

## 2. How Joint Management Will Work

### Objectives and Principles for Joint Management

Joint Management is about Traditional Owners and the Parks and Wildlife Service working together, exchanging their knowledge and expertise, solving problems and sharing decisions.

The *Territory Parks and Wildlife Conservation Act*, states the objective of joint management as:

To jointly establish an equitable partnership to manage and maintain the park or reserve as part of a comprehensive and representative system of parks and reserves in the Territory for the following purposes:

- (a) benefiting both the traditional Aboriginal owners of the park or reserve and the wider community;
- (b) protecting biological diversity;
- (c) serving visitor and community needs for education and enjoyment.

The *Act* states that the objective is to be achieved by managing the park or reserve in accordance with the following principles:

- (a) recognising, valuing and incorporating Aboriginal culture, knowledge and decision making processes;
- (b) utilising the combined land management skills and expertise of both joint management partners;
- (c) recognising and addressing the need for institutional support and capacity building of the joint management partners;
- (d) recognising that community living areas in or in close proximity to parks and reserves are an integral part of the natural and cultural resource management of parks and reserves;
- (e) involving continuing statutory responsibilities and functions of the Minister with respect to parks and reserves;
- (f) managing parks and reserves may include cooperative management agreements for areas of land outside parks and reserves;
- (g) establishing a process for the consideration of applications for mining and petroleum.

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## Roles and Responsibilities

Both partners, the Traditional Owners and the Parks and Wildlife Service, bring legal and moral responsibilities to the management of the reserve to take account of traditional and Northern Territory law.

Joint management of the reserve will be consistent with the following:

- *Territory Parks and Wildlife Conservation Act*;
- *Aboriginal Land Rights (Northern Territory) Act* and *Native Title Act*;
- *Northern Territory Aboriginal Sacred Sites Act* and *Heritage Conservation Act*;
- *Indigenous Land Use Agreement (ILUA)*;
- The lease (in which the reserve is leased by Traditional Owners to the NT Government);
- Customary protocols and traditional practices associated with Karlu Karlu;
- The Australia ICOMOS charter for places of cultural significance;
- This Joint Management Plan; and
- The decisions agreed by the Devil's Marbles Joint Management Committee.

**Traditional Owners** provide an important contribution to the direction and management of the reserve. Particular clan estates and skin groups have responsibilities for decision making, ownership and caretaking. Traditional Owners also have responsibilities for managing Aboriginal

knowledge and passing it on to the right people, looking after the land and its resources, maintaining sacred sites and keeping the country alive.

The **Parks and Wildlife Service** is responsible for the day-to-day management of the reserve under the direction of the Joint Management Committee. The Parks and Wildlife Service is required to finance and resource the reserve's ongoing management including administrative functions, staffing, infrastructure and services.

The **Central Land Council** (CLC) has an important role in assisting joint management. The *Territory Parks and Wildlife Conservation Act* defines the CLC's role as representing and protecting the interests of the Traditional Owners in relation to the reserve's management.

The Aboriginal lands that are the subject of the Joint Management Plan will be Aboriginal freehold lands that are held by the Ayleparrarntenhe Aboriginal Land Trust in accordance with the Commonwealth *Aboriginal Land Rights (Northern Territory) Act*. The land trust holds the title on behalf of Traditional Owners. This Act requires the Central Land Council (CLC) to ascertain and represent the interests of Traditional Owners with respect to any proposed use of their land.

***'We all from different cultures ... together we are all Australians ... we need to make it strong together and work as partners ... and respect all our cultures' Kirda and Kurdungurlu***

## Aboriginal Decision Making

Traditional ownership and decision making rights over the Kelantjerrang and Wakurlpu lands that make up Karlu Karlu are established in a number of ways. The main ownership rights to country are inherited patrilineally - the father's father's country. Estate group members who hold this right belong to the *Kingili* moiety and are known as *Kirda*, which translates as 'owner'.

Ownership rights can also be defined matrilineally through the mother's father's country.

