



Department of National
Parks, Sport and Racing

Evaluation of the Cape York Joint Management Program

Revised Draft Report

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AMSRO



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All research conducted by CIRCA for this project was in compliance with ISO20252

Acknowledgements

The Cultural and Indigenous Research Centre Australia (CIRCA) wishes to acknowledge Aboriginal and Torres Strait Islander people as the traditional owners of Australia and custodians of the oldest continuous culture in the world, and pay respects to Elders past and present.

We would like to thank all those who generously contributed to the evaluation. In particular, we would like to thank all the Traditional Owners for participating in the evaluation and taking the time to consult with us. We would also like to acknowledge Ross Williams for his crucial insight and contribution to the evaluation.

We would also like to thank the Department of National Parks, Sport and Racing, especially Kylie Galway, for their valuable partnership in this evaluation.

Executive summary

Cape York Joint Management Program

In November 2007, the *Nature Conservation Act 1992* (NCA) was amended to provide for the creation of a new class of protected area called "national park (Cape York Peninsula Aboriginal land)" (NP (CYPAL)). This allowed for existing and proposed national parks to become Aboriginal land and also be dedicated and managed as a NP (CYPAL). More importantly, it allows for joint management of national park land by Traditional Owners (represented by an Aboriginal Corporation or Land Trust) and the Department.

From 2008 to June 2017, 28 NPs (CYPAL) have been dedicated, covering over 2 million hectares. The Queensland Parks and Wildlife Service (QPWS) jointly manages these NPs (CYPAL), with the Traditional Owners of the respective parks. For each jointly managed park an Aboriginal Corporation or Land Trust (landholding body), comprising Aboriginal Traditional Owners of those parks, owns Aboriginal freehold title to the land. The Aboriginal Corporation or Land Trust works with the Queensland Parks and Wildlife Service (QPWS) to manage the park.

Before dedicating each national park, the State signs an Indigenous Land Use Agreement with Native Title parties and an Indigenous Management Agreement with the landholding body that holds Aboriginal freehold title to the land. Each IMA sets out how the parties will work together in managing the NP (CYPAL). QPWS staff and Traditional Owners meet regularly throughout the year to plan and make decisions about each park's work program.

The key aim of the Cape York Joint Management program, as set out in the vision in most of the Indigenous Management Agreements, is to provide best practice joint management of NPs (CYPAL) so the lands and culture stay healthy for future generations and for the benefit of all the people of Queensland. The agreed objectives of the landholding bodies and the State are to:

- Work together to support community-based best practice management of NPs (CYPAL) by Traditional Owners.
- As far as practicable, care for the NP (CYPAL) holistically, as part of the Traditional Owners' land interests.
- Co-operate and collaborate with each other, neighbours and others with an interest in NPs (CYPAL).
- Continue to share knowledge and skills and learn from each other.
- Recognise past differences and continue to develop understanding, trust and respect for each other.
- Recognise the significant relationship between economic, social, cultural and landscape systems when working together to manage NPs (CYPAL).

Evaluation of the Cape York Joint Management Program

In 2016, National Parks, Sport and Racing (NPSR) identified the need for an evaluation to be undertaken on components of Cape York Joint Management to support continuous improvement in policy, program and service delivery. IN 2017, CIRCA was contracted by NPSR to carry out the evaluation. The aim of the evaluation was to assist the joint managers in understanding and improving some key program processes under the broad functions of communication and engagement, decision-making, cultural and natural resource management, economic sustainability, social connection and future aspirations.

The key objectives of the evaluation were to:

- Establish baseline datasets for key indicators across decision-making management, communication and engagement, economic sustainability, natural cultural resource management and cultural and social connection functions.
- Examine the extent to which the program has been effective in meeting its identified objectives and intended outcomes.
- Examine the extent to which the program has demonstrated efficient processes.
- Examine the extent to which the program aligns with the departments strategic priorities and Traditional Owners' aspirations.

Evaluation approach

The evaluation was undertaken between April - November 2017. The approach undertaken for the evaluation included the following: Planning and early engagement with key stakeholders; review of the national and international literature; collaborative workshop with key stakeholders; finalisation of evaluation framework and indicators; review of program data; regional site visits and qualitative data collection; and analysis and reporting.

Site visits for qualitative consultations were carried out in Cooktown, Cairns and Coen/Port Stewart, during the months of July and August 2017. Most interviews were conducted face-to-face, and some were conducted over the telephone. In total, 57 consultations were conducted with individuals and groups. This included interviews with 26 Traditional Owners, 10 QPWS operational staff, 9 QPWS administrative staff, including the joint management team, and 12 other key stakeholders.

