Draft Plan) and commends the Department of Environment and Resource Management for the range of innovative initiatives concerning Indigenous peoples to be found within it.

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) was established in 1964, under Commonwealth legislation, and over the last 40 years has established itself as Australia's premiere Indigenous research institute. The Native Title Research Unit (NTRU) within AIATSIS aims to produce independent, non-partisan research and policy advice for the native title sector in order to promote the recognition and protection of the native title of Aboriginal and Torres Strait Islander peoples. AIATSIS is in a unique position to assist the Australian Government, the native title representative body system and native title holders and claimants in developing, analysing and evaluating policy and practice in an Indigenous context and coordinating information and resources throughout the native title system.

Through the NTRU, AIATSIS has been involved in a range of research projects and partnerships with research and government institutions and Indigenous communities which inform a number of goals in the Draft Plan. These include: the Registered Native Title Bodies (RNTBC) Support Project; the Native Title and Joint Management research project; the Indigenous Facilitation and Mediation Project (IFaMP); and the Land and Water Research Centre.

### **The RNTBC Support Project**

AIATSIS has been working with native title holding groups (RNTBCs) since 2006 including, in Queensland, with the Djabugay Native Title Aboriginal Corporation (DNTAC) and the Quandamooka Yoolooborabee Prescribed Body Corporate (QYPBC). The RNTBC Support Project focuses on the governance and operating environment of RNTBCs and their land and water management aspirations. The

NTRU has convened two national RNTBC meetings and a number of regional meetings of RNTBC representatives to discuss their needs, challenges and aspirations. These discussions have revealed that enterprise development, economic opportunities and improving the wellbeing of individuals within their groups are key aspirations for native title holders, in addition to carrying out their roles and responsibilities as custodians of country. As noted in our submission, research has also indicated a clear link between the ability of Indigenous peoples to live on and access their traditional countries with their social and emotional wellbeing. The capacity of RNTBCs and native title groups to access programs and a lack of resources and support are currently inhibiting them from achieving their aspirations in relation to protected areas. They require urgent assistance in achieving a number of the initiatives in the Draft Plan in partnership with the Queensland Government.

#### **Native Title and Joint Management Research Project**

In 2006, the Tom Kantor fund provided resources to AIATSIS to identify the elements of success in the joint management of protected areas. Since then, AIATSIS, through the NTRU has continued to carry out research on joint management and has been co-ordinating a series of workshops related to joint management including a proposed workshop for State and Territory government representatives in April 2012 in Alice Springs.

#### **The Indigenous Facilitation and Mediation Project (IFaMP)**

Of particular relevance to the draft Plan is the work that AIATSIS has carried out through its Indigenous Facilitation and Mediation Project (IFaMP) in arriving at successful partnerships and decision-making and dispute management processes which ensure that outcomes are sustainable. The findings of IFaMP highlight the importance of parties' ownership of processes, of careful preparation, and of working with the parties to design processes which can meet their procedural, substantive and emotional needs.

#### **Land and Water Research Centre**

In 2011 AIATSIS established a Land and Water Research Centre which aims to build a greater understanding of Indigenous peoples' relationships with country and the governance of their land and waters. This includes a greater understanding of Indigenous peoples' engagement with government policies and programs within a context of environmental change.

AIATSIS would be pleased to answer any queries you might have or provide further information on request.

Yours sincerely,

Dr Lisa Strelein  
Director, Research, Indigenous Country and Governance

# AIATSIS Submission to the Naturally Queensland 2020 Master Plan for protected areas, forests and wildlife

## Introduction

*The Naturally Queensland 2020 – the Master Plan for protected areas, forests and wildlife (the Draft Plan) places a major emphasis on partnerships with Traditional Owners in managing protected areas under Goal 6: Caring for land and sea country together—Indigenous partnerships.*

The approach to be taken in Goal 6 is as follows:

*Queensland’s protected area system will provide for the continued expression of Aboriginal and Torres Strait Islander peoples’ relationships with wildlife, land and sea country and will respect cultural values, including traditional laws and customs. QPWS will:*

