

2012

‘Caring for country’: a review of Aboriginal engagement in environmental management in New South Wales

J. Hunt

Follow this and additional works at: <http://ir.lib.uwo.ca/aprci>



Part of the [Environmental Policy Commons](#)

Citation of this paper:

Hunt, J., "Caring for country': a review of Aboriginal engagement in environmental management in New South Wales" (2012).
Aboriginal Policy Research Consortium International (APRCi). Paper 214.
<http://ir.lib.uwo.ca/aprci/214>

This article was downloaded by: [University of Western Ontario]

On: 30 October 2012, At: 09:14

Publisher: Taylor & Francis

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Australasian Journal of Environmental Management

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/tjem20>

'Caring for country': a review of Aboriginal engagement in environmental management in New South Wales

J. Hunt ^a

^a Centre for Aboriginal Economic Policy Research, Australian National University, Canberra

Version of record first published: 26 Oct 2012.

To cite this article: J. Hunt (2012): 'Caring for country': a review of Aboriginal engagement in environmental management in New South Wales, Australasian Journal of Environmental Management, DOI:10.1080/14486563.2012.731308

To link to this article: <http://dx.doi.org/10.1080/14486563.2012.731308>



PLEASE SCROLL DOWN FOR ARTICLE

Full terms and conditions of use: <http://www.tandfonline.com/page/terms-and-conditions>

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The accuracy of any instructions, formulae, and drug doses should be independently verified with primary sources. The publisher shall not be liable for any loss, actions, claims, proceedings, demand, or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

‘Caring for country’: a review of Aboriginal engagement in environmental management in New South Wales

J. Hunt*

Centre for Aboriginal Economic Policy Research, Australian National University, Canberra

This article discusses some emerging models of Indigenous engagement in environmental management in New South Wales and urges expansion of such engagement. NSW Aboriginal people own only around one per cent of the state’s land, which suggests that land ownership and rights-based approaches to Aboriginal participation in environmental management are insufficient in NSW. Alternative approaches that recognise Aboriginal responsibilities to ‘care for country’ are needed. This article reviews opportunities for Aboriginal people to be involved in environmental and natural resource management activities, noting some of the constraints. It suggests some ways to extend such Aboriginal engagement, emphasising both employment creation aspects and the need to reconcile Indigenous and western governance arrangements for the natural environment.

Keywords: Aboriginal; natural resource governance; joint management; native title; catchment management

Introduction

This article discusses some emerging models of Indigenous engagement in environmental management in New South Wales (NSW) and urges expansion of such engagement, notwithstanding its challenges.

Indigenous-owned land represents only about one per cent of NSW, yet this state is home to some 30 per cent of the total Australian Indigenous population. While land rights-based approaches to environmental management remain important, in this state other models are also required if Indigenous engagement is to become more widespread.

Despite their very limited land ownership, it is estimated that over 1000 Indigenous people are employed in NSW in industry sectors related to natural resource management (NRM), such as agriculture, forests and fishing (ABS 2007). Many Aboriginal people were also previously involved in environmental management through the Community Development Employment Program (CDEP) until mid-2009 when that program ceased in most of NSW (FaHCSIA 2009).¹

Literature about Indigenous engagement in environmental management in southeastern Australia has highlighted many of the challenges Indigenous people face when they partner with mainstream land managers, yet in the NSW context this is a normal requirement. It is often a struggle to successfully reconcile Indigenous

*Email: janet.hunt@anu.edu.au

world views and western concepts of environmental management (Baker et al. 2001; Smyth et al. 2004; Smyth 2007; Weir 2007, 2009; Ross et al. 2009).

The article first discusses the policy framework, then outlines some of the ways Aboriginal people have been able to participate in land and sea management in NSW, noting some of the constraints. It calls for more opportunities for the active engagement of Indigenous people in environmental management in NSW, not simply through employment, important though that is, but also through shared governance. The challenge to land and sea managers, and their institutions, is to make more opportunities available.

The policy framework for Aboriginal engagement in environmental and natural resource management in NSW²

Since the Council of Australian Governments (COAG) agreements of 2008–2009 (COAG 2008, 2009a) NSW policy has inevitably become nested within national policy. The national COAG Closing the Gap policy places a strong emphasis on employment. NSW policy has also addressed Indigenous employment, but in addition it has emphasised Aboriginal participation in management of country; this includes through governance arrangements. Following a change of government in late March 2011, some of the policies that have driven Aboriginal engagement in environmental and natural resource management to date have lapsed, but Aboriginal employment remains a high priority.

The Commonwealth recently endorsed the Invest Action Plan, a discussion paper to raise ideas as to how Aboriginal employment in NRM and primary industries could be aligned with the COAG economic participation targets. It recognises that these two sectors ‘have the potential for the development of widespread Indigenous employment, especially in rural and remote Australia’ (Working Group for Advancing Reconciliation in Natural Resource Management and Primary Industries 2009, p. 1). The Invest Action Plan notes that Indigenous communities have expressed a strong desire to be involved in managing land and sea country, and in developing enterprises based on such engagement. It sets out a number of strategies that could be pursued to advance this agenda through COAG (COAG 2009b) and the Commonwealth’s Indigenous Economic Development Strategy (Australian Government 2011a). Thus, from an employment perspective, opportunities for greater Indigenous employment in natural resource-based industries appear likely to be a significant policy thrust in the immediate future.