Ross Williams facilitated all interviews/workshops with Traditional Owners. Ross is an Aboriginal Research Consultant with extensive experience consulting with Traditional Owners across the Cape York region and has specific expertise in land management. Ross provided leadership throughout the evaluation in engagement and facilitation, particularly in relation to Aboriginal and Torres Strait Islander involvement, and cultural

knowledge and understanding. Ross Williams identified and made direct contact with a number of Traditional Owners across the region to inform them of the evaluation and to seek their contribution, where appropriate.

Analysis approach

Qualitative evaluation data formed the basis of the findings and was supplemented by secondary data. Data was coded and thematic analysis was conducted to identify themes across the interviews and group discussions and provide an answer to the evaluation questions. This involved a process of data familiarisation, data coding, and theme development and revision.

Findings

Communication and engagement

The evaluation found that although the flow of information between QPWS and Traditional Owners was working well in some locations this was often based on individual personalities and relationships and that communication was generally limited and could be greatly improved. Some of the reasons for this provided by stakeholders included: effective communication often relying on individual personalities and how well the respective parties get along with each other rather than relying on standard processes and protocols; QPWS Joint Management Senior Rangers not being based locally; the need for additional, dedicated resources to support landholding bodies; insufficient cultural knowledge and awareness by many QPWS staff.

Decision-making

Concerns were expressed by both Traditional Owners and QPWS around decision-making processes and protocols during the evaluation. Most Traditional Owners were quite critical about how joint management meetings were run, particularly around: The length of agendas and the perceived pressure to make decisions on the spot; and, feeling that their ideas and initiatives were being stifled. For QPWS, stakeholders reported that the procedural and bureaucratic nature of joint management was frustrating and was delaying the operational requirements of management of the parks. Conflicts between Traditional Owner clans was also negatively impacting on decision-making processes in some situations.

Cultural and natural resource management

Overall, the issue of cultural and natural resource management did not receive a lot of attention throughout the consultations, or was not seen as a high order issue. Discussions with key stakeholders about cultural and natural resource management centred around notions of contested knowledge and expertise about how best to manage the land. Despite agreed fire and pest protocols being in place for most of the parks, the evaluation found that there was tension among Traditional Owners and QPWS staff around the implementation of these plans and in some cases a lack of awareness of the plans among Traditional Owner groups, particularly because of the high turnover of Directors. Stakeholders reported a lack of progress on cultural resource management and strategic planning activities often affected by lack of QPWS resources, limited access to sites and limited progress in cultural mapping by Traditional Owners.

Economic sustainability

A range of issues were identified during the evaluation as impacting on the ability of joint management to deliver economic sustainability for Traditional Owners and their organisations. In the main, discussions focused on three distinct areas that require attention: training; contracting Traditional Owners to work on NPs (CYPAL); and employment. Traditional Owners expressed concerns around the repetitive, basic-level training opportunities that have been offered, together with the limited opportunities for attaining advanced skills and knowledge. There appeared to be the misconception across many of the Traditional Owner groups that acquiring tickets/training accreditation would result in employment with QPWS.

Many of the new/developing landholding bodies reported that the capacity to take up contracting opportunities on NPs (CYPAL) was not being developed through the joint management arrangement. QPWS staff have reported that Traditional Owners need to obtain business skills to enable them to manage contracts on their NP (CYPAL), and that Traditional Owners need to work with other government agencies as training in business management is not a role for QPWS. Overall, there appeared to be some confusion from Traditional Owners' perspectives around QPWS's roles and responsibilities around training. Traditional Owners reported that the joint management arrangement was not delivering the employment opportunities in accordance with their expectations despite the fact that QPWS have met employment targets set within the IMAs.

Social connection

The evaluation found that progress against outcomes to improve Traditional owners' access to Country was variable with many stakeholders reporting significant barriers to achieving access. Some Traditional Owners were not aware or were uncertain about their rights to access Country. Some Traditional Owners reported barriers to accessing Country including geographical challenges and the lack of an appropriate vehicle. All stakeholders acknowledged the importance of facilitating Traditional Owners' access to Country, particularly so that Elders gain/regain a cultural connection and to record sites of significance and importance.

Future aspirations

There was an expectation when the Cape York Peninsula Heritage Act 2007 was proclaimed that there would be continuing devolution of the day-to-day management responsibility of the NP (CYPAL) to the landholding body. All Traditional Owner groups reported sole management of their NP (CYPAL) as their future aspiration. Some QPWS staff did not appear to share this understanding. Stakeholders reported that some landholding bodies were well on their way to achieving this aspiration whereas others were still at the very early stages of this journey.

Conclusions

Overall, the evaluation found that progress of the program against the key, desired outcomes was mixed and varied considerably across the different joint management arrangements. While it was reported that some arrangements were working very well and there were strong and effective working relationships between the parties, other arrangements were still at the very early stages of building trust and relationships. As stakeholders reported on a number of occasions throughout the evaluation, it is still relatively early in the life of the program, particularly given its scale and complexity. At best, joint management has been described as a

stage through which Traditional Owners are working to achieve longer-term sole management of their parks. At worst, current joint management arrangements are being experienced by Traditional Owners as an unequal relationship with a greater share of the power residing with QPWS.