These members belong to the *Wulurru* moiety and acquire the role of *Kurdungurlu*, which is often described as 'advisor', 'manager', 'caretaker' or 'policeman'. The *Kurdungurlu* are the keepers of the group's religious knowledge and ensure correct performance of ceremonial rituals by the *Kirda*.

The partnership of *Kirda* and *Kurdungurlu* is very important because it ensures the life of the group and its traditions are continued. Any decision to do with land, whether focussed on traditional matters or contemporary land use issues, requires the consent of both *Kirda* and *Kurdungurlu*.

A third category of traditional ownership and decision-making rights at Karlu Karlu is inherited through shared 'dreaming lines'. There is shared ownership of a dreaming story, the *Wakuwarlpa* (bush plum) story associated with Karlu Karlu, whose ancestor travelled through the Antarrangeny estate (further to the south east and held by Alyawarra speakers) and the estates directly associated with Karlu Karlu. The people who share this dreaming line provide support to the *Kirda* of Karlu Karlu. The *Kirda* and *Kurdungurlu* of the estate group, and the people who are responsible for the dreaming story that is connected to Karlu Karlu, act cooperatively in the decision making process relating to Karlu Karlu. These traditional principles of land ownership and decision making are still strictly adhered to today. During planning consultations, Traditional Owners provided the following insights to traditional decision making for the reserve.

***'No one Traditional Owner can make a decision.'***

***'Ask Traditional Owners ... Kirda (owner) has to go to the Kurdungurlu (caretaker). He or she must muster the caretakers. If the Kirda says yes and the Kurdungurlu says no then it is no. No one has the final say. They both need to agree ... they sort of level but not level ... (Kurdungurlu are) not the owners ... but they got to have a say ... That's their job (the Kurdungurlu) ... they responsible if anything goes wrong.'***

***'Big mob them Kurdungurlu ... can't just go to one ... need to go to all ... the right Kurdungurlu ... if anything goes wrong then its the Kurdungurlu that gets in trouble.'***

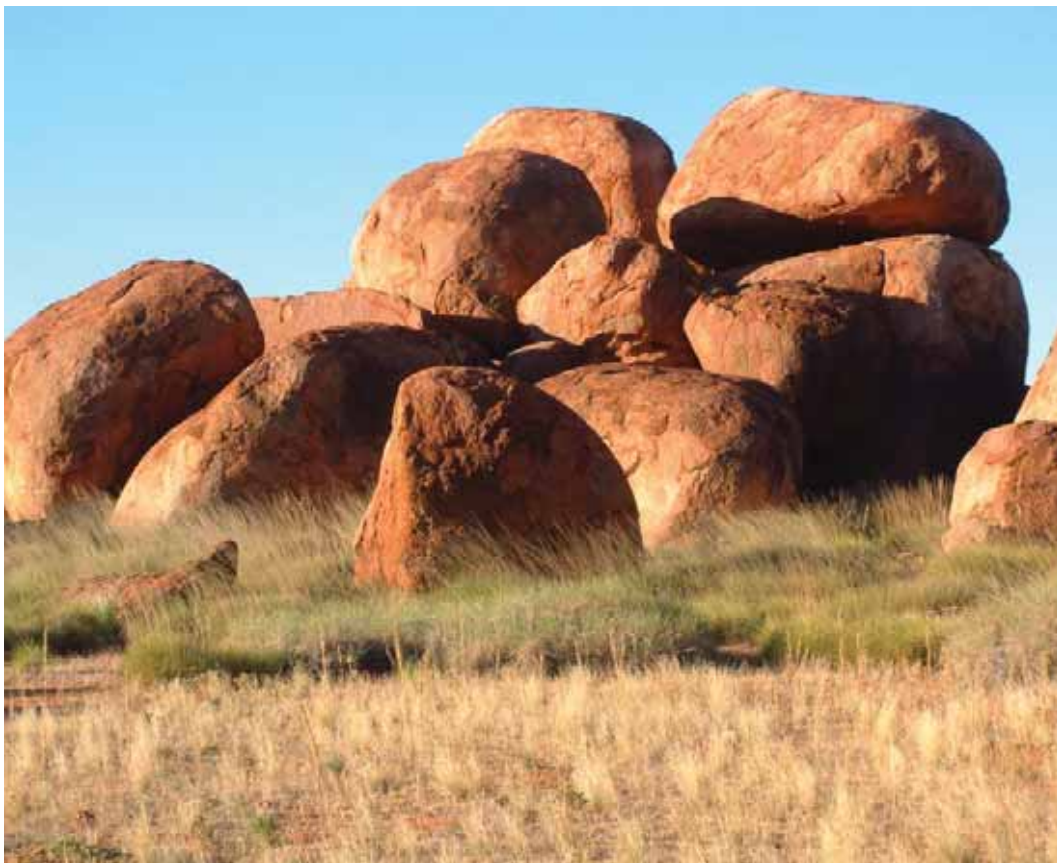
***'The Kirda is the boss ... the Kurdungurlu is the worker.'***

