



SENIOR ADVISORY GROUP on Joint Management Arrangements for Commonwealth National Parks

Advice to the Minister for the Environment
December 2021



Acknowledgement of Country

The Senior Advisory Group acknowledges the First Nations peoples, the rightful owners of Country throughout Australia and recognises their continuing traditional connection to land, waters and community. We acknowledge first peoples' cultural ties and knowledge, their ancestors, people of today and future generations to come. We also would like to specifically acknowledge the Traditional Owners of the land on which this advice focuses – Anangu of Uluru-Kata Tjuta National Park, Bininj/Mungguy of Kakadu National Park and the Wreck Bay Aboriginal Community of Booderee National Park.



Disclaimer

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This advice may contain images of, names of, or references to, deceased Aboriginal or Torres Strait Islander people.

FOREWORD

The Minister rightly recognised that the governance, structure and culture of the jointly managed parks required in-depth review. She established the Senior Advisory Group to recommend a pathway to a better future for the parks, ensuring that the Traditional Owners of the land were front and centre of future discussions on joint management arrangements.

The best and brightest future for the parks is one where first, local traditional culture flourishes and heritage is protected and second, the Director of National Parks (DNP) is an effective manager. That requires a strong relationship between Traditional Owners and Parks Australia. There isn't one. Parks Australia has lost the trust and confidence of the Traditional Owners.

Relationship change is crucial and must be an immediate focus. Traditional Owners have felt disempowered. Repairing decades of deteriorating relationships is not enough. Recognition of the cultural importance and rights of Aboriginal and Torres Strait Islander peoples has moved forward very significantly over that time, not only in Australia, but around the world. The highest priority must be given to absorbing this new understanding and balance of relationships into the culture of Parks Australia, both on the parks and in Canberra, so that it permeates not only its thinking but its action on the ground. Parks Australia needs to truly understand traditional ownership and culture and that the Commonwealth is not the owner of the land.

Despite the well-intentioned work of many Parks Australia staff on the ground, there is too little understanding of the value that can only be provided by Traditional Owners of the land. Only Traditional Owners can explain traditional lore and culture to visitors to the parks. Only Traditional Owners can understand the importance of sacred sites and the rituals and land areas set aside for women's and men's business. Only Traditional Owners possess the understanding of caring for Country including fire and pest control. And central to this is the importance of providing support to help Elders

pass on traditional lore and practice to the younger generations before it is lost.

This practical cultural knowledge and value that only Traditional Owners can provide leads to a higher aspiration. Traditional Owners have a close identification with their Country together with a deep sense of responsibility for its management. Symbolic recognition of cultural traditions and knowledge, as well as the provision of jobs and infrastructure funding, is highly important but not enough. Traditional Owners want to use their ecological and land management skills to become more self-sustaining, to be part of business opportunities over and above assistance from government. Recognition of the very real worth of culture in a practical sense must be at the heart of the relationship and woven into the fabric of all business on the parks.

The upcoming generations on park are its future. The next generation should have the capacity, desire and expectation of playing a significant role in managing and getting jobs on Country. They should be provided the training to help them to do so, including the job-ready skills Traditional Owners may need in computing, business, or English language. Traditional Owners must have pride and enthusiasm for showcasing the parks and Australia's unique cultural heritage.

The reverse is the case. Traditional Owners are concerned that younger generations don't see opportunities for work on Country and that valuable traditional lore and practice will be lost. Lack of appreciation of the importance of local traditional knowledge, ineffective training, and thoughtless job design and recruitment practices have meant Traditional Owners are too often excluded. It is a sad irony that Traditional Owners may end up training a non-Indigenous person in the local traditional knowledge that is absolutely integral to the job.

Special mention must be made of non-Indigenous workers who go out of their way to mentor and assist young Aboriginal and Torres Strait Islander workers. But it is extremely hard to motivate people in an environment where they feel set to fail. Not being able to see possible pathways from school to a future on the park is extraordinarily demoralising and there has not been a concerted practical effort to put such pathways into place.

It's not just the younger generation that are disillusioned. Traditional Owners have become frustrated that commitments have been made but not delivered, that the business model hasn't changed despite the many promises that have been made, that plans on paper haven't been converted into practical realities and that the nature of their roles as the legal owners of the land has so often been overlooked, causing a snowball effect.

As a result, there is an almost complete lack of trust in Parks Australia and thus in the Commonwealth. Traditional Owners of each park feel that Parks Australia comes first and they come, not so much second, as last. They certainly do not feel equal partners. On land that is legally their own and where their traditional culture and knowledge is fundamental, this is an untenable situation. Over time the relationship has deteriorated to a deplorable state. The slow creep of bureaucratic fog has taken its toll.

The problem cannot be laid at the feet of the occasional bad choice of personnel. There has been a systemic failure in Canberra to truly appreciate both the reality of Traditional Owners' legal ownership and the intrinsic value of local traditional knowledge and culture. It appears as though many see Traditional Owners' legal ownership of the land as a mere book entry rather than a legal right. In its day-to-day park operations, Parks Australia has behaved not as a lessee but as the de facto titleholder.

In its management of the parks, Parks Australia has been woefully Canberra centric. While there is an understandable requirement for a bureaucratic employment framework, Parks Australia has tried to make the parks fit the overlay without using the flexibilities allowed to make the overlay fit for purpose. Bureaucracy has

spiralled out of control to kill common sense. Shifting Canberra based jobs to the parks would assist the bureaucracy to understand the day-to-day practicalities of life on the parks and to prioritise efforts towards park improvement. The Public Service often operates in silos and this does not make for a complete understanding of what response is required of Government.

To compound the problem there has been a failure by the Commonwealth over the decades to live up to the funding promises made. This has impacted on all aspects of park operations, including infrastructure, roads and land management, which have deteriorated rather than being enhanced. Understandably central agencies are even more removed from the parks than Parks Australia but they cannot be completely exonerated. They too must understand the implications of the advice given to government.

It is inevitable that many Traditional Owners have gradually lost trust.

The attached advice recommends changes in relation to employment, park management, infrastructure and more. These are practical things that can be done to help rebuild trust. But the benefits will only flow if cultural understanding and the relationship between Traditional Owners and Parks Australia is fixed. Cultural change within Parks Australia is the first priority. Traditional Owners care deeply about the parks and are willing and keen to work together, on the basis of an equal partnership, to protect and enhance these cultural and environmental icons. It's that kind of resilience and determination that explains why Aboriginal people have the oldest surviving culture on the planet.

But commitments have been made before and not delivered. It's important to note the precarious state of the relationship and warn that immediate remedial action, strategies and supporting funding particularly around infrastructure is addressed in the next budgetary cycle. If something is not done immediately it may become irreparable.

It is essential that action is taken now to deliver a new beginning.

Senior Advisory Group Panel Members



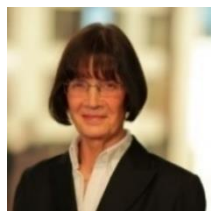
The Hon. Amanda Vanstone AO (Co-chair)

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We would like to thank the people and organisations who invested their time to share their views, insights and expertise with us.

This includes Traditional Owners of Kakadu, Uluru-Kata Tjuta and Booderee national parks, their boards of management and land and community councils; Parks Australia staff; Aboriginal organisations; and state, territory and Commonwealth agencies and industry representatives who contributed to this important process. We appreciate that, although we could not always meet face-to-face, you were all very generous with your time and shared your experiences and thoughts openly.

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ADVICE

UKTNP
Photo credit Parks Australia

RECOMMENDATIONS

Central to the success of the three jointly managed Commonwealth National Parks is the full recognition of the rights of Traditional Owners of the land (background on the jointly managed parks is at **Appendix A**). Current governance is complex but fundamentally depends on the relationship between Traditional Owners and the DNP backed by Parks Australia. This relationship, which has deteriorated over an extended period, must not only be rebuilt but must move forward in line with the significant advance in the recognition of the cultural importance and rights of Indigenous peoples. Relationship change in all its facets, and the rebuilding of trust that would follow, is a crucial first step and the practical recommendations set out below are directed to that end. For this and other reasons set out in this advice, Parks Australia must reverse its bureaucratic Canberra-centric focus. Discussions with Traditional Owners of each park could then follow on options for management of that park into the future.

Cultural Authority

Recommendation 1: Implement a comprehensive culture change in Parks Australia to ensure there is first, proper recognition of Indigenous ownership of the parks and an understanding of the inherent value to the parks of Indigenous culture and knowledge and second, a reversal of the bureaucratic Canberra-centric focus.

Recommendation 2: Develop locally tailored cultural protocols with Traditional Owners to guide the behaviour of all staff and businesses working on park and of Parks Australia staff in Canberra.

Recommendation 3: Establish Cultural Co-ordinator positions on each park to co-ordinate and promote the celebration and preservation of traditional culture, including supporting local Elders in passing on traditional knowledge to future generations.

Recommendation 4: Fund Cultural Engagement Officer positions, staffed by Traditional Owners, to explain the significance of their Country, family, traditional knowledge and practice to park visitors.

Recommendation 5: Give priority in capital works programs to cultural centres, designed in co-operation with Traditional Owners, and infrastructure prioritising road repairs and upgrades.

Management

Recommendation 6: Reform governance and administrative arrangements to take account of cultural practices and thereby maximise Indigenous decision-making opportunities. Do this in consultation with Traditional Owners and Boards of Management.

Recommendation 7: Significantly increase effort to build the capability and confidence of the Boards of Management to participate more fully and meaningfully in decisions on the management of the parks.

Recommendation 8: Move greater decision-making authority from Canberra to the parks.

Recommendation 9: Review and redesign management plans and lease agreements to drastically simplify them, removing inconsistencies and overlap. This will improve clarity and thus increase transparency and accountability.

Employment

Recommendation 10: Increase the opportunities available for Traditional Owners to be employed on their respective land, including moving as many jobs as possible from Canberra to the parks.

Recommendation 11: Increase training and establish effective employment pathways to grow Traditional Owners' capability and confidence to progress to higher positions and fund an employment officer on each park to coordinate and support this work.

Recommendation 12: Understand and use the employment flexibilities available in the Public Service Commissioner's directions and guidance to tailor positions on park to enhance the prospects of Traditional Owner employment.

Recommendation 13: Provide greater employment flexibility, including in discussion with the Public Service Commissioner, to accommodate cultural and kinship obligations.

Recommendation 14: Improve the data collection and reporting process, including for the identification of Traditional Owner staff, to ensure better accountability and planning.

Tourism and Business

Recommendation 15: Provide dedicated support to facilitate negotiations between Traditional Owners and the tourism industry, to increase tourism operations on the parks in a culturally sustainable way.

Recommendation 16: Work regularly with tourism operators to highlight the very real value of employing greater numbers of, and using the local knowledge of, Traditional Owners.

Recommendation 17: Revise the procurement policies of Parks Australia and the Department of Agriculture Water and the Environment (DAWE) to ensure that greater preference is given to Traditional Owner businesses.

Recommendation 18: Provide support for Traditional Owners seeking to develop business opportunities, including creating a senior position with responsibility for working with Traditional Owners to facilitate these opportunities.

Infrastructure

Recommendation 19: Undertake a stocktake of existing infrastructure commitments and deliver them, as well as future commitments, in line with priorities determined in consultation with Traditional Owners.

Recommendation 20: Streamline approval processes with the Land Councils in each park.

Recommendation 21: The Commonwealth must lead the coordination between itself, and State and Territory governments on infrastructure provision to Commonwealth National Parks. Results in this area should be one of the DNP's Key Performance Indicators.

Funding

Recommendation 22: Immediately review funding to address the deficits in base funding and develop a path to achieve financial sustainability, discussing priorities with Traditional Owners.

Recommendation 23: Review fees and charges for park entry as part of the overall review of the lease agreements for the jointly managed parks.

Recommendation 24: Explore with Traditional Owners options for generating additional revenue from visitation and other ventures on park to lessen reliance on government funding and move towards greater financial self-sufficiency.

THE PROBLEM

Successful management of the three jointly managed Commonwealth National Parks depends fundamentally on a positive relationship between Traditional Owners of the land and the DNP supported by Parks Australia. A positive relationship must be founded on trust. Traditional Owners must be confident that there is a real respect for culture and customs, ownership of land and the important part Traditional Owners play in the care and management of the parks as national cultural icons. Traditional Owners must be able to rely on being part of an equal partnership, fully involved in decisions on the future of their land.