Where successful progress in joint management was observed, the elements and preconditions included:

- Mature and strong landholding bodies.
- Strong leadership within the landholding bodies.
- QPWS operational staff who demonstrate cultural competence and operate in ways that are culturally responsive.
- Having Rangers based on NPs (CYPAL).
- Skilful tendering processes for contract work.
- The commitment of Traditional Owners to optimise the opportunities presented.

Stakeholders acknowledged that joint management is an ambitious objective that involves complex change processes. Overall, the consultations highlighted that the success of joint management is dependent upon:

- The development and implementation of joint management plans.
- A genuine commitment to a shared decision-making relationship with the realisation that decision-making must respect and honour Traditional Owners' knowledges, expertise and cultural values.
- Increasing involvement of Traditional Owners in the management of parks, with the ultimate aim of transition to sole management.

It is hoped that the following recommendations that have been developed through this evaluation can serve as a roadmap towards the next phase in the joint management arrangement on the Cape York Peninsula.

Recommendations

Communication and engagement

1. Existing communication structures and processes between QPWS staff and Traditional Owners should be reviewed in light of the findings of this evaluation and relevant measures developed and implemented in response. These should include:
 - a. Traditional Owners and QPWS staff should develop communication protocols where they do not exist.

- b. QPWS and Traditional Owners should ensure that existing communication protocols are adhered to.
- c. QPWS should consider increasing the amount of dedicated resources to landholding bodies to support joint management including the possibility of increasing joint management Support Workers from part-time to full-time.
- d. Traditional Owners and QPWS staff should develop and deliver cross-cultural and traditional land management training program where this has not occurred.

Decision-making

2. That QPWS staff and Traditional Owners consider how decision-making processes and protocols could be improved in light of the findings of this evaluation. Consideration should be given to the following:
 - a. Agendas for meetings be capped in terms of the number of items so that issues can be given appropriate levels of consideration.
 - b. A separation between matters of a strategic nature and those of an operational nature be applied to joint management meetings. Operational matters should be discussed between the respective Rangers, at the lower level, and then prioritised to allow for appropriate discussion time.
 - c. An 'issue' triage system be adopted that directs less important agenda items to alternative delegated approaches for approval i.e. 'on land permissions'.
 - d. Consideration be given to an independent organisation or person to assist with the chairing of joint management meetings to eliminate perceived biases and control.
 - e. More weight to be given to traditional communication and decision-making over the current level of bureaucratic and western decision-making.

Cultural and natural resource management

3. Traditional Owners and QPWS staff ensure they are familiar with and where necessary review agreed protocols in place for pest and land management.
4. Traditional Owners and QPWS staff ensure that cultural auditing/mapping of sites occur and consider whether additional resources are required to undertake this work.

Economic sustainability

5. Traditional Owners need to identify their training needs and then work with other agencies that can deliver these training requirements.
6. QPWS need to be clear on what training they can provide and that training may not necessarily lead to increased career opportunities.
7. Given that employment targets for Indigenous Rangers have been met, consideration should be given to increasing these targets and whether targets should be set for the increased employment of Aboriginal staff within the operational and administrative functions of the joint management program.
8. Traditional Owners need to consider how they will increase their capacity to respond to and secure contracts on Country.
9. Where landholding bodies have the requisite experience and capacity, they should have more control over their own budgets.

Social connection

10. Simple information about rights and responsibilities for both Traditional Owners and QPWS in relation to access to land be made available to all participants in joint management.
11. QPWS give priority to greater opportunities for Traditional Owner access to Country; and that any restrictions placed on this access by QPWS be clearly communicated and explained.

Future aspirations

12. QPWS start planning what is beyond joint management.
13. QPWS and Traditional Owners identify criteria to show when Traditional Owner groups may be ready to move beyond joint management.
14. Traditional Owners that are ready for sole management assist QPWS in developing options, possible procedures, and resourcing on how to achieve sole management.

List of Acronyms

ALA	Aboriginal Land Act
CBD	United Nations Convention of Biological Diversity
CYJM	Cape York Joint Management
CYPAL	Cape York Peninsula Aboriginal Land
CYPTRP	Cape York Peninsula Tenure Resolution Program
ILUA	Indigenous Land Use Agreement
IMA	Indigenous Management Agreement
IPA	Indigenous Protected Area
IUCN	International Union for the Conservation of Nature
KES	Keeping Engagement Strong
M&E	Monitoring and Evaluation
NCA	Nature Conservation Act
NP (CYPAL)	National Park (Cape York Peninsula Aboriginal Land)
NSW	New South Wales
NT	Northern Territory
PAME	Protected Area Management Effectiveness
PM&E	Participatory Monitoring and Evaluation
Qld	Queensland
QPWS	Queensland Parks and Wildlife Service
RAP	Rainforest Aboriginal People
RAPKS	Rainforest Aboriginal People Keeping Strong
TNC	The Nature Conservancy
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
WCPAS	World Commission on Protected Areas
WWF	World Wide Fund for Nature