*'They both got to make the decision ... the Kirda sits and listens ... the Kurdungurlu is the one that talks ... must be right Kurdungurlu from his mother's side ... it's his obligation ... his father's country is the Kirda ... they talk themselves then that would be right.*

*It's all there ... all time ... still here today ... it'll never change.'*

*"We make the decision ... nephew and niece they make the decision ... that's good ... they're still happy ... that's the system ... and talk about this plan of management.'*

*'It's important that rangers know this process.' Kirda and Kurdungurlu*



*The Devil's Marbles. Photo: Barritt & May*

*Strong culture and country ... we are together and doing this together ... the right thing for this place ... so future generations can see ... if you mob gone (participating Parks and CLC staff) ... they can learn about what is planned ... and by working together.' Kirda and Kurdungurlu*

## **Making Decisions and Working Together**

### ***Principles for Making Decisions and Working Together***

Joint decision making for Karlu Karlu will be guided by the following principles:

- Trust, respect and good communication underlie a strong partnership.
- Sharing decisions, responsibility and participation is important.
- Aboriginal decision-making will be respected.
- Joint management should be monitored for continuous improvement.
- The principles of joint management as stated in the *Territory Parks and Wildlife Conservation Act*.

### ***Our Aims***

- To manage the reserve through decisions made equitably, efficiently and responsibly with sound information and understanding between the partners.
- To effectively involve Traditional Owners in decision-making and practical management of the reserve.
- To keep the partnership strong while focussing on results.

### ***Background***

#### *Combining Knowledge, Working Together*

The inclusion of Traditional Owners' knowledge and perspectives will bring changes to the way the reserve has been managed in the past. Importantly, Traditional Owners wish not only to have a say in the reserve's management, but seek to actively participate in many aspects of on-the-ground management. Figure 4 summarises how the partners will share decision-making and work together on management programs.

#### *Building Capacity and Governance*

The preparation of this plan by the joint management partners marks a positive beginning to the joint management of Karlu Karlu. The Traditional Owners and Parks and Wildlife Service also know their partnership will need to continue to grow through experience and conscious effort. This plan sets out the framework for the reserve's governance. In doing so it marks a solid start, but in itself this will not guarantee effective governance. The partners both believe that the goodwill between them will need to be complemented with commitment to monitoring joint management effectiveness and developing strong governance over time. For the purposes of this plan *governance* means how the partners organise themselves to work towards their vision. It includes all aspects of communication, partnership, planning and decision-making.

#### *Extending the Reserve*

The reserve is bounded on all sides by Aboriginal land; the Mungkarta and Mungkarta 2 Aboriginal Land Trusts. Title for these lands are the same as for the reserve; inalienable freehold under the *Aboriginal Land Rights (Northern Territory) Act*. At a future time the partners may consider extending the reserve to include adjoining Aboriginal land. There is no such proposal at the time of this Plan's preparation.

#### *Naming the Reserve*

The Traditional Owners seek to change the name of the reserve to incorporate the name by which they and their ancestors have known the area since the Dreaming; *Karlu Karlu*. It is important to them that visitors gain this understanding also. The Parks and Wildlife Service support the Traditional Owners in this proposal.