The Senior Advisory Group heard that over time there has been a critical decline in this relationship and consequently in the trust Traditional Owners have in the DNP and Parks Australia. Rebuilding trust is vital, both to improving the management partnership and designing processes to transfer greater management responsibility to Traditional Owners. Unless that trust is rebuilt and the basic relationship is improved, joint management will not succeed and further moves to rearrange agency structures or review legislative provisions as recommended by the Independent Review of the EPBC Act will prove futile.

There are many reasons why trust has been lost. The Senior Advisory Group was told that, far from being an equal partnership, the wishes of Traditional Owners on important issues had all too often not been sought or had been overridden by Canberra.

In particular Traditional Owners do not believe that their legal ownership of the land is truly recognised. This matter of law needs to be observed in the day-to-day communications and behaviours of all governments, agencies and operators, both on and off park. Where Traditional Owners believe their rights have been disregarded, they have shown that they can take matters into their own hands, including by closing parts of the parks to visitors.

Traditional Owners also point to a lack of understanding in Parks Australia of the depth of

the knowledge and cultural relationship that Traditional Owners have with their Country and its lore and traditions. It is crucial that respect for the culture and practice of the owners of the land runs through all aspects of park management and operations. This includes, for example, their involvement in the approval of infrastructure provision and in work with tourism and other business operators to design processes that take account of Traditional Owners' responsibility to care for Country. It also means involvement in redesigning the conduct of meetings to enable Traditional Owners to fulfil their role in the management of their respective lands.

Alongside this lack of respect for traditional knowledge and culture runs a lack of appreciation of the practical capabilities that Traditional Owners have built up over tens of thousands of years. Traditional land and biodiversity management practices have been given insufficient place in park management and Western methods have predominated. The value that Traditional Owners can add to cultural tourism in explaining their Country to visitors has not been fully appreciated. For the parks to flourish as natural ecosystems and as tourist attractions, traditional knowledge and capability are vital.

Compounding the problem has been the plethora of unfulfilled commitments in the lease agreements and management plans across the three parks that are stark testimony to the failure to keep faith with Traditional Owners. Unmet commitments to increase the employment of Traditional Owners are a particular source of tension as jobs on park are scarce but are important to allow Traditional Owners to work on park. The training and support that should have been provided to help Traditional Owners assume more of the employment opportunities has been lacking. Parks Australia has either not understood, or sufficiently made use of, the provisions in the *Public Service Act 1999* (PSA) that could assist the recruitment of Traditional Owners, including the recognition of the value of traditional skills in job design.

Insufficient funding over many years has had dire consequences for the parks that must be acknowledged across government. Explaining the ramifications of inadequate funding is not only an issue for Parks Australia. The co-ordinating departments, particularly the Department of Finance and the Treasury, have a responsibility to understand these consequences and include them in their advice to government.

Continual underinvestment and a reduction in real funding have led to a deterioration in land management and infrastructure assets and have seriously compromised the preservation of unique and precious ecosystems as well as the operational capacity of magnificent tourism attractions. Again, Traditional Owners are all too aware of the deterioration in their land and of the promises that were never fulfilled. Traditional Owners want formal commitments delivered in the future and to be fully involved as part of a true and meaningful partnership with the Commonwealth.

These parks cannot be managed successfully without the deep knowledge of culture and Country that only Traditional Owners can provide. The Commonwealth must acknowledge the seriousness of the breakdown of trust and the reasons why it has happened and commit to a new beginning.

CULTURAL AUTHORITY

Cultural recognition within Parks Australia requires fundamental change. The spiritual meaning, lore and practice of the Traditional Owners of the land must be respected and protected, and its real value to the parks fully understood and translated into action. Without this and the change in relationships between Traditional Owners and Parks Australia that would follow, trust will not be rebuilt and the parks will not flourish.

Recommendation 1: Implement a comprehensive culture change in Parks Australia to ensure there is first, proper recognition of Indigenous ownership of the parks and an understanding of the inherent value to the parks of Indigenous culture and knowledge and second, a reversal of the bureaucratic Canberra-centric focus.

Recommendation 2: Develop locally tailored cultural protocols with Traditional Owners to guide the behaviour of all staff and businesses working on park and of Parks Australia staff in Canberra.

Recommendation 3: Establish Cultural Co-ordinator positions on each park to co-ordinate and promote the celebration and preservation of traditional culture, including supporting local Elders in passing on traditional knowledge to future generations.

Recommendation 4: Fund Cultural Engagement Officer positions, staffed by Traditional Owners, to explain the significance of their Country, family, traditional knowledge and practice to park visitors.

Recommendation 5: Give priority in capital works programs to cultural centres, designed in co-operation with Traditional Owners, and infrastructure prioritising road repairs and upgrades.

Introduction

Culture is fundamental to the lives of Traditional Owners of the land. Spiritual meaning, lore, kinship, ceremony and connection to Country are critical to the sense of identity and belonging of Traditional Owners. They must be preserved, nurtured and supported to ensure the oldest living culture in the world continues to thrive. In the absence of this, the Parks lose their identity.

Cultural recognition also embraces a true appreciation of the very real practical value of traditional practice and knowledge. This includes, for example, understanding the worth of traditional methods of land management including fire and pest control, and the highly important part Aboriginal culture and heritage plays in the attraction of tourists to the parks.

Recognition of and respect for traditional culture is therefore paramount and must underpin all aspects of park operations if management of the parks is to be successful. It must be recognised not only in the day-to-day work of Parks Australia staff, both on park and in Canberra, but also by governments, agencies, and tourism and other businesses that operate on park.



Jim Jim Falls KNP

Photo credit Parks Australia

Recommendation 1: Implement a comprehensive culture change in Parks Australia to ensure there is first, proper recognition of Indigenous ownership of the parks and an understanding of the inherent value to the parks of Indigenous culture and knowledge and second, a reversal of the bureaucratic Canberra-centric focus.

Parks Australia has lost the trust and respect of Traditional Owners. Consistent behaviours that demonstrate a lack of understanding of the reality of Indigenous ownership and a failure to recognise the inherent value to the parks of traditional culture and knowledge have undermined the relationship. Decades of broken promises have taken their toll. Its Canberra focus and central decision-making without full knowledge of the position on the ground, or co-ordination with those living and working on park, have added significantly to the problem.

The systemic failure in Canberra to fully appreciate and respect on-ground knowledge has led to an increasing shift of responsibility away from the people on park. Centralised decision-making and Canberra-centric processes have then led to unintended consequences, with the Senior Advisory Group hearing about several instances of Canberra-based bureaucrats failing to undertake adequate fact-checking with people on site. Examples include images of incorrect species being uploaded to park websites, erroneous social media updates being posted from head office and interpretative signs arriving with spelling mistakes or factual errors. Increasing autonomy and delegating appropriate powers to relevant staff on park has the potential to increase efficiency and build capability.

Without trust and respect no relationship can prosper. The parks cannot thrive unless there is a strong relationship between Traditional Owners and Parks Australia. Implementing online courses will not be enough. There must be, right across Parks Australia, a recognition of the

shortcoming and a determination to address it. Traditional Owners need to see a change in behaviour at all levels. Decades of commitments and announcements need action. Implementation of the following recommendations would in themselves reflect a changed approach but without a changed attitude in Parks Australia, bureaucratic creep will kill these off.

Recommendation 2: Develop locally tailored cultural protocols with Traditional Owners to guide the behaviour of all staff and businesses working on park and of Parks Australia staff in Canberra.

The culture and customs of Traditional Owners should be a guide to behaviour for all those living, working or conducting business on park, not only out of respect for Traditional Owners but in order to appreciate the best way to conduct business efficiently and effectively.

Cultural protocols should therefore be developed to explain traditional customs and lore, and how they should be taken into account on a day-to-day operational basis. They should also specifically spell out the authorities required, the people that should be consulted and the operational approaches that should be followed in support of cultural practice. This should include specific recognition, understanding and protection of the areas set aside for women's and men's business. As they must be developed in line with local culture, one solution cannot apply to all three parks, or in KNP to all clan groups, and protocols should be co-designed in each case by the Boards of Management and the relevant Traditional Owners. They should be made widely available and be included on park websites, including specific advice for tourists on how to conduct themselves with a level of cultural awareness that helps them get the most out of their visitor experience.

Once developed, the protocols should form the basis for the development of locally tailored training and induction packages. Cultural training and induction packages have been developed in the past, but the Senior Advisory Group was told that materials and approaches were no longer fit for purpose and in urgent need of review.

Alison (not real name) has been asked to deliver cultural awareness training. Alison knows the cultural awareness training has not been appropriately tailored to the area of the park she has been asked to deliver it at. She also feels it's not her place to deliver the training – while Alison is a Traditional Owner from another part of the park – the area of the park where the training is to be delivered is not her Country. Alison knows she cannot speak for another's Country. The local Traditional Owners for this area feel the same way – the cultural awareness training has been taken from someone else's Country, not theirs – they have their ways and means and want all cultural awareness done according to their own family lineage. This one-sized-fits-all approach is flawed and creates more problems than it solves.

Cultural induction should be designed for, and delivered to, tour operators, third party contractors who visit and regularly undertake work on park, and other agencies who have business on park.

Traditional Owners should not only be involved in designing the protocols but in developing and delivering the cultural induction and training packages, and be remunerated for their work.

A strong education campaign must also be undertaken across Parks Australia to support behavioural change. All staff, both those working in Canberra and those working on park, must undertake the training and future appointees must be fully trained before they commence work. Where a third-party contractor is involved, specific requirements must be included in contract terms and conditions. It should be obligatory for all Canberra based staff to spend time on Country as part of their employment obligations, a boots on the ground approach.

Recommendation 3: Establish Cultural Co-ordinator positions on each park to co-ordinate and promote the celebration and preservation of traditional culture, including supporting local Elders in passing on traditional knowledge to future generations.

Celebrating and preserving traditional culture is highly important but it needs support. Traditional Owners told the Senior Advisory Group about the problems caused by social change and fewer people spending time on Country, and the consequent impact of these changes on their ability to transfer knowledge to younger generations.

Traditional Owners give high priority to their responsibility for caring for Country and for passing on their cultural knowledge. But opportunities need to be created to enable, and encourage, younger people to learn the traditional ways and cultural lore. This requires, for example, working with schools to organise trips onto Country so that the Elders can walk the land and teach by direct reference to local ways and stories.

Action in this area must also be taken promptly as it is dependent on the traditional knowledge the local Elders possess and it is highly important that this is passed on before it is lost. The World Heritage listing of KNP and UKTNP should have made clear to Canberra that the value of Aboriginal owned parks is not just in the scenic beauty, flora and fauna. Aboriginal culture is a vital and integral ingredient, and is a high benchmark on an international scale.

A Cultural Co-ordinator position on each park could be tasked with providing support to facilitate cultural transfer, such as co-ordinating visits out on Country for intergenerational learning; supporting Park Managers and park staff to ensure on-park activity is centred in culture, such as through embedding local design into park signage; working with local schools to facilitate cultural learning; and working with Traditional Owners and park Boards of Management to find additional ways to celebrate traditional culture.

Recommendation 4: Fund Cultural Engagement Officer positions, staffed by Traditional Owners, to explain the significance of their Country, family, traditional knowledge and practice to park visitors.

Traditional culture is a strong drawcard for both Australian and international visitors to the parks. It also offers a differentiated tourism experience as culture is particular to each area and to its Traditional Owners.

Traditional Owners are therefore the only people who can, and should, translate local traditional knowledge and practice for visitors and they should be employed to do so. Not only would Traditional Owners have the appropriate background and understanding to enhance the visitor experience, but it would provide them with important employment opportunities where there are otherwise limited opportunities to live and work on Country.

Recommendation 5: Give priority in capital works programs to cultural centres, designed in co-operation with Traditional Owners, and infrastructure prioritising road repairs and upgrades.

Cultural centres can be the gateway to cultural learning and sharing on park. Such centres can provide a showcase for traditional knowledge and culture, provide interpretive information, and are often the first place that tourists visit. They can also provide space for talks on the culture and activities undertaken on park, for interpretive video experiences, and for general information on the range of activities that are available.

