



Joint management

Introduction

The *Conservation and Land Management Act 1984* (CALM Act) has recently been amended to enable joint management of lands and waters between the Department of Environment and Conservation (DEC) and other landowners, or those with a vested or other interest in the land, including Aboriginal people. This also includes provisions to enable the joint management of reserves already managed under the CALM Act, and vested in the Conservation Commission of Western Australia (Conservation Commission) or the Marine Parks and Reserves Authority (referred to as DEC-managed land).

1. What is joint management?

Joint management is about shared 'management' of land, not about land 'ownership'. Aboriginal people, for example, could become joint managers of land without being landowners. It is a cooperative, legal arrangement between the Western Australian Government (represented by DEC) and one or more other parties to manage land or waters in Western Australia based on recognition, mutual respect and goals.

Joint management of lands where the CALM Act wouldn't normally apply allows DEC to enter into arrangements with Aboriginal people, private landowners, the Minister for Lands, a lessee (including pastoral lessees), local shires or a vested body or a body with the care, control and management of an area.

How joint management will be carried out will depend on the provisions of a joint management agreement and a management plan, and will depend on a range of factors such as ownership/vesting, native title implications, level of engagement desired, and funds available. The joint management agreement must specify membership and procedures for a joint management body to operate.

2. What are the main components of the recent changes to the CALM Act in relation to joint management?

The CALM Act was amended in March 2012 to enable DEC to:

- enter into voluntary agreements to jointly or solely manage private land, pastoral lease land or other Crown land that is above the low water mark
- enter into joint management arrangements of lands and waters vested in or under the care, control and management of the Conservation Commission or the Marine Parks and Reserves Authority under the CALM Act. This will be subject to the approval of the Minister for Environment under a management plan requirement and a formal agreement
- facilitate the involvement of Aboriginal people in the management of lands for conservation, recognising the intrinsic connection Aboriginal people have with land
- manage land for conservation, recreation and other purposes without changing the tenure of that land
- describe the roles of the Conservation Commission, the Marine Parks and Reserves Authority, and joint management bodies in the preparation of management plans where joint management is to occur.

3. Why have these changes happened?

As a result of DEC's experience over many years working with Aboriginal people, it became clear that:

- Aboriginal people wish to contribute their knowledge to the management of CALM Act lands and waters
- there is a need to recognise the value of CALM Act lands and waters to Aboriginal culture and heritage
- Aboriginal people want to be able to apply the provisions of the CALM Act and regulations to some of the lands that are retained in their ownership or under their management.

In addition to this, other landowners and government bodies have expressed a desire for DEC to manage and apply the provisions of the CALM Act and Regulations to certain lands under their care, control or management, and these changes provide the mechanism for DEC to enter into such arrangements.

The amendments also allow the state government to meet its obligations for joint management of land under native title agreements such as the Burrup and Maitland Industrial Estates Agreement, Ord Final Agreement and the Yawuru Agreement.

4. How will a joint management agreement work?

Any person, group, or entity may approach DEC with a proposal to enter into a joint management agreement. If the proposal is acceptable, a joint management agreement will be negotiated subject to certain checks and balances, consultations and approvals as outlined in section 8A of the CALM Act.

The land in question will then be managed as per the agreement. This means that the land could be managed as if it were State forest, a timber reserve, a national park, a conservation park, a nature reserve, or for a public purpose consistent with the CALM Act, depending on the agreement. This allows the provisions of the CALM Act to apply to the area, but will not affect the underlying tenure or any other laws which apply to that land, nor any rights a person may already have on the land under other laws.

Each joint management agreement will establish a joint management body to manage the area, including its members and procedures for decision-making. The joint management body will also be responsible for developing, and assessing the implementation of a management plan for the area.

Lands and waters managed by DEC are vested in either the Conservation Commission or the Marine Parks and Reserves Authority. DEC is responsible for protecting and conserving the state's environment on behalf of these bodies and the people of Western Australia. Approval from the respective authority will be required for any joint management agreement involving land vested in it.

5. Does entering into a joint management agreement mean that the parties will jointly own the land?

No. Joint management arrangements will establish how the land is managed and how decisions are made about the management of the land. The underlying tenure of the land will not change as a result of a joint management agreement.

6. How will joint management arrangements benefit Aboriginal people?

Potentially, any Aboriginal person or group will have the ability to enter into a joint management agreement, regardless of whether native title is determined. This is significant for those Aboriginal groups that have had their claim to native title rights extinguished.

Joint management arrangements will provide increased opportunities for Aboriginal people to be actively involved in, and contribute their knowledge to, management of land. The agreements will also help clarify roles and responsibilities of both Aboriginal people and DEC while preserving public access rights and interests.

7. Will there be an opportunity for public input on management strategies for jointly managed areas?

Yes. The public will have an opportunity to provide comment on the management plan for a jointly managed area.

8. Will Aboriginal people who do not have ownership or determined native title be able to enter into a joint management agreement with DEC?

Yes. The changes to the CALM Act provide for joint management opportunities with Aboriginal people, regardless of whether they hold exclusive or non-exclusive native title rights and interests.

9. How will native title claims and determinations affect joint management agreements?

Joint management agreements will be consistent with the provisions of the Commonwealth *Native Title Act 1993*.

10. Where can I find more information/detail on the changes to the CALM Act?

For further detail, please refer to the *Conservation and Land Management Act 1984* available from the State Law Publisher website (www.slp.wa.gov.au) or visit the DEC website at www.dec.wa.gov.au/jointmanagement or contact the department on (08) 9442 0300 or by email (info@dec.wa.gov.au).

This publication is available in alternative formats on request.

Information current at July 2012.