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1. Background

1.1 Cape York Joint Management

In November 2007, the *Nature Conservation Act 1992* (NCA) was amended to provide for the creation of a new class of protected area called "national park (Cape York Peninsula Aboriginal land)" (NP (CYPAL)). This allowed for existing and proposed national parks to become Aboriginal land and also be dedicated and managed as a NP (CYPAL). More importantly, it allows for joint management of national park land by Traditional Owners (represented by an Aboriginal Corporation or Land Trust) and the Department.

From 2008 to June 2017, 28 NPs (CYPAL) have been dedicated, covering over 2 million hectares. The Queensland Parks and Wildlife Service (QPWS) jointly manages these NPs (CYPAL), with the Traditional Owners of the respective parks. For each jointly managed park an Aboriginal Corporation or Land Trust (landholding body), comprising Aboriginal Traditional Owners of those parks, owns Aboriginal freehold title to the land. The Aboriginal Corporation or Land Trust works with the Queensland Parks and Wildlife Service (QPWS) to manage the park.

Before dedicating each national park, the State signs an Indigenous Land Use Agreement (ILUA) with Native Title parties and an Indigenous Management Agreement (IMA) with the landholding body that holds Aboriginal freehold title to the land. Each IMA sets out how the parties will work together in managing the NP (CYPAL). QPWS staff and Traditional Owners meet regularly throughout the year to plan and make decisions about each park's work program.

The key objectives of the Cape York Joint Management program, as set out in the vision in most of the IMAs, are to provide best practice joint management of NPs (CYPAL) so the lands and culture stay healthy for future generations and for the benefit of all the people of Queensland. The agreed objectives of the landholding bodies and the State are to:

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- Continue to share knowledge and skills and learn from each other.
- Recognise past differences and continue to develop understanding, trust and respect for each other.
- Recognise the significant relationship between economic, social, cultural and landscape systems when working together to manage NPs (CYPAL).

1.2 Legislative background for National Parks (Cape York Peninsula Aboriginal Land)¹

Joint management of protected areas has been on the national agenda since the 1970s, and on the Queensland agenda since 1991 with the passage of the Aboriginal Land Act 1991 (ALA). This legislation, along with the Nature Conservation Act 1992 (NCA) provided for a form of joint management for national parks in Queensland. In addition to the land in question having a successful claim over it, this model of joint management required a board of management, a management plan and a perpetual lease over the land to be dedicated as National Park (Aboriginal Land). No National Parks (Aboriginal Land) were ever dedicated under this model, for a range of reasons, including the concerns of Aboriginal people about the model of perpetual lease over their land.

As part of the Cape York tenure resolution processes, a co-operative management model was developed in 2004 based on Indigenous Land Use Agreements (ILUA), and for the first time in Queensland, three national parks were declared under three ILUAs: Kalpowar ILUA (Jack River National Park), Archer Point ILUA (Annan River (Yuku Baja-uliku) National Park) and Melsonby ILUA (Melsonby (Gaarraay) National Park). Following negotiations with the Cape York Land Council and others to resolve a number of issues on Cape York Peninsula, including tenure resolution, Wild Rivers legislation, crocodile egg harvesting and issues relating to the pastoral industry, the Cape York Peninsula Heritage Act 2007 was passed.

This legislation changed, among other things, the Nature Conservation Act 1992 (NCA), and the Aboriginal Land Act 1991, to enable the dedication of a class of national parks called National Park (Cape York Peninsula Aboriginal Land) known as NPs (CYPAL). The Nature Conservation Act 1992 is the primary legislation concerning the management of NPs (CYPAL). Legislation requires national parks to be managed in the following way:

A national park is to be managed to— (a) provide, to the greatest possible extent, for the permanent preservation of the area’s natural condition and the protection of the area’s cultural resources and values; and (b) present the area’s cultural and natural resources and their values; and (c) ensure that the only use of the area is nature-based and ecologically sustainable; and (d) provide opportunities for educational and recreational activities in a way consistent with the area’s natural and cultural resources and values; and (e) provide opportunities for ecotourism in a way consistent with the area’s natural and cultural resources and values.

The management principles for NPs (CYPAL) are as follows:

Management principles of national parks (Cape York Peninsula Aboriginal land) (1) A national park (Cape York Peninsula Aboriginal land) is to be managed as a national park. (2) Subject to subsection (1), a national park (Cape York Peninsula Aboriginal land) is to be managed, as far as

¹ Information retrieved from Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), pages 5-6, 2017.

practicable, in a way that is consistent with any Aboriginal tradition applicable to the area, including any tradition relating to activities in the area.