Some cultural centres already exist but are in urgent need of work while others have simply not received priority for construction. A cultural centre at BNP that was included in the original lease agreement remains unbuilt after nearly two decades.

Cultural centres that are well designed with the full participation of Traditional Owners can be a major draw for visitors, and they should be given priority in capital works programs.

Over decades Traditional Owners at BNP have watched with frustration as commitments made in the 1990s when the land was first handed back to them have remained unmet. This has been particularly upsetting when it concerns the promotion and maintenance of Traditional Owner culture. The lease signed in 2003 commits the DNP to assist with a business case and seek funding for the construction of a cultural centre, and to consult closely with the Wreck Bay Aboriginal Community Council (WBACC) in the planning and design phases. Over nearly 20 years there have been repeat design phases without ever progressing further. BNP has again been allocated funding to design the cultural centre but no money has been allocated for construction.

So much time has passed that WBACC has lost some of the Elders who originally fought for this commitment, and it has fallen to the next generation to take up the fight for cultural recognition.

MANAGEMENT

Traditional Owners must be fully involved in the management of their land. The park Boards of Management on which they are represented are too often cut out of the decision-making process or their decisions ignored. Too little account has been paid to the importance of upgrading Board members' capability so that they can be involved more meaningfully in decision-making. The administrative processes of the Boards must be reformed to enable proper consultation with the wider Traditional Owner group and to ensure greater transparency and accountability.

Recommendation 6: Reform governance and administrative arrangements to take account of cultural practices and thereby maximise Indigenous decision-making opportunities. Do this in consultation with Traditional Owners and Boards of Management.

Recommendation 7: Significantly increase effort to build the capability and confidence of the Boards of Management to participate more fully and meaningfully in decisions on the management of the parks.

Recommendation 8: Move greater decision-making authority from Canberra to the parks.

Recommendation 9: Review and redesign management plans and lease agreements to drastically simplify them removing inconsistencies and overlap. This will improve clarity and thus increase transparency and accountability.

Introduction

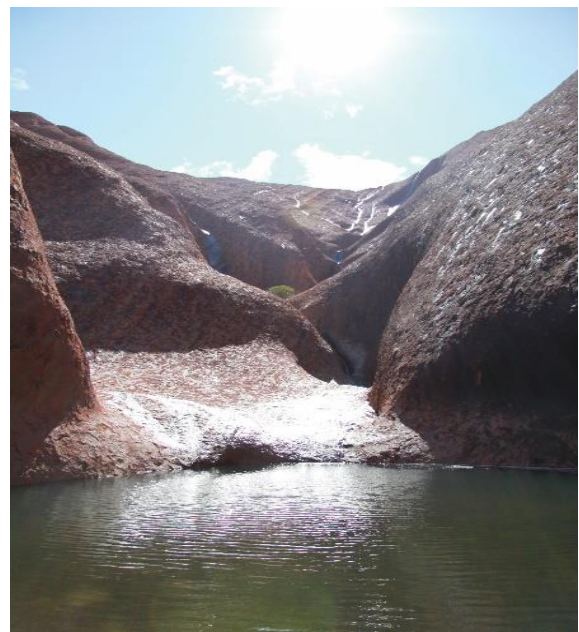
Management of the parks needs to reflect the reality that the land is owned by Traditional Owners. This has not been the case.

The role of the Boards of Management has not been sufficiently understood, the commitments in management plans and lease agreements have not been fulfilled, and Traditional Owners have not been adequately consulted. This has led to a breakdown of trust and severely damaged relationships. While this mistrust permeates joint management, it will never be effective. Unless past failures are acknowledged and actions are put in place to redress the damage done, trust will not be rebuilt.

Traditional Owners told the Senior Advisory Group that their position as the owners and equal managers of the parks must be reflected in the way the DNP and Parks Australia engage.

Decisions made on parks must reflect the importance of customary lore. Decision-making processes must enable Traditional Owners to have more say at the Board table and must provide time and funding to facilitate greater engagement with the broader Traditional Owner group.

Whether because of an overall funding shortfall, competing priorities, timing pressures or risk management factors, the Senior Advisory Group heard that the DNP has been too prone to take unilateral decisions, effectively cutting the Boards of Management out of the decision-making process. Too often the Boards of Management have only been informed of decisions after the fact and Traditional Owners have been kept in the dark about how their Country is being managed. This has led Traditional Owners to lose faith in the joint management process and to take action, including closing parts of the parks.



Mutitjulu waterhole UKTNP
Photo credit Parks Australia

Recommendation 6: Reform governance and administrative arrangements to take account of cultural practices and thereby maximise Indigenous decision-making opportunities. Do this in consultation with Traditional Owners and Boards of Management.

The majority of members of the Boards of Management are Traditional Owners and discussions should reflect the perspectives of Traditional Owners. Unfortunately, this has not been the case. Western bureaucratic methods and the interests of the DNP have dominated the way the Boards conduct business with the result that Traditional Owners have too often been left out of the decision-making process and their views and priorities ignored. Requiring Traditional Owners to accommodate standard Western bureaucratic management styles is a mistake. It shows disrespect and fails to understand the real value that Traditional Owners, and their culture and heritage, can and should provide. Western bureaucratic management is not the problem. The problem is imposing a one size fits all Canberra model onto a very non-Canberra culture and ways of working.

The governance and administrative practices of the Boards of Management must be redesigned in concert with Traditional Owners to maximise their effective participation. This redesign should ensure that decision-making practices take account of the cultural protocols specific to each of the parks and clan groups, including any protocols with regard to women to ensure their views are included.

Board meetings should be held on Country and in a format that meets the requirements of Traditional Owner members. Conversely, those members who are not Traditional Owners should receive training in local cultural practices so that they understand how best to ensure that local perspectives are fully heard. The frequency of meetings should be open to change to allow for more regular joint decision-making and less crowded agendas. At the same time, they should make provision for the cultural obligations, seasonal issues and community activities that may impact on the ability of Board members to attend.

Importantly, the new processes for the management of meetings should be co-designed

with Traditional Owners, starting with the nomination of agenda items and the preparation of Board papers that should be assisted by secretariat support on Country. Agenda items should include discussion of issues that are of particular concern to Traditional Owners as well as the operational issues for the day-to-day management of the parks that have tended to dominate the agenda. Agenda papers, supporting information and records of meetings must be presented in a form that meets the needs of all Board members, including translation into local languages where and if culturally appropriate.

Adequate time needs to be provided for the proper consideration of agenda papers, including distributing papers sufficiently ahead of meetings to allow Board members to consider the issues and to consult with the broader Traditional Owner group. This is particularly important in KNP in view of the number of clan groups and the distances involved, and it will require some additional resourcing.

Proper record keeping is essential to increase transparency and accountability. Minutes of meetings must capture the views of all parties but particularly those of Traditional Owners. They must record agreed actions, the party responsible, the cost, and the required timing of the response so that actions can be followed up and progress reported back to the Boards.

Greater involvement in decision-making will necessarily increase the workload of Board members, and more use of subcommittees should be considered to provide additional support. The Terms of Reference, level of authority and membership would have to be considered carefully to ensure the subcommittees provide the proper level of support for Board members rather than merely adding to the administrative process. Again, appropriate resourcing would have to be provided in order for them to be effective. In agreeing this approach it is important that we are mindful of not overwhelming participating Board Members with endless meetings which is a characteristic of the central administration shortcomings that we have highlighted in this advice.

Recommendation 7: Significantly increase effort to build the capability and confidence of the Boards of Management to participate more fully and meaningfully in decisions on the management of the parks.

There is general agreement that greater participation of Traditional Owners in decision-making will require support to enable them to develop the capabilities to manage the legal and administrative responsibilities associated with park management. A lack of progress with regard to capacity building was a recurring issue raised by Traditional Owners.

Governance training was provided to the September 2019 meeting of the three Boards of Management in Canberra and the DNP has undertaken to provide further governance training at the individual park level, as has recently been seen at KNP for incoming Board members. Such training for Board members should be given high priority in the future both annually to refresh understanding and to individual members when they first join the Boards. Ideally, training should be held on Country and not in Canberra.

Training in risk management is a particular issue for the parks, both for those working on and visiting the parks and to ensure protection of cultural, heritage and environmental values, including protection from feral animals and invasive species. In response to an Australian National Audit Office (ANAO) review, the DNP is working with DAWE to align risk management frameworks and systems.

Board members should also be assisted and provided with detail necessary to gain a broader understanding in areas of park management such as park assets and infrastructure, the legal requirements for the safety of staff and visitors, and the budget management of parks.

Recommendation 8: Move greater decision-making authority from Canberra to the parks.

Day-to-day management of the parks is hindered by too much decision-making in Canberra.

Key park specific roles, including SES and business managers, have historically worked from Canberra, impacting their ability to make prompt decisions and to form and maintain close working relationships with people on park. When it comes Public Service staff, the decision for an SES to be headquartered in Darwin for Northern Territory parks should continue as a priority. Fly in fly out SES should not be the norm.

Staff working on the parks are committed and valuable; working with the community on a daily basis gives them first-hand understanding of the issues. Hindering them by requiring needless toing and froing from Canberra is a sad indictment of the overall bureaucratic process.

Achieving greater decision-making authority on the parks means both delegating more decision-making from Canberra to park-based staff and moving key decision-making positions from Canberra to the parks. The longer-term goal would be to build the capability of Traditional Owners to assume these roles and to be confident in taking them up.

Increasing on-park corporate services expertise, for example in procurement, human resources, media and finance, would also mean fit for purpose services can be delivered on park. Alternatively having centralised services that 'do' rather than 'advise' with staff accountable to individual parks could alleviate the administrative burden felt on park by staff.

Recommendation 9: Review and redesign management plans and lease agreements to drastically simplify them removing inconsistencies and overlap. This will improve clarity and thus increase transparency and accountability.

The lack of progress in fulfilling the commitments in the lease agreements and the management plans has been a significant factor in the deteriorating relationship between Traditional Owners and the DNP and Parks Australia.

Lease agreements were to be reviewed on a five-yearly basis. At the time of writing, however, both BNP's and UKTNP's lease reviews have stalled over a variety of unresolved points of difference, in part due to the complexity of the agreements that now exist and the overlap between them and the management plans. Traditional Owners in KNP have also expressed a desire to review current lease agreements.

Under the EPBC Act, the Boards of Management are required to prepare management plans for the parks, in conjunction with the DNP, and in consultation with Traditional Owners. Ten-year management plans are in place for each of the parks, which are reviewed after five years. BNP's year five review is overdue (2020), the KNP review is due this year (2021), while UKTNP has just recently launched its new management plan after the requisite planning and consultation process.

For the effective joint management of the parks, the objectives set out in their respective lease agreements and management plans should be consistent. In many cases they are not.

Both the lease agreements and the management plans should be reviewed with the full participation of Traditional Owners and should be made consistent. In this context, it has been suggested that future lease agreements should concentrate on issues such as land use, access rights and payments, and that provisions relevant to the day-to-day management such as employment should be moved to the management plans. The EPBC Act requires the Boards of Management to make decisions consistent with the management plans and the DNP must give effect to them. Accountability and transparency should be enhanced by consistent reporting on management plans. It has been sporadic to date. Any move to change the coverage of the lease agreements, however, would depend primarily on the views of Traditional Owners.

It is crucial that agreements contain specific but realistic actions to be achieved, together with timelines, the responsible authority, measurement, and provisions to monitor performance. This would also reduce overlap and duplication within documents which currently fuels a lack of accountability. They must also be carefully costed and funding must be included in the Budget. This would allow key performance indicators to be developed and used to provide objective evidence of progress towards achieving the desired results, allowing the relevant Board of Management to monitor progress and expenditure. Results should also be made transparent to increase accountability. In a 2019 review, the ANAO recommended that the DNP should publish technical audits of the management plans to increase transparency (see **Appendix B**).

EMPLOYMENT

Traditional Owners have become increasingly frustrated that the many commitments to increase opportunities to be employed on Country have not been met. The promised jobs, and the implementation of training and employment pathways that would help build capability, have fallen far short of expectations. The flexibilities available to tailor job design and selection criteria, and recruitment processes to take account of cultural differences and experiences, have not been used. In particular, the highly valuable role that the traditional lore and practice of Traditional Owners can play on park has not been sufficiently recognised.