### *Community Living Areas*

Through the *Aboriginal Land Rights (Northern Territory) Act*, Traditional Owners have achieved legal ownership of their lands surrounding Karlu Karlu and live on homelands in the reserve's vicinity. They would like improved access to manage their country within the reserve and surrounding the reserve. This plan must describe a process for considering proposals for community living areas on the reserve. See 2.11

### *Infrastructure*

Under the terms of the *Territory Parks and Wildlife Conservation Act* and the Lease, this Joint Management Plan must outline the process by which parts of the reserve may be sublet or licensed for commercial or public purposes including public infrastructure. See 2.12

### *Mining*

In 1985 a mining reserve (Reserve from Occupation No 1123) was declared to limit exploration and recovery of minerals within the reserve. The transfer of the reserve to Aboriginal ownership under the *Aboriginal Land Rights (Northern Territory) Act* revokes the original Reserve from Occupation. The Traditional Owners feel strongly that mining is not consistent with the scenic, cultural and environmental values of the reserve.

### *Protecting Sacred Sites*

Protection for places of cultural significance to Aboriginal people in the Northern Territory is afforded under overlapping legislation. The Commonwealth Aboriginal Land Rights Act (N.T.) 1976 (ALRA) gives legal recognition to areas which that Act terms "sacred sites" and defines as: "a site that is sacred to Aboriginals or is otherwise of significance according to Aboriginal tradition, and includes any land that, under a law of the Northern Territory, is declared to be sacred to Aboriginals or of significance according to Aboriginal tradition". The ALRA makes it an offence to enter or remain on land that is a sacred site. Complementary Northern Territory legislation, the *Northern Territory Sacred Sites Act 1989* (NTASSA) also provides protection for all sites that fall within the scope of this definition. This protection is generally provided in the form of an Authority Certificate from the Aboriginal Areas Protection Authority (AAPA) in response to land use proposals. It means that the traditional Aboriginal owners have an enforceable right to say who enters their sacred sites, and what can and cannot happen on their sacred sites. Illegal entry, works on or use of a sacred sites is an offence. Almost the entire Devil's Marbles Conservation Reserve is a registered sacred site under the *Northern Territory Aboriginal Sacred Sites Act*.

Strong joint management will ensure that sacred sites are protected in accordance with Traditional Owners' wishes. Under the ALRA the Central Land Council have a specific function to "assist Aboriginals in the taking of measures likely to assist in the protection of sacred sites" and under its established procedures will carry out this role in facilitating joint management.

### *Heritage Protection*

The *Heritage Conservation Act* provides for the protection and conservation of prescribed archaeological places and objects. Sacred objects are not afforded protection under the *Northern Territory Aboriginal Sacred Sites Act*, but through the *Heritage Conservation Act*.

## ***Management Directions***

**2.1 Joint Management Committee** – A Joint Management Committee will be set up to direct the management of the reserve. As a priority, the joint management partners will formally define and document the powers and functions, remuneration and procedures of the committee. The committee will consist of:

- Traditional Owners including both Kirda and Kurdungurlu, selected by and able to represent the interests of all the reserve's Traditional Owners. This will be at least four people.
- At least two Parks and Wildlife Service staff members.
- Other persons invited by the joint management partners to provide advice on particular issues or represent community interests (for example, tourism).

**2.2 Making Decisions** - The joint management partners will share decision-making equitably and responsibly. Decisions will be made by consensus, rather than majority vote. The Joint Management Committee will meet at least once each year. The wider group of Traditional Owners will be informed and encouraged to also attend. Committee responsibilities will include:

- Providing general management direction and advice.
- Reviewing and approving management programs year to year, such as visitor management, community education, weeds, fire and feral animal activities.
- Reviewing and approving special projects, development proposals, local policies and procedures for permits and licences.
- Considering other proposals not otherwise specified in this plan.
- Monitoring and evaluating joint management.

The committee will not be involved in making decisions in relation to day-to-day operations. The Joint Management Committee will approve operations only within the reserve (see Map 4).

Traditional Owner representatives on the committee will not represent the interests of Aboriginal landowners for land outside the reserve in matters not related to the reserve.

**2.3 Traditional Owner Working Groups** – Working groups of Traditional Owners may be formed to work on specific projects, policies or issues. Examples include preparing public education and interpretative material for visitors and considering unusual permit applications.