Key characteristics of NPs (CYPAL) include:

- Negotiation and signing of an Indigenous Management Agreement (IMA) prior to the land grant under the Aboriginal Land Act 1991 and dedication of the NP (CYPAL) under the NCA.
- Creation of a national park in perpetuity, with co-existing Aboriginal freehold land vested in a Land Trust or Aboriginal Corporation representing the relevant Traditional Owners.

Indigenous Management Agreement (IMA)²

The IMA for each NP (CYPAL) details the respective roles, responsibilities and commitments of QPWS and the Traditional Owners, and outlines specific management responses, protocols and procedures.

Specifically, the Indigenous Land Use Agreement and the IMA outline:

- How joint management partners interact.
- How native title may be regulated including the taking of wildlife and temporary and permanent occupation.
- How key decisions are made against routine, procedural or consent provisions.
- The representation of the cultural aspects of the NP(CYPAL) including names, signs and interpretation.
- Commitments for Traditional Owners works and service contracts and learning programs.

Under the IMA, Aboriginal landholders and the Queensland government (represented by QPWS) agree how they will:

- Consult each other about park management.
- Manage and present the park.
- Employ and train people to work in the NP (CYPAL).
- Contract work out (including to the land trust or Aboriginal corporation).
- Work cooperatively to increase the role of the land trust or corporation in park management.

² Information retrieved from Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), pages 9-13, 2017.

There are five main parts to the IMAs:

- Preliminary – definitions of words used in the agreement, and when the agreement will commence.
- Park management – how the NP(CYPAL) will be managed jointly.
- Finance and assets–funding, contracts, equipment disposal, carbon projects.
- General–legal matters, dispute resolution process, addresses for notices
- Schedules – lists of Routine, Procedural and Significant Activities; Park Works and Services; and other important lists

The sections of the IMAs include:

- Definitions.
- Shared vision.
- Joint management responsibilities and commitments.
- Future interests and park management activities – routine, procedural and significant activities listed in Schedules 4 – 6.
- Use by Beneficiaries (Traditional Owners).
- Access and restrictions.
- Parties' access and exclusive use areas (Schedules 2 & 3).
- Employment and training.
- Management plan/instrument.
- Infrastructure.
- Tourism opportunities.
- Cultural information.
- Information exchange and meetings.
- Funding (see Park Works & Services in Sched 8).
- In recent IMAs – Carbon abatement.
- Contracts for works on NP (CYPAL).

- Disposal of equipment.
- Review (5-yearly).
- Dispute resolution.

The following is a brief outline of the key clauses of the IMAs. The numbering of the clauses refers directly to the IMAs. Many are common to all IMAs. Since 2011, IMAs are generally less prescriptive in some areas (e.g. the issues covered in a management plan) and may include new clauses such as one on carbon abatement and sequestration and bio-discovery benefits (e.g. the IMA for the Biniirr NP (CYPAL)).

Section 3 outlines the shared vision and principles expressed in the statement below:

The Land Trust/Corporation and the Department aim to provide best practice joint management of the NP(CYPAL) so our lands and culture stay healthy for our children and for the benefit of all the people of Queensland.

Section 4 describes the joint management responsibilities for the State and the landholding entity:

The State will:

- Allocate funding.
- Maintain and enhance natural and cultural resources.
- Manage public use and access.
- Develop and maintain infrastructure.
- Prepare management statement jointly with the land holding entity.
- Support the land holding entity in recording Aboriginal cultural sites and values.
- Recognise Aboriginal Tradition.

The landholding entity will:

- Protect and maintain Aboriginal Cultural Resources and places.
- Work with the State to prepare Management Instrument or Protocols.
- Develop and maintain its own infrastructure (if applicable).

Both parties will:

- Liaise, collaborate and consult with each other in managing the park.

Section 6 outlines the park management activities that fall into three broad categories:

- Routine Activities.
- Procedural Activities.
- Significant Activities.

These categories of activities help the State and the landholding body to streamline decision-making. The aim is to make sure that Traditional Owners have input into important decisions and that the park can be managed effectively.

Routine activities deal mostly with day-to day matters and issues of safety (listed in Schedule 4) such as camping permits, safety and emergency responses, infrastructure maintenance, pest and fire management (under agreed protocols).

For procedural activities, the State must give the land trust or corporation notice of intended activities and seek their comment (not necessarily their agreement). These activities are listed in Schedule 5. Examples of procedural activities include:

- Constructing and removing Basic Infrastructure (defined in Schedule 9).
- Pest management unless an agreed Protocol is in place (also fire management in recent IMAs but not in older ones).
- Some types of permits.
- Certain Restricted Access Areas (varies between IMAs).