Recommendation 10: Increase the opportunities available for Traditional Owners to be employed on their respective land, including moving as many jobs as possible from Canberra to the parks.

Recommendation 11: Increase training and establish effective employment pathways to grow Traditional Owners' capability and confidence to progress to higher positions and fund an employment officer on each park to coordinate and support this work.

Recommendation 12: Understand and use the employment flexibilities available in the Public Service Commissioner's directions and guidance to tailor positions on park to enhance the prospects of Traditional Owner employment.

Recommendation 13: Provide greater employment flexibility, including in discussion with the Public Service Commissioner, to accommodate cultural and kinship obligations.

Recommendation 14: Improve the data collection and reporting process, including for the identification of Traditional Owner staff, to ensure better accountability and planning.

Introduction

Employment of Traditional Owners on the three jointly managed National Parks is inadequate. Aboriginal and Torres Strait Islander staff on park have a turnover rate almost five times higher than the average for the Australian Public Service. Support by Parks Australia for the employment and training of Traditional Owners is not only insufficient but has gone backwards. The Senior Advisory Group was told that, prior to 2008, senior Anangu held supervisor positions on UKTNP designed to support young people into jobs. But these positions were cut and there is no

longer a dedicated Indigenous employment and training manager.

Traditional Owners at each of the parks made it clear that providing job opportunities, particularly for their young people, continues to be a very high priority. Jobs are key to assisting Traditional Owners living and working on Country and thus to preserving family unity, local culture and traditions and passing them down to future generations. Commitments to increase Traditional Owner employment in both the management plans and the lease agreements for the parks have simply not been met. Career pathways for Traditional Owners are virtually non-existent. Some work has been done in this area in concert with Traditional Owners of all three parks but has sadly been ineffective.

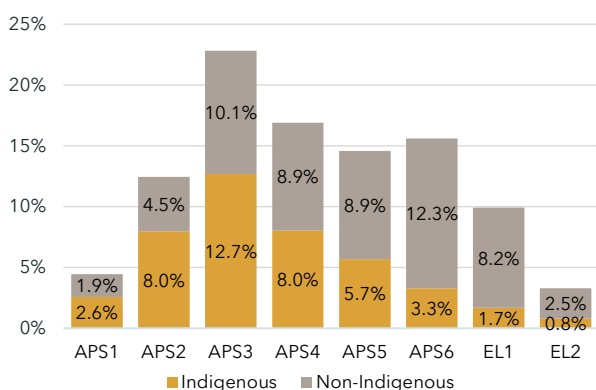
The lack of employment for Traditional Owners can be tied directly to an insufficient appreciation of the very real value that traditional culture and knowledge can add to park operations, attributes that Traditional Owners are best placed to provide. In turn it is clear that the training that should have been provided to help Traditional Owners assume more of the responsibility and obtain more of the on-park employment has been inadequate. The entire employment lifecycle, including workforce planning, recruitment, training and development, retention, performance management and analysis needs to change.

Recommendation 10: Increase the opportunities available for Traditional Owners to be employed on their respective land, including moving as many jobs as possible from Canberra to the parks.

Too few of the employment opportunities on park provided by Parks Australia are staffed by Traditional Owners and too often any such employment is at a low classification or in part-time or casual positions. It is important that Parks Australia focuses strongly on supporting Traditional Owners to take up more of the positions on park as opportunities arise, including those at higher level classifications and in permanent roles.

Indigenous staff on park are at lower APS levels.

Data as per HR identifier in the HR management system.



There must also be an increase in the overall number of employment opportunities on park. There should be a transfer of a range of the tasks that are currently performed in Canberra to the parks. This would enable the positions to work directly with those on park and, together with increased delegation, lessen the need for referrals back to central office. Resourcing for new positions recommended elsewhere in this advice, such as Cultural Engagement Officers, would also provide opportunities for Traditional Owners to gain employment on park using local traditional skills and knowledge.

Increasing the investment in ranger programs would also offer multiple benefits. For Traditional Owners, ranger programs offer on-Country employment strongly connected to local cultural knowledge and practice. They can also offer flexible employment options, wherever intermittent, seasonal or ad hoc work is preferred. Evidence shows Aboriginal people employed as rangers have better social, educational and health outcomes. So do their families. There are several ranger programs delivered on or adjacent to the parks that are led by Traditional Owners.

The Department of Defence also runs a successful ranger program with Traditional Owners, the Maralinga Tjarutja people, to manage safety and security while at the same time working together to protect Aboriginal heritage and culture within the Woomera Prohibited Area which, similar to KNP, involves different Aboriginal clan groups. Parks Australia could invest in such ranger programs for the benefit of both the parks and Traditional Owners.

Near UKTNP, the Mutitjulu Tjakura Rangers manage cultural and natural resources on the eastern half of the Katiti Petermann Indigenous Protected Area which surrounds UKTNP. This ranger program supports learning pathways for young people, a flexible work model and cultural learning and sharing, as well as conservation outcomes. In BNP, the Wreck Bay Aboriginal Community Council Rangers support on-Country learning, cultural sharing across generations, and pathways into formal training through TAFE NSW. Near KNP, the Jawoyn Rangers care for Country to the south of KNP through incorporating traditional values and culture with the latest in scientific practice. Their approach includes management of land through fire, cultural resource management and protection from poaching.



Uluru-Kata Tjuta rangers working together with local ranger groups managing weeds
Photo credit Parks Australia staff

Recommendation 11: Increase training and establish effective employment pathways to grow Traditional Owners' capability and confidence to progress to higher positions and fund an employment officer on each park to coordinate and support this work.

There is little point in providing more employment opportunities on park without also providing the necessary pathways, training and development to assist Traditional Owners to gain the skills and the confidence required to apply for the positions made available.

Connection to parks needs to start early in school. Children need opportunities to experience culture on Country as part of their education including separate spaces to allow both women and men to pass on their special traditional knowledge and practice in order to set them up for long-term positive learning experiences as they grow older. This, coupled with increased numeracy and English literacy education, is needed to grow opportunities for young Traditional Owners to engage in park management, land management and preservation of cultural heritage as future managers of their land.



Jarrangbarnmi (Koolpin) Gorge
Photo credit Parks Australia staff

Pathways should include enhancing relationships with schools and colleges so that young people are provided with opportunities to develop their practical skills. These could include School Based Apprenticeships and Traineeships, junior park ranger programs, Vocational Education and Training arrangements for on-the-job training, and university funded studies. Junior park ranger programs in particular have proved to be valuable in connecting local young people to Country and culture, and in providing the training and work ethic that help them to progress to more established employment, including to APS positions on park.

Targeted education, training and development pathways to build workforce capability must be reviewed and/or developed in concert with Traditional Owners and should be accompanied by implementation plans, together with progress reporting to the Boards of Management, to ensure that the planned actions are put in place. Building expertise on park is not only important for Traditional Owners but is more efficient overall in avoiding the necessity to fly people to the parks from Canberra for short periods.

There would be advantage in providing resourcing to maintain a position on each park to co-ordinate and support all training and employment for Traditional Owners. Such positions could also co-ordinate performance management for all staff on park. In advocating these positions we should be mindful that we are not replacing one bureaucracy with another.

Training to support career advancement has also been lacking. More advanced development and mentoring should be made available to Traditional Owners to prepare them to take on senior administration and management positions, including as Park Managers. The Senior Advisory Group heard that job sharing has proved successful in building the capability of Aboriginal and Torres Strait Islander staff and it should be used more frequently and at a number of levels. The recently implemented dual Park Manager roles in KNP where a long-term local Aboriginal staff member and an experienced Park Manager work together and learn from each other has proved a successful model that should be encouraged in other parks.

Recommendation 12: Understand and use the employment flexibilities available in the Public Service Commissioner's directions and guidance to tailor positions on park to enhance the prospects of Traditional Owner employment.

All staff in Parks Australia are employed under the *Public Service Act 1999* (PSA) and, although all employment options available for work on park should be pursued, PSA employment carries with it leave and other provisions that Traditional Owners often prefer, both for full-time, part-time and casual roles. Access to ongoing employment can be particularly important to support getting bank loans and long-term housing. Unfortunately, there are two main factors that have worked against Traditional Owners being employed on the parks.

First, over the last decade, Parks Australia has increasingly included mandatory or preferred qualifications in the selection criteria for roles on park. This favours graduates from tertiary institutions over Traditional Owners who have strong grounding in traditional knowledge and practice, making it near impossible for Traditional Owners to achieve senior leadership roles on park. A new lens should be brought to acknowledging and accepting prior knowledge, learning and experience as on a par with post-secondary education and qualifications.

Secondly, the PSA and the recruitment procedures that have developed around it were designed largely for middle-class, educated, metropolitan bureaucrats. Barriers to recruitment and retention of Traditional Owners, particularly in remote locations, have included culturally inappropriate recruitment practices; access to birth certificates, key cards and licences for proof of identity; mandatory police checks; and poor performance management. In addition, senior Parks Australia staff noted the difficulties they faced in satisfying APS based processes with limited on the ground support.

Taken together with the Public Service Commissioner's Directions and Commissioner's Indigenous Employment Guide, however, it is clearly possible to shape the recruitment processes to fit the culture and practices of Traditional Owners on park. Sadly, it is not evident that Parks Australia has fully understood, or used, the flexibility that is available.

The Commissioner's Directions set out two notable methods of employment under the PSA recruitment framework. Identified positions, which are frequently used for on park employment, require the candidate to have an understanding of Aboriginal and Torres Strait Islander people and their cultural responsibilities. But the vacancies are open to everyone, they are not often filled by any Indigenous person and employment of a Traditional Owner to an Identified position is even more rare. Affirmative Measure positions, however, are open only to Aboriginal and Torres Strait Islander people. This method of employment, which can be applied to all ongoing, non-ongoing or casual APS vacancies, has only rarely been used for on park employment, and where it has, a concurrent standard process is often run for the same positions.

While recruitment to Affirmative Measure positions is open to all Aboriginal and Torres Strait Islander people, when combined with revised job design and selection criteria that focus on understanding of local traditional cultural lore and land practices, it would enhance prospects of Traditional Owner employment.

Peter (not real name) is a Traditional Owner who has grown up on Country and the opportunity to live and work on Country is fundamental. He has no intention to leave the park, it is his home. To prepare for employment, Peter undertook an apprentice pathway into Parks Australia and is now an experienced park ranger at the APS 2 classification. He then applied for a job at a more senior level but was unsuccessful – his deep knowledge of traditional culture and practice was not considered to rate as highly as tertiary qualifications. This failure had a profound impact. Peter's shame from not being thought good enough for the job was then increased by having to train the successful non-Indigenous applicant.

In addition, the Commissioner's Indigenous Recruitment Guide acknowledges that cultural differences often work to discourage applications from Aboriginal and Torres Strait Islander people. It therefore encourages the inclusion of Aboriginal and Torres Strait Islander people, including an appropriate community member, on job recruitment panels, and an assessment environment that uses more informal and culturally aware assessment procedures and practices. It also lists processes for confirmation of Aboriginal and Torres Strait Islander heritage, including letters from Land Councils.

The Senior Advisory Group understands that Parks Australia and DAWE have been working to simplify procedures for dealing with issues such as identification and the requirement for police checks, including consideration of greater use of risk managed approaches. In addition, more decisions on police checks have recently been delegated to senior leaders on park, with only the more serious offences being referred to a central delegate. More work on these issues should be given priority and potential applicants should be made aware of the procedures that become available.

Recommendation 13: Provide greater employment flexibility, including in discussion with the Public Service Commissioner, to accommodate cultural and kinship obligations.

Limited employment flexibility can stand in the way of retaining Traditional Owners in park employment. Traditional Owners have obligations to Country, culture, community and family that can require periods of leave to be taken, often with little notice. In turn, this can require urgent backfilling of positions to prevent operational or safety requirements being compromised.

Lease agreements include the commitment to take all reasonable steps to adjust working hours and conditions to the needs and culture of Traditional Owners employed on park. DAWE's Enterprise Agreement does something to recognise this need by allowing all Aboriginal and Torres Strait Islander staff paid leave of five days a year to attend cultural activities. It also provides for purchased, annual or flex leave for ceremonial purposes, and unpaid leave for a maximum of twelve months. Five days is unlikely

to be sufficient, however, to cover cases of multi-day ceremonies such as initiations or for individuals such as Elders who may be called upon to attend multiple ceremonies in a given year.