**2.4 Supporting and Building the Partnership** – The CLC will represent and support Traditional Owners' interests, facilitating consultations and (if needed) conflict resolution. The Partners and CLC recognise that joint management will be a process of continuous learning and growth. Special support and training will be provided to the partners in communication, partnership, planning and governance.

**2.5 Participation of Traditional Owners** – Traditional Owners will have opportunities for paid participation in management programs. Opportunities will be programmed at meetings of the Joint Management Committee.

**2.6 Information Exchange** – Traditional Owners will be kept informed about management activities and issues. Traditional Owner committee members will be responsible for passing on information to other Traditional Owners. Opportunities will also be provided for Traditional Owners to exchange ideas and knowledge with other Aboriginal people engaged in joint management.

**2.7 Monitoring and Evaluation** – The joint management partners will monitor joint management performance as a means to continuous learning and improvement. A monitoring and evaluation program will be developed as a high priority. Selected performance indicators are given in Appendix 1. These are not the only indicators of success and others may be developed and reviewed over time. The program will incorporate performance indicators relating to:

- The satisfaction of the joint management partners.
- The effectiveness of the joint management partnership (joint management processes).
- The implementation of annually agreed priorities.
- Achievement towards longer-term Aims stated in this plan.

**2.8 Extending the Reserve** - Any proposals to extend the reserve by inclusion of adjoining Aboriginal lands will be considered by the joint management partners through the Joint Management Committee and will require additional consultation with Traditional Owners of adjoining lands by the Central Land Council in accordance with the *Aboriginal Land Rights (Northern Territory) Act*.

**2.9 Resolving Disputes** – The joint management partners will make every effort to make decisions by consensus. From time to time it is possible that, for difficult decisions, ready agreement will not be reached even after respectful discussion and negotiation. Should a dispute arise between the joint management partners that cannot be resolved, in accordance with the Lease, the partners will jointly appoint an independent mediator to help facilitate a final decision.

**2.10 The Name of the Reserve** – As a priority, the joint management partners will seek to change the name of the reserve to incorporate the area's Aboriginal name *Karlu Karlu*.

**2.11 Living on the Reserve** – Any proposal to create community living areas on the reserve will be considered by the full Traditional Owner group.