From the environmental perspective, Australia’s Biodiversity Conservation Strategy 2010–2030 also identifies achieving ‘a 25 per cent increase in employment and participation of Indigenous peoples in biodiversity conservation’ (Natural Resource Management Ministerial Council 2010, p. 10) as one of its ten measurable targets, with sub-outcomes to increase the use of Indigenous knowledge in, and the extent of land managed by Indigenous peoples for, biodiversity conservation. The strategy recognises that both environmental and socio-economic benefits can be attained:

Increasing engagement through employment, partnership and participation and through the two-way transfer of knowledge will not only lead to improved opportunities

for Indigenous peoples but also to improved outcomes for biodiversity. (Natural Resource Management Ministerial Council 2010, Target 1).

It goes on to stress the important role Indigenous ecological knowledge can play in conserving Australia's biodiversity. Yet how adequately such knowledge is actually taken into account in joint land and sea management regimes remains an issue (Ross et al. 2011).

Moving to the state policy level, the NSW State Plan, which guided policy until March 2011, included goals to boost Aboriginal involvement in management of country and highlighted cultural as well as other outcomes (NSW Government 2010a, 2010b). However, the State Plan has now lapsed and new policy in these areas is still evolving.

Yet in the area of natural resource governance, a paper on Australia's NRM Governance System released by Australia's Regional NRM Chairs (Ryan et al. 2010) indicates that, despite this positive policy framework, the Indigenous role is poorly recognised. Thus, Australia's NRM governance is currently failing to take account of both statutory and customary roles of Indigenous people in NRM governance, the concerns of wider government policy and Australia's commitments in relation to biodiversity. In particular, the statutory role of the NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Councils (LALCs) under the *NSW Aboriginal Land Rights Act 1983*, rights of native title holders under the *National Native Title Act 1993* and the customary roles of Aboriginal peoples, seem not to be fully appreciated in this articulation of the governance of NRM in Australia. The establishment of networks of Indigenous nations, such as the Murray Lower Darling Rivers Indigenous Nations (MLDRIN), to provide a forum and an avenue for Indigenous engagement in water and catchment management, for example, is also overlooked.

How Aboriginal people in NSW are engaged in environmental management

Indigenous people do not talk about environmental management, they talk about 'looking after country', with the expectation that country will, in turn, look after or care for them (Baker et al. 2001; Kingsley et al. 2009). 'Country', encompasses land and landforms, water and marine resources, the plants, trees, animals and other species which the land and sea support, and cultural heritage sites. The whole cultural landscape and the interrelationships within the ecosystem are encompassed in the term 'country', and these relate also to landowners under customary law (Birckhead et al. 1993; Bird-Rose 2003; Howitt & Suchet-Pearson 2006; Arabena 2008). The many jurisdictional separations in environmental agencies' administration of 'country' therefore present challenges for Indigenous people; and environmental managers may be challenged as to which Indigenous group or individual is the culturally 'right' person to speak for a particular part of 'country'.

Aboriginal people may own and manage the entire 'country' of a tribal group or Indigenous 'nation'; this situation prevails in parts of the Northern Territory but not in NSW. Or, they may own a part of their 'country' and manage it as sole managers, but have limited or no say about the rest. In some cases, Aboriginal people own land, but it is encumbered, for example as a protected area, and with joint management as a requirement. In other situations Aboriginal people may not own land but may have

non-exclusive title to part of their country. Or, they may have agreements for joint management of protected areas or other state land. In some parts of NSW Aboriginal people have agreements for access to and use of public or private lands which are negotiated on a case by case basis (this may include negotiated cultural use rights, or Aboriginal Natural Resource Agreements with landholders (ANRA 2008a, b; NSW Department of Natural Resources 2008). In other cases they may participate in planning, joint decision-making and possible joint initiatives within multi-stakeholder organisations such as Catchment Management Authorities (CMAs), or simply be consulted about a range of cultural and natural resource management matters. Another model is that Aboriginal people conduct the day-to-day work of protected area conservation, or cultural heritage protection or conservation on other non-reserved land but under regimes essentially determined by others (i.e. they are employed as contract workers by local councils, national parks or accompanying contracted archaeologists, etc.). And finally, notwithstanding all the above possibilities, Aboriginal people may quietly care for their country without any formal arrangements or documentation but through their own initiatives and activities, particularly on public lands and in coastal areas. In some cases, this leads to Aboriginal advocacy and protest about poor western management, inappropriate development, and damage to the environment and Aboriginal cultural heritage (Schnierer et al. 2011). Some may be totally excluded from access to their country or significant parts of it. Often, several of the management experiences listed above are operating simultaneously in one location.

In practice, for any Aboriginal organisation or traditional owner group, opportunities for engagement may range across any mix of the categories canvassed above. If Aboriginal people are to be able to care for the totality of their 'country', in most cases they need different strategies for the variety of tenures now covering it.

The next section discusses a variety of ways in which Indigenous people are currently engaged in environmental management on these diverse tenures in NSW. This section will indicate that, despite the limited Aboriginal land ownership in NSW, opportunities to engage in cultural and natural resource management exist, although they are currently patchy at best and need to be expanded. These strategies are largely tenure-based rather than country-based.

In contemporary NSW there are three different types of land ownership – Aboriginal-owned, public and privately-owned by non-Indigenous interests – and land can be broadly divided into areas that are protected under the national reserve system or those which are not. Regrettably, space prevents discussion of sea country issues in this article.