The situation in the jointly managed Commonwealth National Parks where Traditional Owners who are employed under the PSA are actually living and working on their own Country, and thus are maintaining their cultural traditions, norms and practices, is unique. There would seem to be merit in providing more flexible leave provisions for this group in particular, but the issue is complex. Discussion with the Public Service Commissioner would be valuable in developing options for providing flexible leave provisions to cater for the cultural obligations of Traditional Owners employed under the PSA who are living and working on Country.

Recommendation 14: Improve the data collection and reporting process, including for the identification of Traditional Owner staff, to ensure better accountability and planning.

Current employment statistics do not adequately capture employment on park. In addition, the data that is available identifies those who identify as Aboriginal and/or Torres Strait Islanders more broadly rather than those who are Traditional Owners of the land. Any data that is collected is also held centrally and is not available to the Boards of Management or the Land Councils.

Without such data, it is not possible to co-design mature workforce plans that identify the key gaps in capability that are necessary to form the basis of training and development strategies.

Parks Australia should work with Traditional Owners in each park to improve methods of capturing workforce data, including identifying Traditional Owner staff. It should make de-identified data available to inform decision-making while protecting individual privacy.

TOURISM AND BUSINESS

Tourism and other businesses can bring significant economic benefits to the parks. But those doing business on park must do so in a way that understands and respects the culture and practice of Traditional Owners of the land. Traditional Owners should be involved in decisions about businesses wishing to work on park and businesses must recognise the value that the employment of Traditional Owners can provide, particularly to the cultural tourism experience. Traditional Owners must be supported in developing business operations. Traditional Owners must also be supported by Parks Australia in the provision of efficient and modern ICT support, for example real time access to changing conditions on Park.

Recommendation 15: Provide dedicated support to facilitate negotiations between Traditional Owners and the tourism industry, to increase tourism operations on the parks in a culturally sustainable way.

Recommendation 16: Work regularly with tourism operators to highlight the very real value of employing greater numbers of, and using the traditional knowledge of, Traditional Owners.

Recommendation 17: Revise the procurement policies of Parks Australia and the Department of Agriculture Water and the Environment (DAWE) to ensure that greater preference is given to Traditional Owner businesses.

Recommendation 18: Provide support for Traditional Owners seeking to develop business opportunities, including creating a senior position with responsibility for working with Traditional Owners to facilitate these opportunities.

Introduction

Traditional Owners take great pride in the natural beauty of their respective land and local traditional culture and practices. Traditional Owners want to showcase their parks and culture to visitors. But this must be on the basis that people coming onto their Country respect its traditions, and that cultural protocols are understood and followed.

Traditional Owners are also highly aware that tourism and other businesses on park are a potential source of income and employment for local communities, both of which are highly important. Traditional Owners value the current contribution that visitors make to local economies and park operations through park fees and charges, a percentage of which flow through to

Traditional Owners as part of lease agreements. But this is not enough. Traditional Owners need to play, and be seen to be playing, a central role in the tourism and other business opportunities that are carried out on their land.

Tourism in jointly managed Commonwealth National Parks can be highly significant economically, for example, Kakadu contributed \$136 million in value added and over 1180 jobs to the Australian economy in the 2018 calendar year (NT Government report by Deloitte 2020). To build tourism both domestically and internationally, however, requires greater recognition of the value of traditional cultural knowledge and greater resourcing to upgrade park infrastructure, both of which are discussed elsewhere in this advice. Importantly, it also requires tour operators to work more closely with Traditional Owners and Parks Australia to agree the best way to include Traditional Owners in decisions on, and participation in, tourism and other business opportunities on park.

Tourism operators have expressed concern that tourism on park is declining. They cite a closing window for access particularly to KNP, sudden closures of attractions for kinship and other cultural reasons that make planning difficult, increasing safety concerns posed by reduced culling of feral animals, deteriorating maintenance of roads and other infrastructure, and a general lack of certainty.

On the other hand, the wishes and cultural protocols of Traditional Owners have not always been respected, leading to frustration and anger. When this becomes too great, Traditional Owners have demonstrated that they will not hesitate to close parts of the park, as happened with the closure of KNP's Gunlom Falls.

But Traditional Owners are clear – they don't want to stop tourism and business ventures; they want to be part of them. Traditional Owners are central to the success of these opportunities on their land. Traditional Owners should be involved in negotiations for the operation of all such opportunities on park, they should be employed in greater numbers in tourism and other businesses, and should be supported by Parks Australia in pursuing business opportunities.

Recommendation 15: Provide dedicated support to facilitate negotiations between Traditional Owners and the tourism industry, to increase tourism operations on the parks in a culturally sustainable way.

Tourism operators told the Senior Advisory Group that relations with Traditional Owners were stronger in the past, an issue that may be put down to diminishing trust. This must be addressed if tourism is to thrive as Traditional Owners are key to enabling current and future on-park tourism.

Most of the current problems cited by tourism operators can be put down to a lack of co-operation and negotiation on how tourism operations are carried out. This is a particular problem in KNP, where negotiation is needed on ways to deal with shorter windows for tourists to visit the park. Wet season weather conditions mean roads need to be remade, crocodile surveys and urgent weed control must be undertaken, all adding to time that areas of the park are closed. The Senior Advisory Group heard this can, in some cases, mean areas of the park are only open for about 10-12 weeks a year. An additional issue is the growing danger presented by the reduction in arial culls of buffalo, pigs and horses following the helicopter incident in 2019. Respect for Traditional Owners wanting to rest their Country also needs consideration.



Feral animals caught on camera; wild buffalo are in increasing numbers in Kakadu
Photo credit Parks Australia staff



Feral animals caught on camera, pigs in Kakadu
Photo credit Parks Australia staff

More broadly, unscheduled closures for cultural reasons in all the parks can cause real difficulties, especially for small operators who face particular challenges in staff retention and retraining.

Solving these problems will not be easy. But there will be no movement without negotiations between Traditional Owners and tourism operators. It has been suggested, for example, that the Boards of Management, in conjunction with Traditional Owners, could agree that trusted and accredited tourism operators could be permitted to take small groups onto park during the rest periods in KNP. It may also be possible for Parks Australia and tourism operators to work with Traditional Owners to develop alternative experiences to deal with park closures. In addition, ongoing collaboration with Traditional Owners could help to deal with problems such as feral animal management as they emerge, preventing these issues becoming a major source of contention.



Cave Beach BNP
Photo credit Parks Australia

It is also essential that tourism operators understand the different cultural requirements of Traditional Owners of each park. Parks Australia should work with the Boards of Management to develop culturally appropriate induction courses for tour operators. These could form the basis of a prospectus to be published on the websites of the Land Councils to provide guidance on cultural protocols before operators approach the park.

Recommendation 16: Work regularly with tourism operators to highlight the very real value of employing greater numbers of, and using the traditional knowledge of, Traditional Owners.

The employment of Traditional Owners and their knowledge and understanding can have very significant benefits for the tourism experience and is one of the main reasons that visitors come to the parks. For example, Tourism Australia data shows that Indigenous cultural experiences are a key attraction for international tourists and this market grew by 40% in the years 2013 - 2019.

Some tourism operators already employ Traditional Owners in this way, but more could be done. Resourcing could be provided to enable Traditional Owners to be employed as Cultural Engagement Officers on park. Traditional Owners could also be employed to deliver the cultural induction for tourism operators mentioned above.

In addition, Traditional Owners should advise on, and benefit from, the use of traditional knowledges and intellectual property, including images of artwork, place names and local photographs used for commercial purposes.

Recommendation 17: Revise the procurement policies of Parks Australia and the Department of Agriculture Water and the Environment (DAWE) to ensure that greater preference is given to Traditional Owner businesses.

Currently the number of contracts awarded to Indigenous suppliers on park is small and the number of Traditional Owner businesses that benefit from Parks Australia spending is particularly low. In 2019-20 Indigenous suppliers were awarded about 10% of contracts with 8% for KNP and 24% at both BNP and UKTNP. This must change. Parks Australia, in concert with DAWE,

should revise its procurement policies, including the size and length of contracts and payment terms, to ensure greater access for Traditional Owner businesses.

The Mutitjulu Community Aboriginal Corporation (MCAC) applied to enter into agreements with Parks Australia to deliver services such as additional maintenance but was rejected on cost grounds and negotiations stalled. In one case, MCAC quoted for repairs to the cultural centre but was unsuccessful and the repairs remain incomplete. It may be that, with greater work at the development stage, the project could have been refined and eventually accepted.

The Commonwealth's Indigenous Procurement Policy aims to stimulate Indigenous entrepreneurship, business and economic development. It requires all departments to report on the number and value of contracts awarded to Indigenous businesses. In revising its procurement policies for Commonwealth National Parks, Parks Australia should ensure compliance with this policy and report the results for each park to the Boards of Management. In doing so, it should clearly articulate the considerations that led to particular contracts not being awarded to Traditional Owner businesses. Doing so would both focus the mind of procurement panels on its reasoning and allow Traditional Owner businesses to feed this into future applications.

Recommendation 18: Provide support for Traditional Owners seeking to develop business opportunities, including creating a senior position with responsibility for working with Traditional Owners to facilitate these opportunities.

Traditional Owners are eager to develop opportunities to run businesses on park, including taking over the provision of services such as park maintenance and fleet management.

There used to be more businesses run by, and for, the benefit of Anangu in UKTNP, but they no longer operate.

And now, since COVID-19, there are even fewer Indigenous businesses. Pre-COVID there were 7 Licensed Tourism Operators and 3 of these were Indigenous owned and operated. But now there is only one business operating daily, another once a week, and neither is Indigenous owned or operated.

Many business support programs currently exist that could provide support to Traditional Owners wanting to start businesses on park. This support includes finance such as grants for seed capital and/or pilot projects, skills development and targeted training, networking and industry connections. Several of these are specifically targeted to Aboriginal and Torres Strait Islander businesses (see **Appendix C**). But the existence of these programs does not necessarily mean that they are either easy to access or a good fit for the proposals under consideration.

A senior position in Parks Australia should be given the role of working with Business Support Officers situated on the parks to support communities in developing their ideas and navigating the requirements for establishing a new business. This would include assisting Traditional Owners to build the skills necessary to run the businesses where this was needed, seeking out potential opportunities and informing Traditional Owners so that they had time to tailor a proposal to the requirements, and working with them to develop the proposal including its focus and costing. It could also involve providing ongoing coaching and support during the early years of the business.

Developing appropriate on-park businesses would not only create employment opportunities for Traditional Owners but would lift overall capability and help increase financial self-sustainability for the future.

INFRASTRUCTURE

Insufficient funding over many years has led to a serious deterioration in park infrastructure. Poor road maintenance has impeded access, tourism facilities have become dilapidated, housing is insufficient and substandard, and visitor risk has increased. Commitments in the management plans have not been met and consultation with Traditional Owners on park infrastructure projects has been minimal. Discussions must be held with Traditional Owners to agree priorities and help smooth approval processes. Central agencies, particularly the Department of Finance and the Treasury, need to understand the impact severely degraded facilities is having on the parks as national and international assets. Consultations should be held with agencies at all levels of government operating on park to improve the co-ordination of infrastructure provision, including the use of scarce resources.

Recommendation 19: Undertake a stocktake of existing infrastructure commitments and deliver them, as well as future commitments, in line with priorities determined in consultation with Traditional Owners.

Recommendation 20: Streamline approval processes with the Land Councils in each park.

Recommendation 21: The Commonwealth must lead the coordination between itself, and State and Territory governments on infrastructure provision to Commonwealth National Parks. Results in this area should be one of the DNP's Key Performance Indicators.

Introduction

The condition of park infrastructure has become critical. Degrading infrastructure is compromising the parks as tourism attractions, impeding access, increasing visitor risk and standing in the way of increasing park employment. It also has the potential to cause reputational damage impacting on World Heritage status. Segments of the parks have already been closed and further areas may need to be closed if infrastructure issues are not addressed with a degree of urgency.

This problem has been many years in the making. Insufficient funding, together with funding set aside for capital works being diverted to address urgent operational pressures, has led to an increasing infrastructure backlog. Commitments in management plans have not been delivered and critical assets have not been maintained. In addition, departmental Information and Communication Technology (ICT) systems have proved they are not fit for purpose, leaving the

parks to rely on spreadsheets and other manual systems. This reduces the efficiency across these functions.