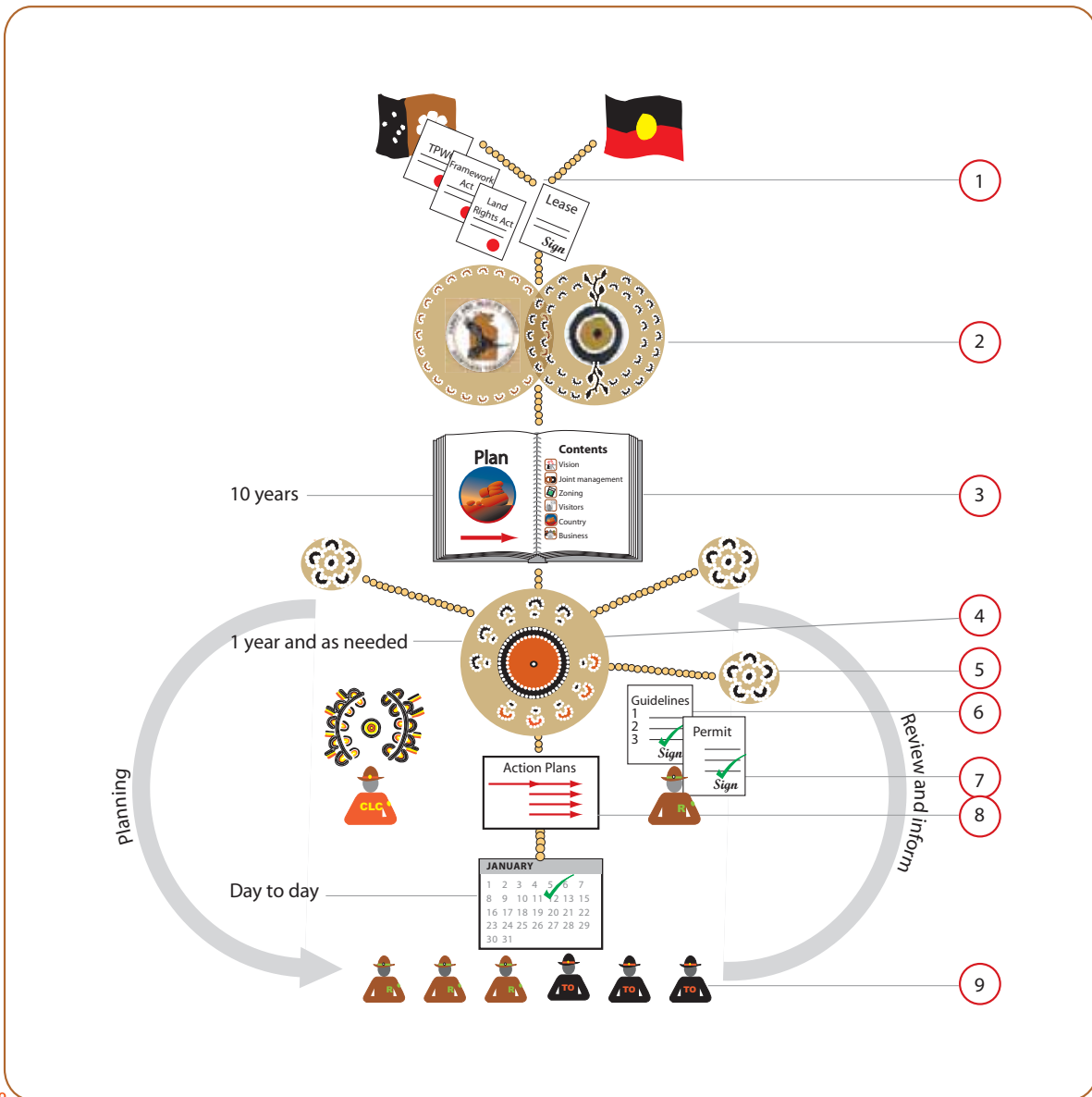
**2.12 Infrastructure** - With the consent of the Traditional Owners through the Joint Management Committee, and consistent with the Lease, this Joint Management Plan provides for the Northern Territory Government the right to sublease or license portions of the reserve for specific purposes, including public infrastructure.

**2.13 Mining and Exploration** – The joint management partners will seek to re-declare a mining reserve (Reserve from Occupation) over the reserve.

**2.14 Sacred Sites Clearances** – The CLC will have sacred site clearance responsibility for all proposed works on the reserve. However the joint management partners may agree from time to time that a proponent may require an AAPA Authority Certificate under the NTASSA. Clearance may also be sought under the Heritage Conservation Act for works on places and objects protected under that legislation.

*'We are planning ... so the next generation can carry on ... by teaching and getting involved ... teaching our young people the right dance'. 'Too few young girls and young boys ... to come listen every time meeting ... they need to learn the words.'* **Kirda and Kurdungurlu**