- *recognise and respect Indigenous rights and interests in wildlife, land and sea country which coexist with the protection of natural values.*
- *recognise the role of Indigenous people as skilled partners in protected area and wildlife management.*
- *improve the capacity of Traditional Owners to manage wildlife, land and sea country, through training and employment, and by supporting connection to country and traditional knowledge recording systems.*
- *employ Indigenous staff across all aspects of QPWS business.*
- *manage the protected area system through cooperation and a range of different partnership arrangements with Indigenous peoples.*
- *actively seek opportunities for better cooperation and reconciliation.*
- *respect the Aboriginal and Torres Strait Islander cultural tenet that only Traditional Owners can speak for their country.*

*Goal 12: Improving adaptive and effective management* calls for an adaptive and evidence-based approach to plan, implement and evaluate protected area, forest and wildlife management and aims to establish QPWS as an innovative learning organisation. The approach for Goal 12 is to:

- *involve Indigenous peoples, community members and organisations in all phases of management, and respect their knowledge and understanding.*

This submission focuses on these goals and approaches, all of which require an emphasis on effective engagement and communication, consensus building and the skilled brokering of partnerships which match the contextual needs of parties beyond mere information gathering and consultations. The nature of

the processes which are invoked will determine the success or failure of these goals and approaches.

This is especially important given the need for urgent improvement in Indigenous social and emotional well being and the unique relationship Indigenous people have to protected areas as traditional custodians. Research has indicated a clear link between the ability of Indigenous peoples to live on and access their traditional countries with their social and emotional well being, leading to a range of health, social and economic benefits which address the Federal government's objectives of Closing the Gap.<sup>1</sup>

## 1. Recognition of the unique position of Traditional Owners as traditional custodians of protected areas

'Country' is a term Indigenous people use that can be described as the lands and waters with which Indigenous people have a traditional attachment or relationship.<sup>2</sup> Care for this country is based in the laws, customs and ways of life that Indigenous people have inherited from their ancestors and ancestral beings.<sup>3</sup> Indigenous peoples relationships to country are recognised by the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) and the United Nations Convention on Biological Diversity (UNBCD). In the first instance and consistent with the principles of the UNDRIP and the UNBCD, it is important that QPWS recognises and reflects

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<sup>1</sup> Burgess, P, FH Johnston, DM JS Bowman and PJ Whitehead 2005 [Healthy country: healthy people? Exploring the health benefits of Indigenous natural resource management](#), *Australian and New Zealand Journal of Public Health* 29(2):117; Garnett, S and B Sithole 2007 [Sustainable Northern Landscapes and the Nexus with Indigenous Health: Healthy country, healthy people](#), Land and Water Australia, Canberra; Hunt, J, JC Altman and K May 2009 [Social Benefits of Aboriginal Engagement in Natural Resource Management](#), CAEPR Working Paper No. 60/2009, Centre for Aboriginal Economic Policy Research, Australian National University, Canberra; Altman, J, GJ Buchanan and L Larsen 2007 [The Environmental Significance of the Indigenous Estate: Natural resource management as economic development in remote Australia](#), CAEPR Discussion Paper No 286/2007, Centre for Aboriginal Economic Policy Research, Australian National University, Canberra; J Altman, K Jordan, S Kerins, G Buchanan, N Biddle, EJ Ens and K May, [Indigenous interests in land & water](#), in Commonwealth Scientific and Industrial Research Organisation (CSIRO), Northern Australia Land & Water Science Review 2009: Full report, CSIRO, Canberra, Chapter 7:1-56, 2009; H Berry, J Butler, CP Burgess, U King, K Tsey, YL Cadet-James, CW Rigby and B Raphael, [Mind, body, spirit: Co-benefits for mental health from climate change adaptation and caring for country in remote Aboriginal Australian communities](#), *NSW Public Health Bulletin* 21(5-6):139-45, 2010; J Weir, C Stacey and K Youngentoub, [The Benefits Associated with Caring for Country](#), report prepared for the Department of Sustainability, Water, Population and Communities, Canberra, 2011; Ganesharajah, [Indigenous Health and Wellbeing: The Importance of Country](#), Native Title Research Report, No. 1/2009, Native Title Research Unit, Australian Institute for Aboriginal and Torres Strait Islander Studies: Canberra, 2009.

<sup>2</sup> D Rose, *Dingo Makes Us Human: Life and land in an Australian Aboriginal culture*, Cambridge University Press, Cambridge, 1992.