Photo credit Parks Australia

A number of Traditional Owners told the Senior Advisory Group that they are ashamed of the dilapidated facilities, degraded assets and shabby campgrounds that give a bad impression to visitors. Housing is insufficient to cater for the number of people to be employed on park and current housing, as well as facilities, are not up to standard.



Thatched roof at UKTNP, in need of repair
Photo credit Parks Australia staff



Roads at UKTNP, in need of repair
Photo credit Parks Australia staff



Chemical washdown station at Booderee Botanic Gardens, inoperable
Photo credit Parks Australia staff



BNP Depot fence needing replacement
Photo credit Parks Australia staff

Cahill's Crossing in the East Alligator district is renowned for its many crocodile residents and is a popular tourist destination. But the dangers are obvious not only for unwary tourists but also for local Indigenous families who, like the crocodiles, are attracted by the barramundi and can be found casting from the banks on both sides of the river. Many tourists are also unaware that the river is tidal and try to drive across it at the high-water mark rather than wait 24 hours for the low tidal crossing.

This area is a very high risk for Parks Australia and its rangers have saved countless people as well as vehicles and their drivers. It therefore makes perfect sense to have houses for ranger staff as well as an office at the East Alligator base close to the Crossing so that they can quickly respond in emergencies. But the houses are inadequate and are in desperate need of repairs and maintenance including reviews of the presence of asbestos and white ant damage. An Occupational Health and Safety inspection is required, and a water analysis undertaken. Adequate housing is a major priority for infrastructure funding.

Terrifying moment a driver runs over a CROCODILE at a deadly river crossing - just weeks after 10 of the maneaters surrounded a couple at the same spot



<https://www.dailymail.co.uk/news/article-8774653/Cahills-Crossing-Terrifying-moment-driver-runs-CROCODILE-notorious-river-crossing.html>

Is this Australia's dumbest tourist? Man tries to attract killer crocodiles at infamous crossing by slapping the water with a stick - before turning his back on the beasts



<https://www.dailymail.co.uk/news/article-8664481/Man-tries-lure-crocodiles-hitting-water-stick-infamous-Cahills-Crossing.html>

Insufficient priority has been given to building and maintaining cultural centres. Insufficient priority has also been accorded to the maintenance and preservation of areas such as traditional meeting places for women and for men that may not be commercially important but have strong cultural significance to maintaining family unity and cultural preservation.

Tourism operators expressed frustration about poor road maintenance, including to allow access for tour buses and parking. They commented on the poor state of facilities for tourists such as amenity blocks, visitor centres and walking tracks.

Unless infrastructure needs are properly addressed and maintenance is ongoing, band aid

solutions and steady asset degradation can prove more costly in the longer term. The Government has begun to address the problem by providing funding for critical infrastructure needs. It has committed \$450 million over two budget measures (\$233.8m for Critical Asset Renewals and \$216.2m for Growing Tourism in KNP) for improvements across the jointly managed parks, to address urgent safety, legal and reputational risks resulting from the poor condition of assets. This includes services for UKTNP's Mutitjulu community. But the significant deterioration of infrastructure over many years means that more is needed. Ongoing funding to maintain the upgraded assets will also need to be factored into the DNP's operating budget.

Recommendation 19: Undertake a stocktake of existing infrastructure commitments and deliver them, as well as future commitments, in line with priorities determined in consultation with Traditional Owners.

Commitments in management plans have remained undelivered over many years and have contributed significantly to Traditional Owners' lack of trust in the DNP and Parks Australia (see **Appendix D**). These commitments must now be delivered. Parks Australia should immediately undertake a stocktake of infrastructure projects in the management plans that have not been, or only partly been, undertaken. It must then work with Traditional Owners in each park to agree a priority list for work, setting agreed timelines and systems for reporting on progress to the Boards of Management.

Future commitments for infrastructure projects on Country should similarly be prepared and delivered in consultation with Traditional Owners. Projects should be accompanied by timelines for work, costing and mechanisms for reporting on progress, with Traditional Owners being kept informed throughout the construction process.

Recommendation 20: Streamline approval processes with the Land Councils in each park.

Approval processes are important but often mean that the length of time before a project can get underway is unacceptable.

The design of a project must be approved by the relevant Land Council which must do so in consultation with the local Aboriginal community. In the Northern Territory, the design must then be submitted to the Aboriginal Areas Protection Authority (AAPA) which has the responsibility for protecting Aboriginal sacred sites. Finally, the projects must be approved by the relevant Board of Management. This process is particularly difficult in KNP where consultation with a dispersed community is more difficult and time-consuming, and where missing a window before the wet season can mean significant further delays. The Senior Advisory Group heard that both the Northern Land Council and the AAPA can find it difficult to deal with the number of approvals required.

There is no suggestion that any of these processes are unnecessary. But discussions between all parties, together with work to re-establish trust between Parks Australia and the Land Councils, should help to identify ways to smooth the processes to enable the agreed priorities to be delivered more quickly.

Some additional funding should also be made available where necessary to assist the consultation process, particularly in KNP.

Approval processes can take a long time, and timing is often outside the control of Parks Australia. For example, a park workshop used by around 12 staff, required upgrading and rebuilding. There is no on-site toilet, shower or nearby ablutions. The office space is inadequate and lacks suitable lunchroom facilities. This would not be tolerated in Canberra. The original facility burnt down over 5 years ago.

The designs for upgrading the compound started in April with consultations with Traditional Owners, scheduled for September. The actual consultation and approval was not provided to Parks Australia until November that year, a 7 month process to get approval to repair an existing workspace. With current shortages of suppliers and material costs increasing, this has pushed the project back considerably both in terms of cost and completion, while staff are still working in sub-optimal circumstances.



Park workshop space
Photo credit Parks Australia staff

Recommendation 21: The Commonwealth must lead the coordination between itself, and State and Territory governments on infrastructure provision to Commonwealth National Parks. Results in this area should be one of the DNP's Key Performance Indicators.

Responsibility for the delivery of infrastructure projects to Commonwealth National Parks is spread across the Commonwealth, State and Territory governments, and co-ordination is essential if all parties are to make best use of scarce resources.

The Northern Territory Government, for example, has the responsibility for the care, control and management of the arterial road network in KNP and UKTNP while the DNP has responsibility for other roads and tracks as necessary for visitor access and park management purposes. And within the Commonwealth Government, roads to outstations, a priority of Traditional Owners, are the responsibility of the Office of Township Leasing rather than the DNP, although in many instances Parks Australia has graded and improved these roads.

Road provision and maintenance is an important issue in the parks where seasonal, physical and resourcing factors can be barriers to progress. Extreme climatic conditions can degrade road infrastructure at faster rates than in urban areas, particularly in KNP where some roads must be completely re-graded each year following the wet season. In addition, park access can bring significant safety concerns unless appropriately managed. Roads in KNP and UKTNP that are funded by the Commonwealth are often delivered by Northern Territory Government agencies; the timetables of the two are often in conflict and negotiations are necessary to deliver a speedier outcome. An additional pressure is that growing demand from government agencies at all levels, as well as from the private sector, is

competing to engage an overstretched construction industry. Specialist contractors are in particularly short supply.

The provision of facilities can also be an issue. In KNP, power and water can be supplied differently depending on the region. Major towns such as Jabiru are serviced through the Northern Territory Power and Water Corporation whereas Parks Australia supplies the majority of the rest of the park. Parks Australia works with the Northern Territory Government Department of Infrastructure to see what can be achieved in one package, but sourcing contractors remains a problem.

In UKTNP the DNP currently provides power, water and sewage services for Mutitjulu with the NTG due to take over responsibilities once the infrastructure is brought up to standard. This has been a protracted process over decades and has a flow on impact to the availability and standard of housing which is critical to living and working on park. The SAG heard firsthand the impacts this has had on the community, particularly given the scarcity of water that can occur from time to time. These issues, again highlight the importance of all levels of government working together in the best interest of the communities within the parks.

The DNP should work with agencies across all levels of government to agree clear guidelines and processes for the co-ordination of infrastructure provision to Commonwealth National Parks. The guidelines should clarify responsibility, remedy any overlap and duplication, and improve scheduling to make better use of scarce resources. Once agreed, guidelines should be formally approved at Ministerial level in each case.

FUNDING

Under-resourcing of the three parks has progressively impacted on all aspects of park operations and has become untenable. Funding should be reviewed in consultation with Traditional Owners to establish a base for future financial sustainability. Options for a simpler and more consistent system of fees and charges and for generating additional revenue should be explored with Traditional Owners.

Recommendation 22: Immediately review funding to address the deficits in base funding and develop a path to achieve financial sustainability, discussing priorities with Traditional Owners.

Recommendation 23: Review fees and charges for park entry as part of the overall review of the lease agreements for the jointly managed parks.

Recommendation 24: Explore with Traditional Owners options for generating additional revenue from visitation and other ventures on park to lessen reliance on government funding and move towards greater financial self-sufficiency.

Introduction

Successive Commonwealth Governments have underfunded the parks for far too long. This has impacted on all aspects of the parks' operations and on relationships with Traditional Owners. Lack of funding has caused a build-up of work that should have, but hasn't, been done having cumulative effects. It is a tangible demonstration of disrespect for Traditional Owners, showing indifference to the commitments made in the management plans and lease agreements. It puts at risk both domestic and international tourism opportunities and endangers the world heritage status of KNP and UKTNP of now overstretched resources. It would be very concerning to see the World Heritage status decline from its current ratings.

The Senior Advisory Group met with a range of stakeholders, all of whom said that the parks were under-resourced with the result that commitments were either not being delivered or not being delivered on time, and that risks were not being appropriately managed.

Traditional Owners made it clear that underinvestment in certain areas of park operations had led to mistrust and a lack of confidence in the role played by the DNP. They

noted that the fees and charges were not consistent across the parks and that lease payments did not provide an equitable return for the use of their land.

Recommendation 22: Immediately review funding to address the deficits in base funding and develop a path to achieve financial sustainability, discussing priorities with Traditional Owners.

The jointly managed parks are funded through government appropriations and revenue raised from visitation and commercial activities on the parks. This funding is used to deliver ongoing park operations and capital works and to make the Commonwealth's lease payments. A proportion of the revenue is also distributed to Traditional Owners.



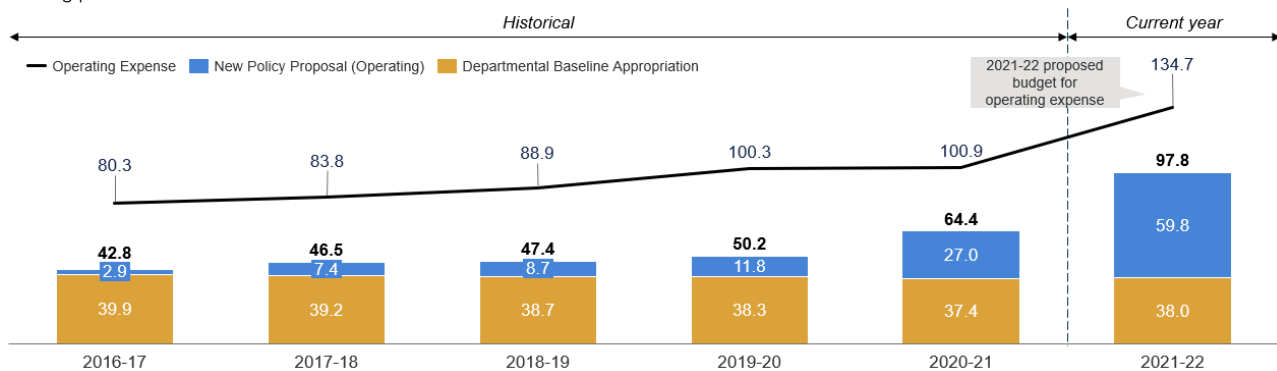
*Flame tree, Booderee botanic gardens
Photo credit Parks Australia staff*

The funding available has fallen far short of that required to meet commitments made in the lease agreements and management plans or to maintain the parks at the level required to fulfil their potential as significant cultural and economic assets for Australia. It has become more and more apparent that there is an ongoing structural deficit in park funding. Over the past four years for example, operating costs have

steadily increased while revenue from government has remained constant, forcing the DNP to make trade-offs, triage critical risks and cross subsidise shortfalls across the three parks. Unless the problem of funding is addressed now, relationships with Traditional Owners will continue to decline and the condition of the parks will continue to deteriorate.