Indigenous-owned land in NSW

The *NSW Aboriginal Land Rights Act 1983* has led to Indigenous ownership of over 80,000 ha, mostly in relatively small parcels of land resulting from 2310 successful claims (of a total of 35,931 lodged, with over 26,000 still outstanding).³ These are held by LALCs,⁴ of which there are some 120 across the state.⁵ The use of such claimed land is varied; some involves housing, but some small areas may be zoned for conservation. In two cases, land claims have led to joint management agreements with national parks: the Worimi Conservation Lands near Newcastle (Worimi Conservation Lands n.d.; NSW Government & Heritage); and the Gaagal

Wanggaan National Park near Nambucca, claimed by the Unka LALC and the Nambucca Heads LALC (Hemmingsen & Marshall 2008; NPWS 2010). These agreements provide for Aboriginal joint management and some employment and/or contract work for Aboriginal people (Donovan & Donovan 2011; McCredie 2011; Smith 2011).

In addition, five NSW national parks are now Aboriginal-owned with lease-back agreements arising from Schedule 14 of the *National Parks and Wildlife (Aboriginal Ownership) Amendment Act 1996*. Three more parks are eligible for joint management under Schedule 14 of this Act (Environment, Climate Change & Water n.d.a). Certain other parks are joint managed through MOUs, which have no legal force and are discussed later (see Figure 1; Hunt et al. 2009). The actual implementation of written agreements varies according to a host of factors, among them the historical relationships between Aboriginal people and the joint management partners at the local level, the capacity of both sets of partners to work effectively together, the leadership demonstrated by partners to the agreements, the extent to which Indigenous rights are enshrined in the agreements, how effectively they can be exercised locally, and so on (Baird & Lenehan 2004; Bauman & Smyth 2007).

NSW Aboriginal people also hold some 51 properties purchased by the Indigenous Land Corporation, totalling over 228,000 ha. Since early colonisation, Aboriginal people in western NSW had a strong association with the pastoral industry and some purchases support the continuance of this association, while a small number have used Indigenous Land Corporation purchases to develop Indigenous Protected Areas (IPAs).

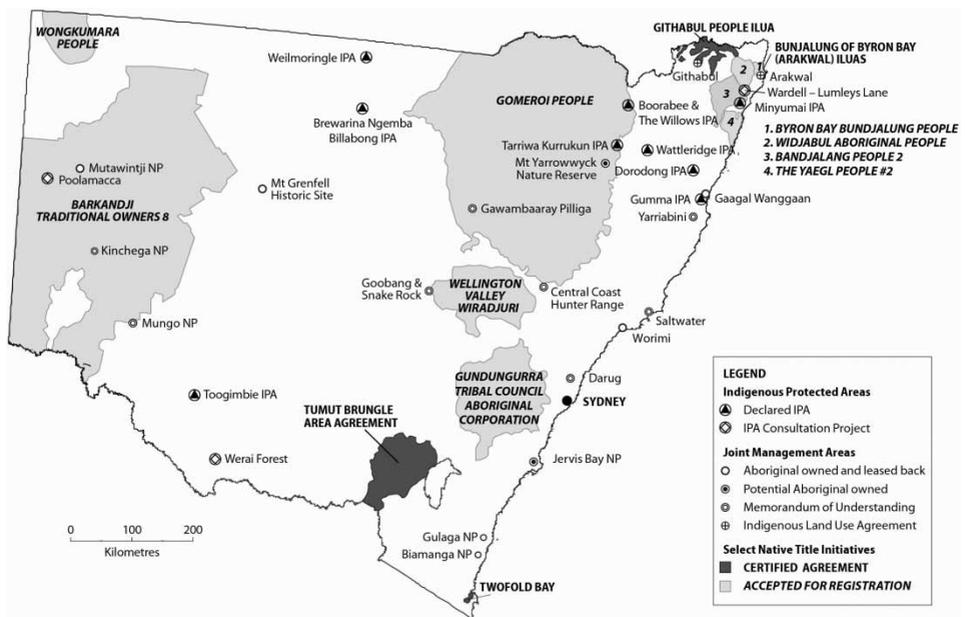


Figure 1. Map of New South Wales showing IPAs, joint managed conservation areas and select native title agreements and registered claims.

However, there remain problems in the management of some Indigenous-owned land, whether held by a single family or a collective such as a LALC. There appears to be insufficient training and support for cultural and natural resource management on Indigenous-held lands, particularly land which is not in the national reserve system. There is also a lack of awareness among Indigenous groups about where they can access available support for their land management. Yet in many regions LALCs may be among some of the largest private landholders (e.g. in Greater Sydney and in Hunter-Central Rivers region [Smyth et al. 2004]).

One way in which Indigenous people can access resources and support to manage their lands is through the Australian Government's IPA program (DEWHA n.d.). At the end of 2011 there were nine IPAs declared in NSW on Aboriginal land, with three more in consultation stages. Most of the declared IPAs are in northern NSW, with a few on the coast, although the Toogimbie IPA on the Hay Plain is an important exception to this (Department of Sustainability, Environment, Water, Population and Communities n.d.). As Ross et al. (2009) found, IPAs are expanding and evolving, and achieving significant social and environmental benefits, but they are poorly funded, and not all states have fully embraced them as part of the conservation estate or engaged them in decisions about conservation directions.