<sup>3</sup> J Weir, C Stacey and K Youngentoub, [The Benefits Associated with Caring for Country](#), report prepared for the Department of Sustainability, Water, Population and Communities, Canberra, 2011, p.1.

throughout the Draft Plan, the unique status of Indigenous peoples and their relationships to land within a human rights framework.<sup>4</sup>

As found by AIATSIS research fellows Dr Strelein and Dr Weir,

*Human rights frameworks bring a critical perspective to conservation projects. With a human rights approach, people are returned to the heart of the project, and marginalised or excluded peoples have a better chance for inclusion in projects where resource constraints set priorities. Further, with the increased participation of people with vested interests in the process, the outcomes of conservation projects are likely to be more supported, and thus more sustainable. With meaningful involvement, the people who live with or next to protected areas will have more ownership over the success of the conservation objectives<sup>5</sup>*

The understanding of Indigenous people as traditional owners of the land is acknowledged in Article 26 of the UNDRIP, which states:

- 1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.*
- 2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.*
- 3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.*

Additionally Article 29 of the UNDRIP recognises that:

- 1. States shall establish and implement assistance programmes for indigenous peoples for conservation and protection, without discrimination and take effective measures to ensure that programmes for monitoring, maintaining and restoring the health of indigenous peoples, are implemented.*

The UNCBD also recognizes the unique status of Indigenous people in Article 8(j):

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<sup>4</sup> The United Nations Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly on 13 September 2007, available from [http://www.un.org/esa/socdev/unpfi/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfi/documents/DRIPS_en.pdf), accessed November 2011; see also, the *United Nations Convention on Biological Diversity* (UNCBD), Article 8(j) - Traditional Knowledge, Innovations and Practices, available from <http://www.cbd.int/traditional/>, accessed November 2011.

<sup>5</sup> L. Strelein and J. Weir, 'Conservation and Human Rights in the Context of Native Title in Australia', book chapter in Campese, J., Sunderland, T., Greiber, T. and G. Oviedo (eds) *Exploring Issues and Opportunities in Rights Based Approaches to Conservation*, CIFOR, IUCN and CEESP, Bogor, Indonesia, 2007, p.125.

*Each contracting Party<sup>6</sup> shall, as far as possible and as appropriate: Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.*

While the vision of the Draft Plan (p.1) recognises that Indigenous peoples maintain strong links with country and wildlife, their unique position as traditional custodians of country is not mentioned. Similarly, while the vision recognises the significance of partnerships with Traditional Owners, such recognition is given alongside recognition of the ‘wider community’, ‘local governments’ and others.

This suggests that Traditional Owners are approached in the Draft Plan as just another stakeholder and that the roles of Traditional Owners as the customary custodians of their traditional country are not important. Again, no specific mention is made of Traditional Owners and their unique roles in the ten principles which guide the Draft Plan for building a protected area system which is resilient to climate change (p.21).

**Recommendation 1:**

**That the Queensland Government recognises and reflects throughout the Draft Plan, the unique status of Indigenous peoples and their relationships to land, as recognised in the United Nations Declaration on the Rights of Indigenous People (Articles 26 and 29) and the United Nations Convention on Biological Diversity (Article 8(j)), to mitigate the misconception that they are just another stakeholder.**

## **2. Brokering partnerships and clarity in partnership definitions**

Given their unique roles as traditional custodians, Traditional Owners see themselves as located in equal partnerships with QPWS and as sharing responsibility with QPWS to care for protected areas. This is a common sentiment throughout Australia and there are examples in other States and Territories where this is the case, such as the establishment of a territory wide framework for joint management in the Northern Territory through the *Parks and Reserves (Framework for the Future) Act 2004* (NT).

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<sup>6</sup> Contracting parties are defined as states that are signatories to the convention. Australia became a contracting party to the UNCBD in 1993.

There is a lack of definitions in the Draft Plan of the meanings of terms such as 'joint management' and 'cooperative' arrangements. This obscures the aims of QPWS in the kinds of partnerships it may have in mind. The definitions do not always suggest equality in partnerships and can easily be defined to mean something less than the sharing of power and decision-making that Traditional Owners may seek.