DNP historical and budgeted funding, 2016-17 to 2021-22 in \$millions.

Funding profile excludes own-source revenue.



There is an urgent need to quantify the true cost of operating the jointly managed parks, starting with costing existing commitments in each of the management plans. The DNP should then work to develop a blueprint for government consideration to plot a pathway out of the current deficit and ensure long-term financial sustainability, discussing priorities with Traditional Owners. But this responsibility is not only one for the DNP and Parks Australia. The central coordinating agencies, particularly the Department of Finance and the Treasury, have an obligation to thoroughly understand the consequences of funding options and to spell these out for government so that it can make its decisions in the full knowledge of their impact on the parks and their Traditional Owners.

Recommendation 23: Review fees and charges for park entry as part of the overall review of the lease agreements for the jointly managed parks.

Current fees and charges across the jointly managed parks are complex, inconsistent, and in some cases well below the level the market would be willing to pay. The review of lease agreements for the jointly managed parks, recommended above, should include consideration of this complexity and inconsistency. It should also include

consideration of whether Traditional Owners should be given a greater percentage of park fees in return for the use of their land.

A recent fee review at UKTNP simplified fee types, reducing them from eight to three fee structures. Such simplification should be considered for all the parks. Simplified fee structures, coupled with new technology such as digital licence plate recognition, would allow the parks to increase the level of fee compliance, potentially increasing income overall to the benefit of both Traditional Owners and park operations and maintenance.

Recommendation 24: Explore with Traditional Owners options for generating additional revenue from visitation and other ventures on park to lessen reliance on government funding and move towards greater financial self-sufficiency.

Funding limitations have been exacerbated by a reduction in visitation due to COVID-19 travel restrictions and park closures. This, together with the fall in the government appropriation in real terms and a wish of Traditional Owners in some parks to move further towards sole management and self-sufficiency, has highlighted the need to look for other sources of revenue.

New investments on park, including increased road maintenance and building new roads to areas of interest, could open the way for enhanced, high-end tourism experiences and to new commercialisation opportunities. Such ventures would have to be planned in cooperation with Traditional Owners to guarantee their active agreement and participation, and it would be important to ensure consistency with the relevant park management

plan. Such possibilities as carbon offsets should also be explored.

The DNP should work with Traditional Owners to identify additional revenue generating opportunities that align with their cultural and environmental obligations.

Savanna burning projects in northern Australia have the potential to deliver significant economic, social, cultural and environmental benefits while providing a sizeable reduction in Australia's carbon emissions. Under the Australian Government's Emissions Reduction Fund, savanna burning projects can earn Australian Carbon Credit Units (ACCUs) which can be subsequently sold on carbon markets. Parks Australia has registered two projects (in 2016 and 2017) that align with its annual strategic fire management program that is undertaken to maintain the biodiversity values of Kakadu. Since registering these projects, Parks Australia has accumulated significant ACCU's (worth around \$4 million at the end of 2020).

Parks Australia registered these projects with the support of Traditional Owners and has since sought to enter into legal agreements with Traditional Owners and the NLC to define the utilisation of carbon funds. One agreement (the Wurrk Agreement) has been established in the southern area of the park. In the north of the park, no agreement with Traditional Owners has yet been established. Although these carbon projects have multiple benefits, to date no ACCU's have been sold and carbon credits continue to be generated. Progress has been hindered for multiple reasons including bureaucratic hold ups, stalled consultations, lack of prioritisation, staff changes at the SES and Park Management level and bureaucratic legal and procurement burdens.

A more streamlined process is required to deliver the benefits of these projects and support Australia's emission reduction efforts.



KNP

Photo credit Parks Australia staff

OPPORTUNITIES TO EXPLORE FURTHER

In this advice the Senior Advisory Group has focused on the most immediate priority – rebuilding the relationship and trust between Traditional Owners of the land and the DNP supported by Parks Australia. It has noted the damage caused by insufficient recognition and respect for the spiritual and practical value of local traditional culture, aggravated by decades of unmet commitments and underfunding. Its recommendations are directed at repairing those relationships and moving to a truly equal partnership without which any more radical move to change management structures or functions is doomed to failure.

Once relationships are repaired and trust rebuilt, however, the option of structural and legislative changes should be re-examined in concert with Traditional Owners of each park. Some changes that could be considered are mentioned briefly below.

Role of the DNP

The DNP is a one-person corporation under the EPBC Act. As pointed out by Professor Samuel in his recent review of the EPBC Act, this legislation has created an imbalance in the joint management power relationship:

‘The legal construction of the position means that the DNP is ultimately responsible for the decisions made in relation to the management of the national parks, and for the effective management of risks such as those relating to occupational health and safety.’

Such settings have meant that past Directors have been able to make decisions that are contrary to those of the Boards of Management or have taken the decision where Boards haven’t been able to reach consensus. This is contrary to the principle of an equal partnership and should be addressed.

Possible remedies are complex, ranging from appointing a referee to whom both parties can appeal, to a change in the EPBC Act that promotes joint management while ensuring the

ecological protection of the parks. The issue requires further detailed study in coordination with Traditional Owners of each park.

Different funding and governance structures

The three national parks are leased to the Commonwealth and are managed by the DNP. Funding and governance have therefore been channelled through Parks Australia and the Boards of Management in each park.

But there can be variations to this model. In 2017 the DNP, with the support of the UKTNP Board of Management and the Central Land Council, sub-leased the Mutitjulu Township to the Executive Director of Township Leasing who administers the land in consultation with Traditional Owners and in line with the UKTNP Management Plan. The purpose was to implement a secure land management system that would attract public and private investment and economic development opportunities for Traditional Owners.

Other models could be considered for areas within the parks that could provide greater control of funding or management for Traditional Owners. It would be important for the implications of any models to be considered carefully in concert with Traditional Owners to ensure that the significance for all Traditional Owners and the park overall was fully understood.

Cultural authority decision-making in KNP

KNP is large, complex and sparsely populated with major areas inaccessible in the wet season. It contains 16 Traditional Owner clan groups and 11 language groups. All of the 16 clan groups are now represented on the KNP Board of Management but the individual members have no authority to speak for another’s Country and each member needs to be able to consult the rest of the clan group on relevant issues.

The number of clan groups, the diversity and therefore differing interests across the park, and the distances involved mean that management is inherently complex. There has been some interest in moving to a culturally preferred governance model or some form of clan-managed system that would allow greater input at the local level. The move to an alternative governance model would have to be considered in concert with all of the KNP Traditional Owner clan groups.

Moving further towards sole management

Traditional Owners of the three parks have differing views on how joint management is progressing and the speed with which they want to move towards sole management.

The Wreck Bay Aboriginal Community Council (WBACC) gives high priority to moving in this direction. While it does not seek a complete or immediate hand-over of responsibilities, noting that dedicated funding will be required to invest in increasing the capability of Traditional Owners, it is strongly in favour of beginning a sequenced transfer of responsibilities. It also notes that Jervis

Bay Territory is complex, and the cooperation and commitment of all relevant Commonwealth agencies will be essential.

A move towards a greater role in the management of a park is essentially one for co-design with Traditional Owners of that particular park. It will require an agreed transition plan with clear milestones, timeframes and responsibilities, as well as transparent reporting and monitoring to track progress and hold the partners to account. These activities will require additional resources.

Implementation of this advice

There is much work to be done and there is also a strong desire by all parties to move ahead without delay. The DNP and the Department should be held accountable to the Minister for implementation and for reporting against progress.

An implementation plan should be developed that includes monitoring and reporting on progress as well as ongoing assessment and evaluation. Reports against the implementation plan should be published annually. A review at the three-year mark is highly recommended.



APPENDICES

UKTNP
Photo credit Parks Australia

Appendix A: Background

Commonwealth National Parks are established on Aboriginal land and are rich with tens of thousands of years of Aboriginal culture, lore and meaning. They are of particular significance to the traditional and legal owners of the land. These Traditional Owners have a deep-rooted connection to their Country and culture, and a responsibility to preserve and protect it for future generations.

Park governance

Traditional Owners, who are the lawful owners of the land on which the jointly managed parks are established, lease their land back to the Director of National Parks (DNP) under 99-year lease agreements. The DNP, who has the role of administering, managing and protecting the parks, is supported by Parks Australia, a division of the Department of Agriculture, Water and the Environment (DAWE). The interests of Traditional Owners are represented by the relevant Land and Community Councils.

Kakadu National Park (KNP), Uluru-Kata Tjuta National Park (UKTNP) and Booderee National Park (BNP) are jointly managed with Traditional Owners. This is done through park Boards of Management that agree a management plan for each park in conjunction with the DNP.

Central for successful joint management, however, is full recognition of the rights of Traditional Owners and an effective partnership between Traditional Owners and the DNP and Parks Australia. If these break down, Traditional Owners can assert their authority over their land by closing access to parts or all of the park. A more detailed description of the powers and obligations of the governance bodies, together with the relevant legislation, is below.

Legislative and governing instruments

Joint management arrangements for Commonwealth National Parks are in place for three parks – BNP, UKTNP and KNP. The governance framework for jointly managed

Commonwealth National Parks is shaped by the provisions of:

- relevant Commonwealth Land Rights legislation – the *Aboriginal Land Rights (Northern Territory) Act 1976* and the *Aboriginal Land Grant (Jervis Bay Territory) Act 1986*
- the *Environment Protection and Biodiversity Conservation Act 1999*
- the lease agreements and management plans between Traditional Owners and the DNP.

Land rights legislation

Under land rights legislation, all of BNP and UKTNP and parts of KNP have been declared Aboriginal land and granted to a Land Trust or the Wreck Bay Aboriginal Community Council (both of which are established under their relevant land rights legislation) to hold title for the benefit of Traditional Owners.

In BNP, the title holder is the Wreck Bay Aboriginal Community Council, which represents ‘registered members’. In UKTNP, the title holders are the Uluru-Kata Tjuta Aboriginal Land Trust represented by the Central Land Council. In KNP, the title holders are the Kakadu Aboriginal Land Trust, the Jabiluka Aboriginal Land Trust and the Gunlom Land Trust, represented by the Northern Land Council. In Jabiru, land title is granted under the *Native Title Act 1993* to the Mirarr who are represented by Gundjeihmi Aboriginal Corporation.

Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

The EPBC Act focuses Australian Government interests on the protection of matters of national environmental significance. The EPBC Act includes the following objectives relevant to the jointly managed Commonwealth National Parks:

- provide for the protection of the environment, especially matters of national environmental significance
- conserve Australian biodiversity

- enhance the protection and management of important natural and cultural places
- promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources
- recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity
- promote the use of Indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.

Proclamation as Commonwealth National Parks

UKTNP, KNP and BNP were originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* by the Governor-General and continue under the EPBC Act. Under the EPBC Act, Traditional Owners lease their land to the DNP, a statutory position established under the Act. For each jointly managed Commonwealth National Park, a Board of Management is established to work in conjunction with the DNP. Upon being granted as Aboriginal land, title was vested in the relevant Aboriginal land trust or the Wreck Bay Aboriginal Community Council and was leased back to the DNP to continue being managed as a Commonwealth National Park.

Lease agreements

Under Aboriginal land rights legislation, when certain Aboriginal land is granted it must be leased to the DNP to be managed as a Commonwealth National Park. Such lease agreements, including the existing lease agreements for BNP, UKTNP and parts of KNP, are legally binding and set out the obligations and rights of each party as they relate to the relevant land.

Management plans

Management plans are legislative instruments prepared by the Boards of Management in conjunction with the DNP, which must be consistent with the relevant lease agreement. The EPBC Act sets out what must be included in a management plan, including how a Commonwealth National Park will be managed,

protected, and whether and how particular operations or activities may be conducted.

Once a management plan is prepared and public consultation on that management plan has occurred, the management plan is subject to approval by the Minister and is tabled in Parliament.

Roles and responsibilities

Boards of Management

The Boards are established under the EPBC Act to: make decisions related to the management of a park consistent with the relevant management plan; and in conjunction with the DNP, prepare management plans for the park, monitor the management of the park, and advise the Minister on future development of the park.