Public and privately owned lands

Despite the examples above, the reality is that most of the land in NSW is not held by Aboriginal people. In a few areas, native title rights and interests over public lands are recognised and these provide a basis for negotiation of opportunities for engagement in cultural and natural resource management. However, it is also important for Aboriginal people to be involved in caring for, and working on, country for which they do not hold the title or in which their native title rights and interests have not been recognised. This may be public or private land or a combination of multi-tenured landscapes. Some of the major avenues are joint management of national parks through MOUs, and arrangements through CMAs.

Native title rights and interests in NSW

There have been two native title consent determinations and four Indigenous Land Use Agreements (ILUAs) that relate to the development of a nature reserve or park. ILUAs are agreements that native title holders can negotiate with public landholders in settling their native title claims and these NSW ILUAs have resulted in joint management arrangements over some 13 national parks or reserves and consultation about management of 13 state forests (see Figure 1). This indicates the potential that the native title process may offer Aboriginal people in NSW for caring for their country.

The three Arakwal ILUAs since 2001 have led to significant social, economic and cultural benefits for the Bunjalung people of Byron Bay (Hunt 2010a; Stewart & Stewart 2010). The largest ILUA in the state to date settled the native title claim of the Githabul people over 112,000 ha (1199 km²) of national parks and state forests in the land north of Casino and Tenterfield to the Queensland border in August 2007. (Environment, Climate Change & Water n.d.b)

There remain 27 further claimant applications for native title in NSW, 19 of which are currently being mediated, indicating that native title processes may lead to further significant land management opportunities for Indigenous people in NSW in the future (NNTT 2010).

National park joint management agreements and other activities

A growing number of national parks and reserves have non-legally binding MOU arrangements with Aboriginal people for joint management, access and use, employment in conservation activities and as guides, and relating to tourism or other business activities. Currently, there are eight formal MOUs and two other agreements with Aboriginal communities in NSW for management of parks (see Figure 1; for a complete list see Hunt et al. 2009).

Many of these MOUs are relatively recent and they reflect a growing and diverse array of agreements to enable Aboriginal people to play a part in the management of NSW parks and reserves, as well as an expansion of Aboriginal Places, a special category of protected areas in the state. However, the extent to which these agreements are based on internationally-recognised Indigenous rights as articulated in the UN Declaration on the Rights of Indigenous People,⁶ and whether they provide for a genuinely equal partnership with Aboriginal people, is unclear. Yet they may be of value to local Aboriginal people whose chances of gaining any land or native title rights are slim or still many years off due to lengthy processes. At least they provide for access to country and may enable the intergenerational transmission of cultural knowledge before it is lost.

Catchment Management Authorities

Each of the 13 statutory CMAs established across NSW in 2003 has a dedicated Aboriginal Catchment Management Officer and all now have an Aboriginal Reference Group. Though no Aboriginal representation on CMA boards is legislated, some boards have at least one Aboriginal member.⁷

Aboriginal engagement with CMAs had a rather shaky start (Smyth et al. 2004). Now, however, programs involving Aboriginal people are among the highest priorities in at least four of the 13 CMAs. CMAs provide the main avenue for Aboriginal people in NSW to access private lands, though at present that access remains very limited across the state. Nevertheless, access to undertake cultural heritage protection on private lands can have beneficial reconciliation outcomes as landholders build relationships with the traditional owners and learn about the cultural significance of the lands and waters they own.

A number of 'Aboriginal Green Teams' have been formed, which are creating Aboriginal employment and undertaking important land and riverbank regeneration activities, such as weed removal and replanting native species, on public and private lands within several CMAs (Hunt 2010b). For example, within the Many Rivers Region (on the Central-North Coast), some 15 Green Teams, employing a total of 50 people at any one time, are actively engaged through the Green Teams Alliance which has sourced some AU\$5 million worth of contracts for Indigenous employment in NRM work since 2009 (Australian Government 2011b). It is notable that prior to the demise of CDEP in NSW, there were some 60 Green Teams in this region

representing close to 400 paid participants engaged in land management work. Whilst the numbers have reduced since the closure of CDEP, efforts to generate more valuable contract work are building in several parts of the state.

Some of the constraints Aboriginal people are experiencing in relation to CMAs relate to issues of traditional owner engagement, short-term funding and the low training wages Green Team members earn. In some cases, Aboriginal traditional owners or nations find that their country is divided between CMA regions, placing unrealistically heavy demands on them. Aboriginal engagement in CMAs is working best where there are good relationships between capable Aboriginal staff and both the CMA board and other stakeholders (Hunt et al. 2009).

Water rights and access to freshwater

Indigenous interests in water in relation to both access and management are recognised in the National Water Initiative (NWI), but have received little attention from policy makers as yet. Through the MLDRIN network, ten Aboriginal traditional owner groups along the southern Murray have organised to participate in policy development about the management of the Murray Darling Basin (MDB), and to enable their authority, knowledge and values to be recognised (Morgan et al. 2006; Weir & Ross 2007). A similar group covering the northern part of the MDB – Northern Basin Aboriginal Nations – has also been established, with similar concerns and goals (ABC News 2010). Such engagement of governmental bodies with traditional owner groups or nations signals a genuinely two-way approach to governance. Environment and natural resource managers need to understand both the legislative and customary arrangements that underpin Indigenous participation in these sectors, and how these are evolving in a state like NSW.