Terms such as 'joint management', 'collaborative management' and 'cooperative management' have been variously defined in the literature including the international literature of the International Union of the Conservation for Nature (IUCN). While it is recognised that not all Traditional Owners will require the same kinds of cooperative or collaborative arrangements, and that shared management arrangements can be a matter of serial capacity building on the part of all partners, it is important to clearly define the possibilities or options that may be available to Traditional Owners over the short and long term.<sup>7</sup>

This would provide a transparency to the draft Plan which would be significant in the light of the range of arrangements that are currently in place in Queensland, some perhaps more equitable than others. The Draft Plan makes specific mention of Cape York and Stradbroke Island as having legislation which regulates management arrangements (pp.40-43). The *Cape York Peninsula Heritage Act 2007*(Qld) and the *North Stradbroke Island Protection and Sustainability Act 2011* (Qld), are legislative tools for enabling joint management to occur in these regions through amending the *Aboriginal Land Act 1991* (Qld) and the *Nature Conservation Act 1992* (Qld).

However it is unclear whether such regulation is available to other regions. A key example is the rainforest bioregion in northern Queensland, which is Australia's only rainforest country and has some of the great ecological diversity values in the world. A second example concerns the Djabugay people north of Cairns who have a non-exclusive determination over the Barron Gorge National Park, held by the Djabugay Native Title Aboriginal Corporation (DNTAC). Without a clear legislative framework for joint management, the Djabugay negotiated an Indigenous Land Use Agreement (ILUA) to establish a management agreement. The ILUA expired at the end of 2010 and the alternative requirement in the ILUA for a formal Management Plan has not occurred.

Legislative entrenchment of joint management, such as has occurred under the Northern Territory *Parks and Reserves (Framework for the Future) Act 2004*, is a best practice example for supporting partnerships with Traditional Owners. Without an overarching structure for joint management in Queensland, Traditional Owners outside of the Cape York and Stradbroke

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<sup>7</sup> T Bauman and D Smyth, [\*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), 2007.

regions who are seeking similar arrangements appear to be finding it difficult to achieve their aims of equitable partnerships.

**Recommendation 2:**

**Recognise the rights of Traditional Owners to equal partnerships, work towards creating greater uniformity in arrangements across the State of Queensland through legislation and clearly define the range of terms which refer to ‘partnerships’ in the Draft Plan.**

### **3. Engagement, brokering partnerships and cultural competency skills**

The first statement of Goal 6 is:

*Involve Aboriginal and Torres Strait Islander people in all aspects of protected area and wildlife management ensuring their aspirations of looking after land and sea country are acknowledged, respected and supported through culturally appropriate partnerships.*

Many of the goals and approaches in the Draft Plan, including effective partnerships, will not be realised without effective engagement with Traditional Owners. Many Indigenous people have spoken to AIATSIS researchers about the need for appropriate engagement skills and cultural competency on the part of government staff in working with Traditional Owners on the ground, which is also a key to more effective partnership arrangements.

AIATSIS conducted comprehensive research around Indigenous consultation and engagement processes through the Indigenous Facilitation and Mediation Project (IFaMP).<sup>8</sup> IFaMP found that specialized micro communication skills go beyond information gathering and what has usually been referred to as ‘consultation’. Typically, over many years, Indigenous communities have experienced pressure to accept solutions or ideas, often suggested to them by non-Indigenous agencies, without having the opportunity to understand the details or implications of their decisions, or to consider other solutions. In many instances, meetings where closed questions are put to the floor, such as ‘Do you understand?’ and ‘Everyone agrees?’ have become the modus operandi. Indigenous people often leave such meetings unable to explain what they have agreed to and the agreements break down. Such decision-making processes directly impact on outcomes and their sustainability for Indigenous people. An inappropriate process can also result in increasing tensions and hostilities between and amongst Indigenous families and individuals.

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<sup>8</sup> T Bauman, [Final Report of the Indigenous Facilitation & Mediation Project July 2003/04 – June 2006: research findings, recommendations and implementation](#), Indigenous Facilitation and Mediation Project. Report No. 6. Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, 2006.



The core skills that are required in the kinds of meetings that have become the modus operandi for governments in dealing with Traditional Owners are those of consensus building and negotiation, rather than consultation. Consensus building requires a range of skills to be acquired in locally customised training including how to arrive at agreed decision-making processes amongst Traditional Owners, how to identify the full range of local needs and emotional, procedural and substantive interests, and how to tailor and design processes to match these interests in negotiation with the parties involved. Effective processes arrive at clearly spelt out implementation processes to which both Indigenous communities and governments are committed and for which each are held responsible. They also require the developing of options and reality checking and capacity building in a range of areas including decision-making and governance issues more broadly.