The majority of Board members must be Indigenous persons nominated by Traditional Owners. If the park is in a State or Territory one member must be nominated by that government. The Minister appoints members and has the power to change the number of members and their required qualifications by gazette notice.

DNP

The DNP was established as a statutory corporation-sole under the *National Parks and Wildlife Conservation Act 1975* and continues under the EPBC Act. A person is appointed as the DNP by the Governor-General. The DNP's functions include protecting, conserving and managing biodiversity and heritage in Commonwealth National Parks established or continuing under the EPBC Act.

The DNP is responsible for decisions made about management of parks and for the effective management of risks such as those relating to occupational health and safety. As a corporation sole, the DNP relies on resources provided by DAWE to execute their functions. Park staff are employed by DAWE, consistent with Australian Public Service requirements, and resourcing levels are subject to usual government budgetary processes.

Minister for the Environment

The Minister for the Environment administers the EPBC Act and is responsible for the following in relation to joint management: establishing a Board and appointing members, being satisfied that the DNP is appropriately qualified to be appointed by the Governor-General, approving management plans, and resolving disputes between the Board or the Land Council and the DNP about the development or implementation of the management plan.

Land Councils

Under the EPBC Act, the DNP must consult with, and have regard to the views of, the Chairperson of the Northern Land Council, Central Land Council and Wreck Bay Aboriginal Community Council about the DNP's performance of functions and exercise of powers in relation to relevant parks. This obligation does not confer any decision-making powers on the Chairpersons of the Land Councils, rather it requires that their views be considered by the DNP during decision-making.

Appendix B: ANAO Performance Audit 2018-19

According to the Auditor General Report of 2018-19, *Management of Commonwealth National Parks*, the DNP and the Secretary of DAWE had not established appropriate administrative arrangements to support park management. The planning framework established by the DNP did not support the development of well aligned plans. Annual operational plans did not clearly indicate how they contribute over time to the objectives of the management plans. The reporting provided to the Boards of Management did not position the Boards to assess the extent to which the DNP was on track to implement its commitments under management and operational plans.

The ANAO noted that reporting to the Boards on the implementation of management plans was not consistent across the parks and within each park over time. Reporting to the Boards largely took the form of 'park manager reports.' These reports range from 350 to 3,500 words, detailing the operational activities of the previous quarter, which are grouped under the broad objectives of the management plans. These reports do not provide a clear line of sight against the actions in either the operational or management plans, making it difficult for a reader to determine how the DNP is progressing against those plans.

After the ANAO report was tabled in 2019, the DNP accepted all recommendations and commenced work on each of the issues identified. However, implementation of actions to address all recommendations is not yet complete. More specifically, the DNP has invested in a planning and performance reporting framework which came into effect in July 2020 but the impact of COVID-19 has delayed progress on other recommendations, particularly around the delivery of training.

Appendix C: Potential support for Traditional Owners to develop business opportunities on park

Business support, including grants, is available at Commonwealth, state and local levels. The following table shows some examples of what is offered.

Examples of business/funding support available to First Nations businesses.

Organisation / program	Detail	Financial supports	Promotion activities	Networking activities	Skills building activities	Tailored culturally specific support
Available to all park locations						
MAINSTREAM						
business.gov.au	Australian Government platform collecting and presenting information on grants, supports and requirements.	Y			Workshops and webinars on business acumen.	Has specific guides for Indigenous business.
Regional Development Australia	National initiative between governments, business, and communities to create opportunities in regional communities (including the ACT and region).	Y	Network to promote the potential and needs of regional communities across government.	Workshops and member forums to connect and grow regional businesses and communities.		
Australian Taxation Office	Various supports and programs for small businesses are administered including asset write-offs, cashflow management and stimulus payments.	N			Webinars, advice and toolkits to support businesses with taxation and cashflow.	
FIRST NATIONS SPECIFIC						
National Indigenous Australians Agency	Works to influence policy across the entire Australian Government to ensure that Indigenous programs and services are delivering for Aboriginal and Torres Strait Islander peoples as intended.	Y				Produces a business focused guide to accessing the Australian Government IPP and opportunities for growth.
Supply Nation	Manages Australia's largest national directory, Indigenous Business Direct. It is free for businesses to list and connects them with buyers from some of Australia's largest organisations. Supply Nation listing is mandatory for many procurements covered by the IPP.	N	Support and advocacy of Indigenous business. Registration and management of Indigenous business database	Tradeshows. Workshops and webinars.	Training for Supply Nation members. Webinars of panel discussions across multiple topics.	Provides support and registration specifically for Indigenous businesses
Indigenous Business Australia	IBA enhances the economic development opportunities of Aboriginal and Torres Strait Islander people. It supports business through providing business finance and partnerships, products, services, advice, networks and capability.	Y			Advice on starting and growing an Indigenous business	Specific focus on the economic development of Aboriginal and Torres Strait Islander people and communities
Office of the Registrar of Indigenous Corporations	The Registrar is an independent statutory office holder who administers the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> . The Office supports and regulates corporations by providing advice, governance training, legal compliance and intervention.	N			Training courses and workshops on corporate obligations and governance	Support services targeted / provided to Indigenous businesses

Organisation / program	Detail	Financial supports	Promotion activities	Networking activities	Skills building activities	Tailored culturally specific support
Indigenous business - business.gov.au	Australian Government platform collecting and presenting information on grants, supports and requirements. Has specific guides for Indigenous business.	Y			Webinars and workshops on a wide range of business-related needs and topics	Programs and supports designed for Indigenous business
Potentially available to Booderee only						
Shoalhaven City Council business.shoalhaven.nsw.gov.au	Collection of programs, support and advisory services for doing business in the region.	N	Advocacy and connection to local industry and business expansion as part of Council networks	Connection to local industry and representative bodies including defence, business council and business forum opportunities	Economic Development Office facilitating business growth, skills and expansion to local businesses. Connection to Government agency supports and regular training	
NSW Government - nsw.gov.au/working-and-business	NSW Government platform collecting and presenting information on grants, supports and requirements.	Y			Workshops and webinars on business acumen.	Aboriginal specific grants and programs provided.
Available to NT-based parks (KNP and UKTNP)						
NT Government - nt.gov.au/industry/business-grants-funding	Collection of business funding and support programs operated across the NT Government.	Y	Promotion and advocacy possible across several programs.	Connection to other business in the NT as part of participation in programs offered	Skills building and funding of external skills available through several programs	Aboriginal specific grants and programs provided.
Tourism NT - Aboriginal Tourism Grant Program	Funding program to support projects undertaken by majority Aboriginal owned tourism businesses in the NT.	Y	Promotion of successful programs through Tourism NT.	Opportunity to utilise funding case to access networking opportunities.	Funding of skills related to funding activity as part of the program.	Aboriginal specific funding.

Appendix D: Infrastructure behind schedule

ANAO reports in 2002 and 2019 highlighted problems with a lack of transparent reporting on progress and recommended that management plans or subsidiary documents address 'core performance indicators, targets and priority actions' with a view to strengthening strategic planning (see Auditor-General Report No.49 2018-19 Performance Audit, https://www.anao.gov.au/sites/default/files/Audit-or-General-Report-2018-2019_49.pdf)

While some progress has been made to address these issues in the DNP's most recent Operational Plan, considerable work remains to be done to deliver on Traditional Owners' expectations and several infrastructure projects are facing significant delays, as noted below.

UKTNP

Planned capital works face delivery challenges, and a number are not on track. Projects that are experiencing delays include those related to visitor and tourism activities, upgrade of staff housing and water infrastructure.

KNP

Only a few capital works and infrastructure action items have been identified in the management plan. Status assessment of infrastructure commitments in KNP has been difficult to ascertain.

BNP

The management plan includes provision for a cultural centre, which the community have repeatedly requested resources to build. The Board of Management established a Visitor and Business Wellbeing Group in 2005 with a focus on preparing an integrated approach to the planning and development of a cultural centre and associated business opportunities for the Wreck Bay Aboriginal Community Council and its members. Consistent with the lease agreement, a business case for the cultural centre was prepared; however to date the cultural centre is yet to be realised.

Appendix E: Glossary

AAPA	Aboriginal Areas Protection Authority
ACCUs	Australian Carbon Credit Units
Anangu	Used by Pitjantjatjara/Yankunytjatjara speakers to identify themselves and their people
ANAO	Australian National Audit Office
Bininj/Mungguy	Traditional Aboriginal owners of land in Kakadu National Park
BNP	Booderee National Park
Board of Management	The Board of Management under the provisions of the EPBC Act
Commonwealth	The Government of the Commonwealth of Australia
Commonwealth Reserve	A reserve established under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
Country	The lands, waterways and seas to which Traditional Owners are connected
DAWE	Department of Agriculture Water and the Environment
Department	The Department of Agriculture, Water and the Environment
Director of National Parks (DNP)	The Director of National Parks under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
EPBC Act	The <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
ICT	Information and Communication Technology
Independent Review of the EPBC Act	The independent review of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> undertaken by Professor Graeme Samuel
KNP	Kakadu National Park
Lease agreement or lease	The lease agreements between the Aboriginal Land Trusts and the Director National Parks in respect of the three jointly managed national park
Management plan or plan	Management plans for the three jointly managed National Parks

Minister	Federal Minister for the Environment
NLC	Northern Land Council
NT	Northern Territory
Parks Australia	The division of the Department of Agriculture, Water and the Environment that assists the Director in performing the Director's functions under the EPBC Act
PSA	<i>Public Service Act 1999</i> (Cth) passed in 1999 by the Howard Government that regulates the federal Australian Public Service
Senior Advisory Group	The independent advisory group on the governance, structure and culture of the management of Commonwealth jointly managed National Parks
SES	Senior Executive Service
WBACC	Wreck Bay Aboriginal Community Council
World Heritage	Refers to sites of 'outstanding universal value' that are inscribed on the World Heritage List under the World Heritage Convention
Traditional Owner	One of the traditional Aboriginal owners of the park as defined in the <i>Land Rights Act</i>
UKTNP	Uluru-Kata Tjuta National Park

Appendix F: Terms of Reference

Introduction

The independent statutory review of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) report by Professor Graeme Samuel highlights that legislative arrangements for the Director of National Parks (the Director) and the joint boards means that, ultimately, decisions are made by the Director. The Kakadu Board of Management's vote of no confidence in the Director and senior staff directly involved in management of Kakadu National Park (July 2020) provides further evidence that the issues raised by Professor Samuel should be reviewed in more detail at the earliest opportunity.

The Minister for the Environment (the Minister) requires independent advice on the governance, structure and culture of the management of Commonwealth jointly managed National Parks. The focus of the Senior Advisory Group on Joint Management Arrangements for Commonwealth National Parks (the Group) will be to ensure Traditional Owners are front and centre of discussions and any outcomes related to future joint management arrangements.

Role of the Group

The role of the Group is to review and advise the Minister and the Department of Agriculture, Water and the Environment (the Department) on the management of jointly managed Commonwealth National Parks, including but not limited to:

- best practice contemporary models for the governance and operations of management of Kakadu National Park
- ensuring that the ecological protection of the parks and their continued improvement as tourist attractions remain inextricably linked to the Group's primary considerations of improving joint management with Traditional Owners

- joint management arrangements, including barriers to effective joint management, for all three jointly managed Commonwealth National Parks
- the transition to Traditional Owners having more responsibility and control over management in the context of the Independent Review of the EPBC Act and other relevant reviews
- recommending practical reforms to improve the involvement of Traditional Owners in the management of jointly managed Commonwealth National Parks in both the short and longer-term - including the changes that need to be made to everyday practice to make sure people can work in genuine partnership
- considering the statutory role of the Director and alternatives, including whether this is the most appropriate arrangement for the management of Commonwealth National Parks.

The Group's considerations will complement and build on relevant recommendations from the Independent review of the EPBC Act.

Support for the operation of the Group will be provided by Parks Australia and the Department, including Secretariat support, travel and remuneration as appropriate. The Department will ensure the Group has access to a range of relevant expertise and knowledge, both internal and external, to assist with their considerations and preparation of advice.

The Group will provide its advice to the Minister and the Department within five months of its first meeting. Initially the Group will be established and operate for only the period to provide this advice.

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