Water regulation has had a negative impact on traditional owners' capacities to fish and gather bush foods, medicines and other materials, and on what they term 'cultural living' (Weir 2007, p. 50), which they argue would reaffirm cultural practices and intergenerational knowledge transfer. The degradation of wetlands has led to a loss of the best grasses and reeds for basket weaving, a skill some Indigenous women are starting to revive (Weir 2007, p. 51). Although traditional owners have negotiated some access to rivers and waterways for fishing, the degraded state of the ecosystem threatens these practices (Weir 2007, p. 53). The traditional owners attribute their own declining health to the declining health of the rivers (Morgan et al. 2006). They assert their rights to 'cultural flows' meaning water related to cultural values, for example in relation to a wetland which may produce particular foods, materials and medicines (Aboriginal and Torres Strait Islander Social Justice Commissioner 2009). A recent study found that 'new approaches are needed to determine environment flows to accommodate Indigenous values and priorities and therefore improve interactions with country. There also need to be changes to governance systems to ensure that Indigenous governance systems are recognised' (Jackson et al. 2010, p. 4).

The *NSW Water Management Act 2000* recognises Indigenous interests, but gives them no more protection than the existing *National Native Title Act 1993* (Behrendt & Thompson 2004). However, it provides water for economic development, and some 75 per cent of the 162 water licences granted to Indigenous users nationwide for commercial purposes are in NSW, mainly for stock and domestic uses in western

areas of NSW. The Nari Nari Tribal Council, which manages the Toogimbie IPA, has the only cultural licence awarded to date (Jackson 2009).⁸

Conclusion

This article has illustrated the diverse ways Aboriginal people can be engaged in environmental and natural resource management in NSW. Yet there remains considerable scope to extend these opportunities, through extending the Indigenous estate in NSW, providing support to Indigenous landowners to undertake essential cultural and environmental management work on their lands, extending joint management arrangements over other public land, and enhancing the efforts of CMAs to work with Aboriginal people. Aboriginal people would gain increased economic, social and cultural benefits if this were to occur (see Hunt 2010a, b).

Clearly the NSW Government could put greater effort and resources into speeding up the land claims process, which would help extend the Indigenous estate. However, without adequate resources to manage their lands, Aboriginal people may struggle even to meet their legal requirements in relation to feral animal and weed control as well as fire management. Those whose lands qualify for the national reserve system are fortunate that, at present, the IPA program is providing funding to support current IPAs, albeit at levels well below the funding provided to other parts of the national reserve system (Gilligan 2006).⁹ Whether additional funding will be provided for program expansion in the future is uncertain. This leaves many Aboriginal landowners with the challenge of constantly having to find small grants from diverse sources to manage their lands.

There is enormous potential to extend joint management arrangements over various types of public land, but a basic requirement is that good relationships are established between local Aboriginal nations and the relevant land managers. At present, such relationships appear to depend to a large degree on the goodwill of individual officers. In early 2009 a consultation process began about a possible Aboriginal land management framework for NSW, but no policy outcomes appear to have emerged from this process as yet. However, the discussion paper (DECC 2008) prepared for the process indicated potential for Aboriginal access to and management of public lands, including forests and travelling stock routes as well as conservation lands. Related to this, the idea of a multi-tenured IPA has been canvassed in NSW but has not yet been progressed (Adams et al. 2008).¹⁰ Such a 'country' based approach to planning and management of lands and waters would be well suited to NSW where various different tenures could be Aboriginal-managed in the future.

In relation to CMAs, clearly some are far more advanced than others in their engagement with Aboriginal people. While each CMA has a different context and history in its relations with Aboriginal people, it seems that the level of engagement depends to a large extent on positive leadership within the CMA. Opportunities for CMA leaders as well as staff to learn from the successes of the CMAs that have made most progress with Aboriginal engagement could help move others forward.

It is difficult to know definitively at this stage how these various forms of engagement compare in terms of protection of cultural heritage and the environment and Aboriginal socio-economic outcomes and wellbeing. It appears from work in

progress that the greater the level of Indigenous control, the greater the socio-economic benefits, but this is a proposition that needs wider testing and verification; it may not hold under all conditions. Where joint management arrangements are in place, the ways in which they are implemented can vary significantly, which makes definitive judgements about effectiveness of certain models or approaches difficult. At present reliable, comparative data is not available.

Above all, it would be valuable for greater attention to be given to reconciling Indigenous governance arrangements (in nations and clan groups) with the complex western governance arrangements currently in place and dominating the field of environmental management. The MDB Authority's example of engagement with MLDRIN is illustrative of how such reconciliation can begin. The MDB Authority has worked with a federation of self-defined nation groups and provided some support to facilitate their capacity to engage with MDB Authority processes. If we are serious about Indigenous engagement we need to reconcile and support these diverse governance forms. The diverse geographies and complexities of administrative as well as Aboriginal boundaries make achieving this particularly difficult.

On the non-Indigenous side, the wide range of bodies such as shire councils, CMAs, national parks, forestry, fisheries and marine authorities that Aboriginal people have to negotiate their way through makes partnering difficult. Having to rely on partnerships with mainstream land and sea managers requires high levels of advocacy and partnership negotiation. Aboriginal people encounter a range of attitudes from other land managers and the demands of bureaucratic processes which may not make strengthening engagement with local Aboriginal people straightforward.