For significant activities, the State must give the land trust or corporation notice of intended activities and must have their agreement for the activity to continue. These activities are listed in Schedule 6. Examples of significant activities includes:

- Constructing new Infrastructure (with exceptions).
- Establishing a Restricted Access Area for cultural purposes and granting permits to enter it.
- Producing interpretive signs and materials with Aboriginal cultural information.
- In older IMAs, fire management unless an agreed fire management Protocol is in place for that period.
- Granting certain types of permits.

The parties may jointly agree upon a Protocol (for example: fire management plan, pest management plan, sign plan, permit procedure). Either party may propose the development of a Protocol which may take the form of a strategy, a plan, a procedure, and may specify that an activity is Routine, Procedural or Significant. A protocol may also set out alternative consultation and decision-making procedures for a particular activity.

Section 7 outlines how activities such as camping, fishing and other traditional/cultural activities can be undertaken by Traditional Owners. This includes identification of living areas, carrying out of hazardous activities, and on Country burials and ceremony.

Sections 8 and 9 outline access and restrictions rights. The public, Traditional Owners and the State all have access to and use of the park, however, Traditional Owners may limit public access in Restricted Access Areas and exclusive use areas. These can be listed in the IMA and/or agreed later.

Section 10 outlines the expectations for jobs and training. This includes targets for Indigenous employment in NPs(CYPAL) by QPWS. These targets were for 30% by July 2011 and 50% by July 2018 in IMAs prior to 2011. Since 2011 the targets are to maintain 30% Indigenous Rangers. There is also agreement for consultation with Traditional Owners when recruiting Rangers in the area.

This section also outlines the support for learning programs for the Land Trust about day to day park management, and accredited or on-Country learning programs, which may include secondary and post-secondary education, for recipients determined by the Land Trust. A cross-cultural and traditional land management training program for QPWS staff involved in the management of the NP (CYPAL) is also anticipated.

Section 11 describes the principles of planning park management, including the development of a management plan.

Section 12 outlines that construction or removal of infrastructure in the park is to be dealt with under the Routine, Procedural and Significant Activity notice procedures, depending on the type of infrastructure and that major infrastructure is subject to agreement between QPWS and the land trust / corporation.

Section 13 highlights that the land trust / corporation has first option for new tourism activities.

Section 15 details that the State and landholders meet quarterly, share information and make decisions together about use of funds. The operation of the meetings is detailed below and is the critical decision-making forum for NPs (CYPAL).

Funding under **Section 16** has two major components: QPWS labour, operational and capital budget and the Land trust / corporation funds for Park Works and Services for activities such as fire and pest management, fencing and track works, employment and training, vehicles and equipment and learning programs. The funding is provided to the Land Trust / Corporation via an Indigenous Service Agreement (ISA).

Section 17 and 18 of the more recent IMAs include statements about how carbon abatement and sequestration registration, and bio-discovery benefits are managed.

Section 19 outlines requirements for contracts for works on NP (CYPAL) by Traditional Owners as sole provider or through joint ventures and sub-contracting arrangements, and the engagement by QPWS of another provider.

Section 26 requires the parties to start a review of the IMA five years after the agreement has been signed, with the review to consider whether an increase in the landholding body's responsibilities is appropriate.

Between 2008 and May 2017, 28 NPs (CYPAL), incorporating over 2 million hectares have been proclaimed (see Table 1).³

³ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 8, 2017.

Table 1: National Parks (Cape York Peninsula Aboriginal Land) including area, and the regulation date

NP (CYPAL)	Area (ha)	Date proclaimed
Lama Lama NP (CYPAL)	35,560	10/07/2008
KULLA (McIlwraith Range) NP (CYPAL)	158,358	07/08/2008
Errk Oykangand NP (CYPAL) (formerly Mitchell Alice River)	38,170	23/10/2009
Marpa NP (CYPAL) (formerly Cliff Islands)	38	29/04/2010
Alwal NP (CYPAL)	42,510	27/05/2010
Rinyirru (Lakefield) NP (CYPAL)	544,000	22/06/2011
Kutini-Payamu (Iron Range) NP (CYPAL)	53,161.50	28/07/2011
Wuthara Island NP (CYPAL) (formerly Forbes)	109.8	28/07/2011
Mitirinchi Island NP (CYPAL) (formerly Quoin)	1.176	27/07/2011
Piper Islands NP (CYPAL)	6.287	28/07/2011
Ma'alpiku Island NP (CYPAL) (formerly Restoration)	26.062	28/07/2011
Oyala Thumotang NP (CYPAL) (formerly Mungkan Kandju)	381,560	22/05/2012
Batavia NP (CYPAL)	56,037	22/11/2012
Cape Melville NP (CYPAL)	170,000	27/11/2013
Flinders Group NP (CYPAL)	2,819	27/11/2013
Howick Group NP (CYPAL)	85.269	27/11/2013
Juunju Daarra Nhirrpan NP (CYPAL)	8,039	27/11/2013
Melsonby (Gaarraay) NP (CYPAL)	8,632	27/11/2013
Muundhi (Jack River) NP (CYPAL)	164,800	27/11/2013
Daarra NP (CYPAL) (formerly Mount Webb)	415.3	27/11/2013
Olkola NP (CYPAL)	269,630	11/12/2014
Biniirr NP (CYPAL)	29,310	07/04/2016
Ngaynggarr NP (CYPAL)	16,490	26/10/2016
Wuthathi (Shelburne Bay) NP (CYPAL)	37,270	15/12/2016
Wuthathi (Sir Charles Hardy Group) NP (CYPAL)	131.63	15/12/2016
Wuthathi (Saunders Islanders) NP (CYPAL)	61.327	15/12/2016
Bromley (Ampulin) NP (CYPAL)	40,350	18/05/2017
Bromley (Kungkaychi)	10,680	18/05/2017