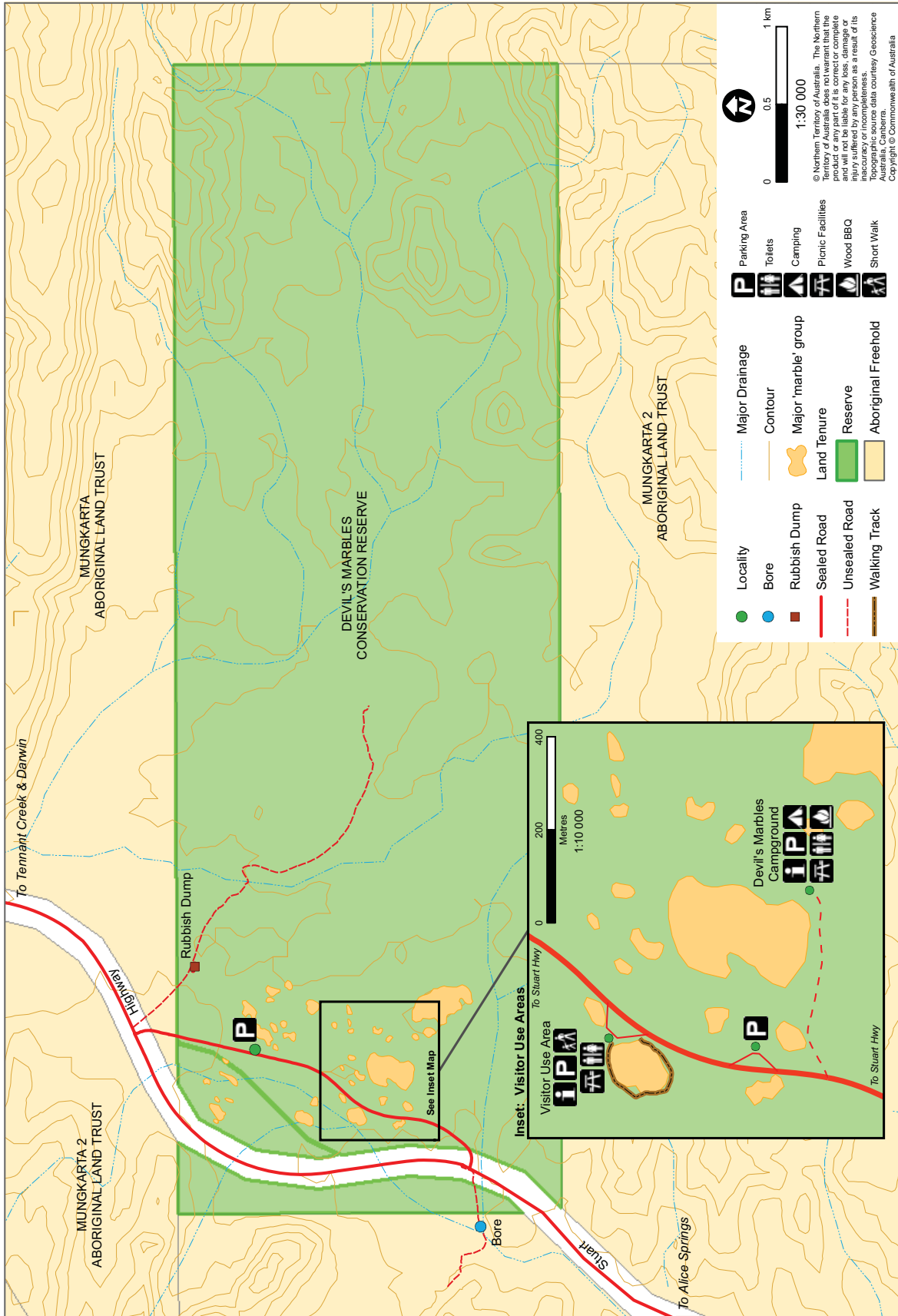
Figure 4. Joint Management, Decision Making and the Plan



- 1. The Laws** - Territory Parks and Wildlife Conservation Act, Parks and Reserves (Framework for the Future) Act, Aboriginal Land Rights (Northern Territory) Act, Northern Territory Aboriginal Sacred Sites Act, Heritage Conservation Act, the Lease Agreement and traditional Aboriginal Law.
- 2. Joint Management Partners** - Parks and Wildlife Service and Traditional Owners.
- 3. Joint Management Plan** - Provides agreed direction for the management of the reserve.
- 4. Joint Management Committee** - The principal decision-making body for managing the Reserve consisting of Traditional Owners and Parks and Wildlife.
- 5. Traditional Owner working groups** - may be formed to work on specific projects, policies or issues.

- 6. Guidelines** - The Joint Management Committee set reserve specific guidelines for consistent ongoing management.
- 7. Permits** - Parks and Wildlife assesses permits consistent with guidelines prepared by the Joint Management Committee.
- 8. Action Plans** - The Joint Management Committee approves annual action plans and programs consistent with agreed long-term goals and sets priority tasks.
- 9. Day-to-Day Work** - Traditional Owners and park rangers work together on agreed programs.

A graphical dictionary is presented in Appendix 4



**Map 4: Reserve Map**