While Aboriginal people want employment in environmental management, and achieving more secure and better paid work for more Indigenous people is an important goal, more than that could be achieved. The long-term goal must be genuinely shared governance of Indigenous 'country', in a more holistic way; that is over all the public lands and waters within each traditional owner groups' boundaries. There are tiny glimpses of what this could look like in NSW in some existing joint management arrangements over large or even small sections of traditional owners' 'country' (such as in the various ILUAs and joint management arrangements as well as IPAs), but at this stage it remains a long way off across the state and across all forms of tenure despite some promising and exciting initiatives which are leading the way.

Notes

1. The CDEP program provided funds to Aboriginal organisations to employ unemployed Aboriginal workers part-time to work on community projects, and this funding provided a secure base from which other contracts, such as with environmental agencies, could be undertaken.
2. I use terms such as 'environmental management' and 'natural resource management' in this article referring in the first case to more protected areas and in the latter case to other land and waters which may be productive. I also refer to 'cultural and natural resource management' in places to emphasise that landscapes are cultural and, for Aboriginal people, the management of important cultural sites is a key part of the management of that environment.

3. Personal communication, Registrar of the *NSW Land Rights Act 1983*, 12 December 2011. Some claims have been rejected and others are in process so the numbers do not add up exactly.
4. LALCs represent members who can be any Aboriginal people who reside within their administrative boundaries; they are not traditional owner-based organisations.
5. Since 2009, the NSW Government has adopted a policy of limited title transfers 'when the exact boundaries of a particular parcel of land are undetermined or uncertain, usually because the land in question has not yet been surveyed' (NSWALC 2010). This reduces the value of the land and burdens the Aboriginal organisation with the cost of surveying.
6. In particular note Articles 11.13, 18, 19, 25, 26, 27 and 32.
7. Details of CMA boards are located on CMA websites which can be accessed through <http://www.cma.nsw.gov.au/>.
8. A cultural licence provides water allocation for cultural purposes, in this case to support a lignum wetland area on the Toogimbie IPA.
9. The comparison between different funding levels is complex, and Gilligan points out that other social and economic goals are being met by the IPA program.
10. The first multi-tenure IPA, Mandingalbay Yidinji, was dedicated in north Queensland late in 2011, suggesting an approach that could well be emulated in NSW in which an IPA framework sits over a variety of tenures. In the Mandingalbay Yidinji case, which resulted from a successful native title claim and an ILUA, part of the Wet Tropics World Heritage Area, national parks and reserves, forests and marine conservation zones are all included. Overall, the IPA provides a management framework for protected areas across Mandingalbay Yidinji country. It has used native title, ILUAs and MOUs to partner with a range of Commonwealth, state and local government bodies. The traditional owners have also set up the Djunbunji Land and Sea Program which employs six rangers and a coordinator. This program manages the IPA in partnership with other NRM agencies (NNTT 2006; SEWPac 2011).

References

- ABC News 2010, 'Aboriginal nations tell MDBA it excluded them', 21 October, viewed 11 February 2011, <<http://www.abc.net.au/news/stories/2010/10/21/3043969.htm?site=indigenous&topic=latest>>.
- ABS (Australian Bureau of Statistics) 2007, *2006 census: New South Wales*, ABS, Canberra, viewed 16 April 2009, <<http://www.censusdata.abs.gov.au>>.
- Adams, M, Cavenagh, V & Edmunds, B 2008, 'Bush lemons and beach hauling: evolving traditions and new thinking for protected areas management and Aboriginal peoples in New South Wales', in D Smyth & GK Ward (eds.), *Protecting country: Indigenous governance and management of protected areas*, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, pp. 31–46.
- ANRA (Aboriginal Natural Resource Agreement) 2008a, *ANRA case study 1: Phaius Australis 'Dunghutti' Recovery Project*, Aboriginal Natural Resource Agreements, Natural Resources Advisory Council, Sydney.
- ANRA (Aboriginal Natural Resource Agreement) 2008b, *ANRA case study 2: Worimi–Marine Park Authority MOU*, Aboriginal Natural Resource Agreements, Natural Resources Advisory Council, Sydney.
- Arabena, K 2008, *Indigenous epistemology and well-being: universe referent citizenship*, Research Discussion Paper No. 22, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.
- Aboriginal and Torres Strait Islander Social Justice Commissioner 2009, *2008 Native Title Report*, Human Rights and Equal Opportunity Commission, Sydney.
- Australian Government 2011a, *Indigenous economic development strategy 2011–2018*, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra.
- Australian Government 2011b, *Closing the gap*, Prime Minister's Report 2011, Canberra.