1.3 Structure of parties relevant to NPs (CYPAL)

QPWS

QPWS northern region is responsible for all national parks in Cape York Peninsula including the NPs (CYPAL). The QPWS joint management team (based in Cairns) supports the landholding bodies, Traditional Owners and QPWS staff to understand and meet commitments set out in the IMA for each NP (CYPAL); manage NPs (CYPAL) together; and improve joint management of NPs (CYPAL). The operational team, including terrestrial and marine park Rangers and technical support staff, implement on-ground activities and are responsible for the day-to-day management of all national parks in their area, including managing NPs (CYPAL) jointly with Land Trusts and Aboriginal Corporations. Marine park Rangers are responsible for the day-to-day management of island parks, including joint management of NPs (CYPAL). The technical support staff provide advice about activities such as fire and pest control, and have a broader strategic role across the region.⁴

Aboriginal Land Trusts and Corporations

Between 2007 and August 2017, 28 NPs (CYPAL) have been proclaimed between 16 landholding bodies and the Queensland Government. Communication and engagement between the landholding body and QPWS is through the Directors or Committee of the landholding body, and through the landholding body's joint management support officer. The landholding body also comprises Traditional Owner members, employs a financial administrator and Rangers.

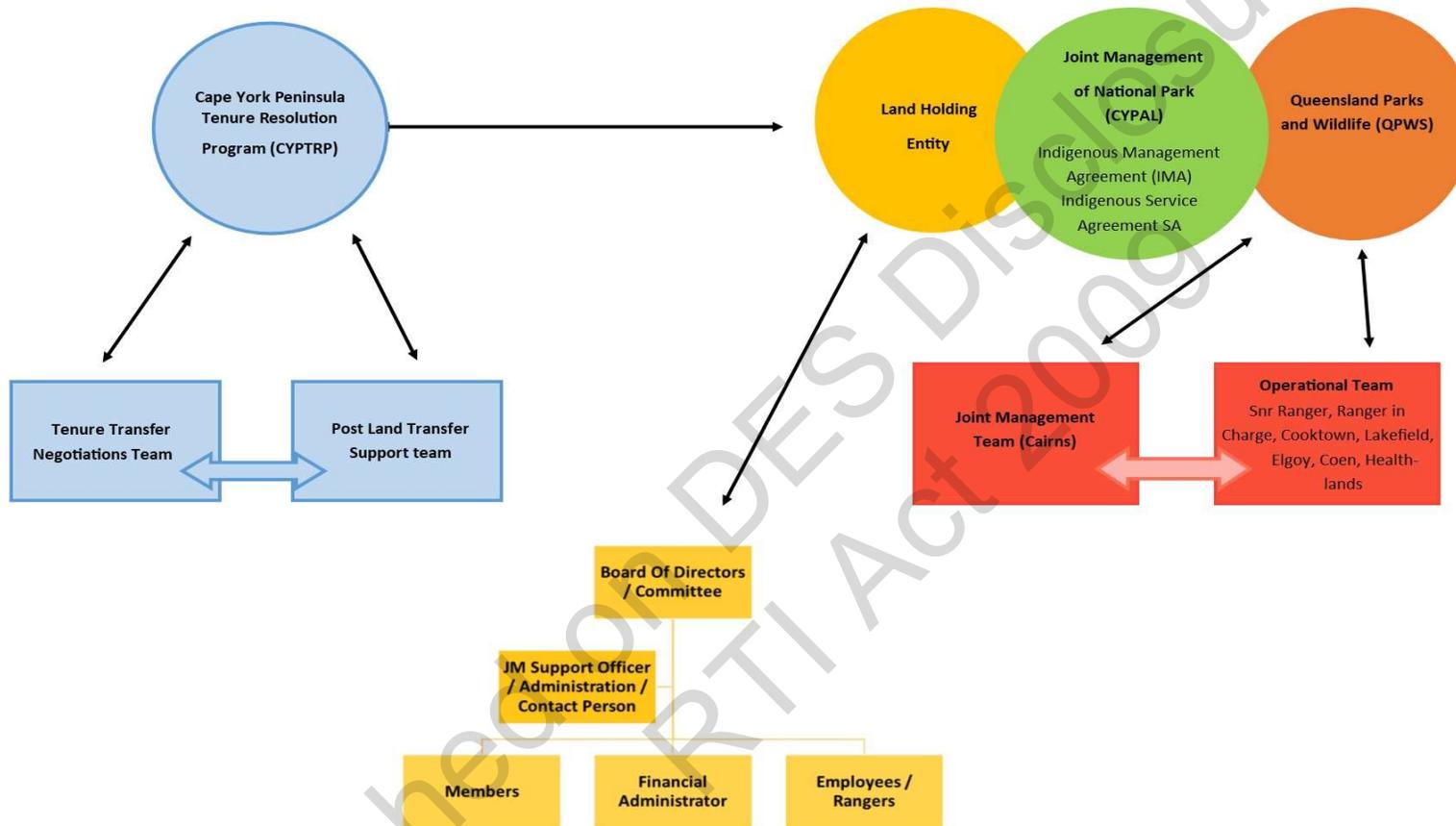
Cape York Peninsula Tenure Resolution Program (CYPTRP)