The skills referred to above are equally relevant in the brokering of effective partnerships in order to match partnerships with the capabilities of Traditional Owners and QPWS staff, to identify whether parties may wish to approach partnership arrangements in staged processes, the kinds of responsibilities each partner has to the other and how these might be fulfilled.

The engagement processes which are entered into should reflect the right to free, prior and informed consent as required by Article 19 of the UNDRIP. Depending on the level of complexity of an issue, and especially in establishing partnerships and early on in partnerships when parties are not accustomed to doing business together, processes are ideally facilitated by fully trained third party community engagement facilitators with highly specialized communication skills.

The kinds of engagement that AIATSIS would advocate for success are rarely employed in developing partnerships and other engagement with Indigenous communities. They go beyond cultural awareness since this does not guarantee ability to engage successfully on the ground. And they require cultural competency.

### **3.1 Cultural competency and and effective engagement**

Many members of RNTBCs have spoken in their meetings with AIATSIS about the need for those who work in joint management to be culturally competent; failure to understand what this competency requires can also lead to accusations of 'racism'.

While still in the early stages, an AIATSIS research partnership with the Quandamooka people deals directly with cultural competency in joint management. Representatives of Quandamooka Yoolooborabee Prescribed Body Corporate (QYPBC) have informed AIATSIS that in preparation for the joint management of the National Parks on North Stradbroke Island, they urged the Department of Environment and Resource Management (DERM) to ensure that all their staff are culturally competent to work with Traditional

Owners on Aboriginal land, before working on North Stradbroke Island in the National Park. According to QYPBC, they made a major investment in convincing DERM that staff throughout the Department from the Minister to operational managers needed to be trained in cultural competency. To this end they contracted Quandamooka Lands Council Aboriginal Corporation to provide Cultural Competency Training for DERM staff. In August 2011, 6 Senior Managers of DERM were trained, followed by 12 DERM middle managers in October 2011. The Quandamooka Elders and the Board of Directors of QYPBC have determined that no Rangers should be allowed to work on Quandamooka country unless they have undertaken the training successfully. However QYPBC has now been informed that DERM cannot commit any on ground staff to the training because the QPWS Rangers have complained to Together (formally the Queensland Public Sector Union), the Australian Workers Union and the Australian Institute of Marine and Power Engineers, and refused to undertake Cultural Awareness or Competency training.

AIATSIS commends DERM's efforts in supporting the cultural competency training of senior staff, however the competency of the QPWS staff on the ground is also critical in upholding the objectives of the Draft Plan. QYPBC is continuing to work through this with the senior staff of DERM and is currently engaging the support of the Aboriginal and Torres Strait Islander Social Justice Commissioner.

This illustration highlights the role of conflict in establishing ground rules for partnerships – particularly where this involves a renegotiation of relationships on the ground that may involve the shifting of historical power relationships. The conflict between Traditional Owners and DERM also indicates that not all staff or Traditional Owners will be suitable to work in joint management, and that relationship building requires significant investment. It highlights the need for both cultural competency and specialised engagement skills to develop successful partnerships. There is a need for the development of a national curriculum for those who wish to work in joint management partnerships – not only for Government staff but also Traditional Owners.

This should include not only training in cultural awareness but also training in the specialised micro communication skills that are required for successful engagement on the ground and for brokering partnerships. AIATSIS would urge QPWS to develop a network of fully trained indigenous and non-indigenous protected areas facilitators throughout Queensland.

### **Recommendation 3:**

**QPWS commit to the requirement for all staff working in joint management agreements to undertake cultural competency, facilitation, consensus building and engagement skills training, as a requirement of working with Traditional Owners. It is suggested that this could be an additional action under priority 6.4**

***‘Recognise and respect Indigenous culture through communication and interpretation’.* This priority would require: the development of a network of Indigenous and non-Indigenous facilitators to work in protected area issues; working with other states and Territories to develop a national curriculum for all parties working in joint management; and the development of handbooks for the brokering of partnerships and cultural competency requirements.**

#### **4. Evaluation, monitoring and implementation of management arrangements**

There is a growing field of research around the monitoring and evaluation of joint management particularly in the Northern Territory.<sup>9</sup> It is critical to the success of jointly management agreements that the identification and development of indicators of success is carried out in participatory partnerships where native title holders are integrally involved, including in their monitoring and evaluation. An example of a participatory process of developing indicators can be seen in the *Guidebook for supporting participatory monitoring and evaluation of jointly managed parks in the Northern Territory*.<sup>10</sup> The guidebook provides practical ways to incorporate monitoring and evaluation practices in joint management.