- Baird, W & Lenehan, R 2004, 'Recent developments in joint management of Aboriginal owned land in New South Wales and the Register of Aboriginal Owners', *Journal of Indigenous Policy*, vol. 4, pp. 15–26.
- Baker, R, Davies, J & Young, E 2001, *Working on country: contemporary Indigenous management of Australia's lands and coastal regions*, Oxford University Press, UK.
- Bauman, T & Smyth, D 2007, *Indigenous partnerships in protected area management in Australia: three case studies*, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.
- Behrendt, J & Thompson, P 2004, 'The recognition and protection of Aboriginal interests in NSW rivers', *Journal of Indigenous Policy*, vol. 3, pp. 37–140.
- Birckhead, J, De Lacy, T & Smith, L (eds.) 1993, *Aboriginal involvement in parks and protected areas*, Australian Institute of Aboriginal and Torres Strait Islander Studies Report Series, Aboriginal Studies Press, Canberra.
- Bird-Rose, D 2003, *Sharing kinship with nature: how reconciliation is transforming the NSW National Parks and Wildlife Service*, National Parks and Wildlife Service, NSW.
- COAG (Council of Australian Governments) 2008, Communiqué, Canberra, 29 November, Viewed 4 October 2012, <<http://www.decdec.sa.gov.au/coagnews/files/links/COAGCommunique291108.pdf>>.
- COAG (Council of Australian Governments) 2009a, *National integrated strategy for closing the gap in Indigenous disadvantage*, viewed 15 May 2010, <http://www.coag.gov.au/coag_meeting_outcomes/2009-07-02/docs/NIS_closing_the_gap.pdf>.
- COAG (Council of Australian Governments) 2009b, *National partnership agreement on Indigenous economic participation*, viewed 15 May 2010, <http://www.coag.gov.au/inter_gov_agreements/federal_financial_relations/docs/national_partnership/national_partnership_on_indigenous_economic_participation.pdf>.
- DECC (Department of Environment and Climate Change) 2008, *Towards an Aboriginal land management framework for NSW: discussion paper*, DECC, NSW.
- DEWHA (Department of Environment, Water, Heritage and the Arts) n.d., *Indigenous protected areas*, viewed 16 April 2009, <<http://www.environment.gov.au/indigenous/ipa>>.
- Department of Sustainability, Environment, Water, Population and Communities (SEWPaC), 2011, *Mandingalbay Yidinji Indigenous Protected Area*, viewed 4 October 2012, <<http://www.environment.gov.au/indigenous/ipa/declared/mandingalbay.html>>.
- Department of Sustainability, Environment, Water, Population and Communities n.d., *Declared Indigenous protected areas in New South Wales*, viewed 17 February 2011, <<http://www.environment.gov.au/indigenous/ipa/declared/nsw.html>>.
- Donovan, M & Donovan, M 2011, 'Managing expectations', paper presented to Blockade to Boardroom: The Joint Management of National Parks in NSW seminar, organised by the Office of the Registrar of the Aboriginal Land Rights Act 1983 (NSW), 8 December 2011, Sydney.
- Environment, Climate Change & Water n.d.a, *Existing joint management agreements*, viewed 15 February 2012, <http://www.environment.nsw.gov.au/jointmanagement/jointmanaged_parks.htm>.
- Environment, Climate Change & Water n.d.b, *Githabul Indigenous land use agreement and determination of native title*, viewed 17 February 2011, <<http://www.environment.nsw.gov.au/jointmanagement/Githabul.htm>>.
- FaHCSIA (Department of Families, Housing, Community Services and Indigenous Affairs) 2009, *Community Development Employment Projects (CDEP) providers from 1 July 2009*, viewed 16 February 2011, <http://www.fahcsia.gov.au/sa/indigenous/progserv/families/cdep/Pages/cdep_providers.aspx>.
- Gilligan, B 2006. *The Indigenous Protected Areas Programme: 2006 evaluation*, Department of Environment and Heritage, Canberra.
- Hemmingsen, S & Marshall, C 2008, 'Nambucca and Kaikoura: Indigenous community coastal resource management in Australia and New Zealand', in D Smyth & GK Ward (eds.), *Protecting country: Indigenous governance and management of protected areas*, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, pp. 117–127.

- Howitt, R & Suchet-Pearson, S 2006, 'Rethinking the building blocks: ontological pluralism and the idea of "management"', *Geografiska Annaler: Series B, Human Geography*, vol. 88, pp. 323–335.
- Hunt, J 2010a, 'Caring for country: benefits for Aboriginal people in New South Wales', paper in Proceedings of the Healthy Parks, Healthy People Congress, 11–16 April 2010, Melbourne.
- Hunt, J 2010b, 'Looking after country in New South Wales: two case studies of socioeconomic benefits for Aboriginal people', Centre for Aboriginal Economic Policy Research Working Paper No. 75, Australian National University, Canberra.
- Hunt, J, Altman, J & May, K 2009, 'Social benefits of Aboriginal engagement in natural resource management', Centre for Aboriginal Economic Policy Research Working Paper No. 60, Australian National University, Canberra.
- Jackson, S 2009, *Background paper on Indigenous participation in water planning and access to water*, National Indigenous Water Planning Forum, viewed 17 April 2009, <<http://waterplanning.org.au/news-and-events/national-indigenous-water-planning-forum>>.
- Jackson, S, Moggridge, B & Robinson, C 2010, *Summary of the scoping study: effects of change in water availability on Indigenous people of the Murray Darling Basin*, CSIRO, Collingwood, Victoria.
- Kingsley, Y, Townsend, M, Phillips, R & Aldous, D 2009, "'If the land is healthy . . . it makes the people healthy": the relationship between caring for country and health for the Yorta Yorta nation, Boonwurrung and Bangerang tribes', *Health and Place*, vol. 15, pp. 291–299.
- McCredie, B 2011, 'Negotiating a s36A arrangement – Gaagal Wangaan (South Beach) National Park', paper presented to Blockade to Boardroom: The Joint Management of National Parks in NSW seminar, organised by the Office of the Registrar of the Aboriginal Land Rights Act 1983 (NSW), 8 December 2011, Sydney.
- Morgan, M, Strelein, L & Weir, J 2006, 'Authority, knowledge and values: Indigenous nations' engagement in the management of natural resources in the Murray-Darling Basin', in M Langton, O Mazel, L Palmer, K Shain & M Tehan (eds.), *Settling with Indigenous people: modern treaty and agreement-making*, The Federation Press, Sydney, pp. 135–158.
- Natural Resource Management Ministerial Council 2010, *Australia's biodiversity conservation strategy 2010–2030*, Department of Sustainability, Environment, Water, Population and Communities, Canberra.
- NNTT (National Native Title Tribunal) 2010, *NSW & the ACT*, viewed 9 February 2011, <<http://www.nntt.gov.au/Native-Title-In-Australia/ACT-New-South-Wales/Pages/ACT-New-South-Wales.aspx>>.
- NPWS (National Parks and Wildlife Service) 2010, *Gaagal Wangaan (South Beach) National Park*, Environment Climate Change & Water, NSW Government, Coffs Harbour.
- NSWALC (New South Wales Aboriginal Land Council) 2010, *Speeding up the land claims process: stage 4. Limited title*, 2 August, viewed 9 February 2011, <<http://www.alc.org.au/newsroom/network-messages/limited-title-must-cease.aspx>>.
- NSW Department of Natural Resources 2007, *Aboriginal natural resource agreements kit*, viewed 11 February 2011, <http://www.nrac.nsw.gov.au/projects/pdf/ANRA_kit_web.pdf>.
- NSW Government 2010a, *State plan. Chapter 5. Green state*, viewed 10 January 2011, <[http://nsw.gov.au/sites/default/files/pdfs/chapters/5.per cent20Greenpercent20State_WEB.pdf](http://nsw.gov.au/sites/default/files/pdfs/chapters/5.per%20cent20Greenpercent20State_WEB.pdf)>.
- NSW Government 2010b, *State plan. Chapter 6. Stronger communities*, viewed 10 January 2011, <http://www.nsw.gov.au/sites/default/files/pdfs/chapters/6.percent20Strongerpercent20Communities_WEB.pdf>.
- NSW Government Environment & Heritage n.d., *Worimi Conservation Lands Joint Management Agreement*, viewed 4 October 2012, <<http://www.environment.nsw.gov.au/jointmanagement/stocktonjointmanagement.htm>>.
- Ross, H, Grant, C, Robinson, CJ, Izurieta, A, Smyth, D & Rist, P 2009, 'Co-management and Indigenous protected areas in Australia: achievements and ways forward', *Australasian Journal of Environmental Management*, vol. 16, pp. 242–252.
- Ross, A, Sherman, KP, Snodgrass, JG, Delcore, HD & Sherman, R 2011, *Indigenous peoples and the collaborative stewardship of nature: knowledge binds and institutional conflicts*, Left Coast Press, Walnut Creek, CA.

- Ryan, S, Broderick, K, Sneddon, Y & Andrews, K 2010, *Australia's NRM governance system: foundations and principles for meeting future challenges*, Australian Regional NRM Chairs, Canberra.
- Schnierer, E, Ellsmore, S & Schnierer, S 2011, *State of Indigenous cultural heritage 2011*, Report prepared for the Australian Government Department of Sustainability, Environment, Water, Population and Communities on behalf of the State of the Environment 2011 Committee, Canberra.
- Smith, A 2011, 'The Worimi Local Aboriginal Land Council', paper presented to 'The Aboriginal Land Rights Act 1983 NSW – Looking Ahead' seminar, organised by the Office of the Registrar of the Aboriginal 595 Land Rights Act 1983 (NSW), 17 March 2011, Sydney.
- Smyth, D, Szabo, S & George, M 2004, *Case studies in Indigenous engagement with natural resource management*, Department of Environment and Heritage, Canberra.
- Smyth, D 2007, 'Booderee National Park: on a journey to sole management', in T Bauman & D Smyth (eds.), 2007, *Indigenous partnerships in protected area management in Australia: three case studies*, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, pp. 71–99.
- Stewart, Y & Stewart, W 2010, Presentation, Proceedings of the Healthy Parks, Healthy People Congress, 11–16 April 2010, Melbourne.
- Weir, J 2007, 'The traditional owner experience along the Murray River', in E Potter, A Mackinnon, S McKenzie & J McKay (eds.), *Fresh water: new perspectives on water in Australia*, Melbourne University Press, pp. 44–58.
- Weir, J 2009, *Murray River country: an ecological dialogue with traditional owners*, Aboriginal Studies Press, Canberra.
- Weir, J & Ross, S 2007, 'Beyond native title: Murray Lower Darling Rivers Indigenous nations', in F Morphy & BR Smith (eds.), *The social effects of native title: recognition, translation, coexistence*, Centre for Aboriginal Economic Policy Research Research Monograph No. 27, ANU E Press, Canberra, pp. 185–201.
- United Nations 2008, *United Nations Declaration on the Rights of Indigenous Peoples*, New York.
- Working Group for Advancing Reconciliation in Natural Resource Management and Primary Industries 2009, *Invest action plan*, viewed 10 February 2011, <<http://www.deewr.gov.au/Indigenous/Employment/Documents/NSWGovtDECCWAttachment1.pdf>>.
- Worimi Conservation Lands n.d., *Welcome page*, viewed 10 February 2011, <<http://www.worimiconservationlands.com/index.php>>.
- Worimi Conservation Lands Joint Management Agreement n.d., viewed 10 February 2011, <<http://www.environment.nsw.gov.au/jointmanagement/stocktonjointmanagement.htm>>.