There is also an urgent need to evaluate why some partnerships may be working more effectively than others to understand what critical indicators of success might be in the Queensland context. A useful starting point might be to identify the reasons for the expiration of the Barron Gorge National Park ILUA between the State of Queensland, the Djabugay people and the Djabugay Native Title Aboriginal Corporation (DNTAC) for the exercise of native title rights within the Barron George National Park. The ILUA commenced in 2005 and was due to expire by 31 December 2010, unless a regulation was passed to support joint management (such as happened in Cape York and Stradbroke Island) and the establishment of a Management Plan, or, a determination was made by the Federal Court that native title does not exist in the ILUA area. Djabugay native title rights are withstanding, but no regulation has been made to enable the establishment of a joint management

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<sup>9</sup> A Izurieta, B Sithole, N Stacey, H Hunter-Xenie, B Campbell, P Donohoe, J Brown and L Wilson. 2011. [Developing Indicators for Monitoring and Evaluating Joint Management Effectiveness in Protected Areas in the Northern Territory, Australia](#), *Ecology and Society*, 16(3): 9, 2011; H Ross, C Grant, C Robinson, A Izurieta, D Smyth and P Rist, Co-management and Indigenous Protected Areas in Australia: achievements and ways forward. *Australasian Journal of Environmental Management*, 16(4): 242- 252, 2009.

<sup>10</sup> A Izurieta, N Stacey, J Karam, with contributions by M Moyses, R Ledger, M Burslem, D Scopel, PA Donohoe, PJ Donohoe and B. Panton, [Guidebook for Supporting Participatory Monitoring and Evaluation of Jointly Managed Parks in the Northern Territory](#), Research Institute for the Environment and Livelihoods, Charles Darwin University, Darwin, 2011.

agreement.<sup>11</sup> The ILUA expired at the end of 2010 and the Djabugay people currently have no ILUA or Management Plan for the Barron Gorge National Park.

**Recommendation 4:**

**Develop participatory monitoring and evaluation processes for joint management agreements to ensure that the principles agreed to are occurring on the ground. It is suggested that this could be an additional action under goal 12 ‘Improving adaptive and effective management’. Additionally, it is recommended that QPWS conduct an independent evaluation of the reasons for the expiration of the Djabugay ILUA prior to the formalising of a Management Plan.**

## **5. Supporting the implementation of the Draft Plan through long term fiscal planning**

The Draft Plan does not acknowledge the budgetary provisions required to make partnerships between Traditional Owners and QPWS work on the ground beyond the limited funding through the Commonwealth Indigenous Protected Areas (IPA) program. This is a concern that has been raised by Traditional Owners through joint management workshops conducted by AIATSIS, particularly given the limited capacity of many Traditional Owners to engage and negotiate with government, arising from conditions of socioeconomic disadvantage.<sup>12</sup> Additionally, the capacity of RNTBCs and native title groups to access programs and a lack of resources and support are currently inhibiting them from achieving their aspirations in relation to protected areas.<sup>13</sup> The implementation of complex agreements requires long term fiscal planning to ensure adequate provisions are available to achieve the goals set by both parties.

**Recommendation 5:**

**That the Draft Plan acknowledges the need for long term bipartisan fiscal planning to implement the goal of establishing effective partnerships between QPWS and Traditional Owners.**

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<sup>11</sup> Agreements, Treaties and Negotiated Settlements project, 2011. *Barron Gorge National Park Indigenous Land Use Agreement (ILUA)*, available from: <http://www.atns.net.au/agreement.asp?EntityID=2886>, accessed November 2011.

<sup>12</sup> *Joint Management Workshop Outcomes: What helps? What harms?*, National Native Title Conference, Brisbane Convention Centre, Brisbane, 2<sup>nd</sup> June, 2011, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.

<sup>13</sup> T Bauman and T Tran, *First National Prescribed Bodies Corporate Meeting: Issues and Outcomes Canberra 11-13 April 2007*, Native Title Research Report No. 3, Australian Institute of Aboriginal and Torres Strait Islander Studies, 2007; J Weir, *Karajarri: A West Kimberley Experience in Managing Native Title*, AIATSIS Research Discussion Paper, No 30, 2011.