The CYPTRP returns ownership and management of lands on Cape York Peninsula (CYP) to Aboriginal Traditional Owners while protecting environmental and cultural values in jointly managed national parks and in nature refuges. The Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) is responsible for delivering the program, the aims of which are to deliver:

- Ownership and management of land by Aboriginal Traditional Owners on Cape York Peninsula.
- Sustainable economic development opportunities for Aboriginal people on CYP through land transfers and land management support.
- Protection of CYP's significant natural and cultural values.
- Joint management of national parks on CYP with Traditional Owners.
- Employment of Aboriginal Rangers and organisations to deliver park works and services.
- Appropriate tenures for public roads, gravel resources, and other public purposes.

⁴ Information retrieved from Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 13, 2017.

Figure 1: Overview of parties relevant to NPs (CYPAL)



2. Evaluation of Cape York Joint Management Program

In 2016, National Parks, Sport and Racing (NPSR) identified the need for an evaluation to be undertaken on components of Cape York Joint Management to support continuous improvement in policy, program and service delivery.

CIRCA was contracted by NPSR to carry out the evaluation. The aim of the evaluation was to assist the joint managers in understanding and improving some key program processes under the broad functions of communication and engagement, decision-making, cultural and natural resource management, economic sustainability, social connection and future aspirations.

The key objectives of the evaluation were to:

- Establish baseline datasets for key indicators across decision-making management, communication and engagement, economic sustainability, natural cultural resource management and cultural and social connection functions.
- Examine the extent to which the program has been effective in meeting its identified objectives and intended outcomes.
- Examine the extent to which the program has demonstrated efficient processes.
- Examine the extent to which the program aligns with the departments strategic priorities and Traditional Owners' aspirations.

2.1 Evaluation framework

The first component of the evaluation was the development of a comprehensive evaluation framework. The main purpose of this framework was to identify the questions to be answered by the Cape York evaluation, and the data sources to be used to answer these questions, including qualitative data collected by CIRCA, and secondary data provided by QPWS. The following steps were taken in the development of the evaluation framework.

Consultations with key stakeholders

The development of the framework was underpinned by consultation with key stakeholders at an initial evaluation workshop held in Cairns in April 2017. Key stakeholders included members of the Evaluation Working Group, comprising NPSR, QPWS, the Cape York Peninsula Regional Protected Area Management Committee (RPAMC), Traditional Owners and Balkanu Cape York Development Corporation.

Program logic

Following this workshop and in consultation with the Evaluation Working Group a program logic (Appendix 1) was developed by CIRCA which provides a detailed, visual representation of the components of the program. It sets out a selection of the inputs, potential outputs, outcomes and impacts of the Cape York Joint Management Program. This program logic was used to inform all subsequent elements of the evaluation.

Identification of indicators

Building on the program logic, baseline indicators for the outcomes identified in the program logic were developed by key stakeholders through initial workshops conducted by NPSR Strategic Policy. Indicators were prioritised for the aspects of joint management that the partners were most interested in learning about and improving. These indicators have also been identified in the literature⁵ as important 'checking points' and include social, cultural, economic and environmental outcomes as well as partnership arrangements, and communications.

2.2 Evaluation questions and indicators

The key questions to be answered by the evaluation included:

1. To what extent has joint management been effective in meeting its identified objectives and intended outcomes?
2. To what extent has joint management demonstrated efficient processes?

To assist in answering these questions CIRCA worked with NPSR Strategic Policy to develop evaluation sub-questions against each indicator. These sub-questions were used as a guide only to assess progress against each of the short-term outcomes identified in the program logic. Appendix 2 details indicators and sub-questions.

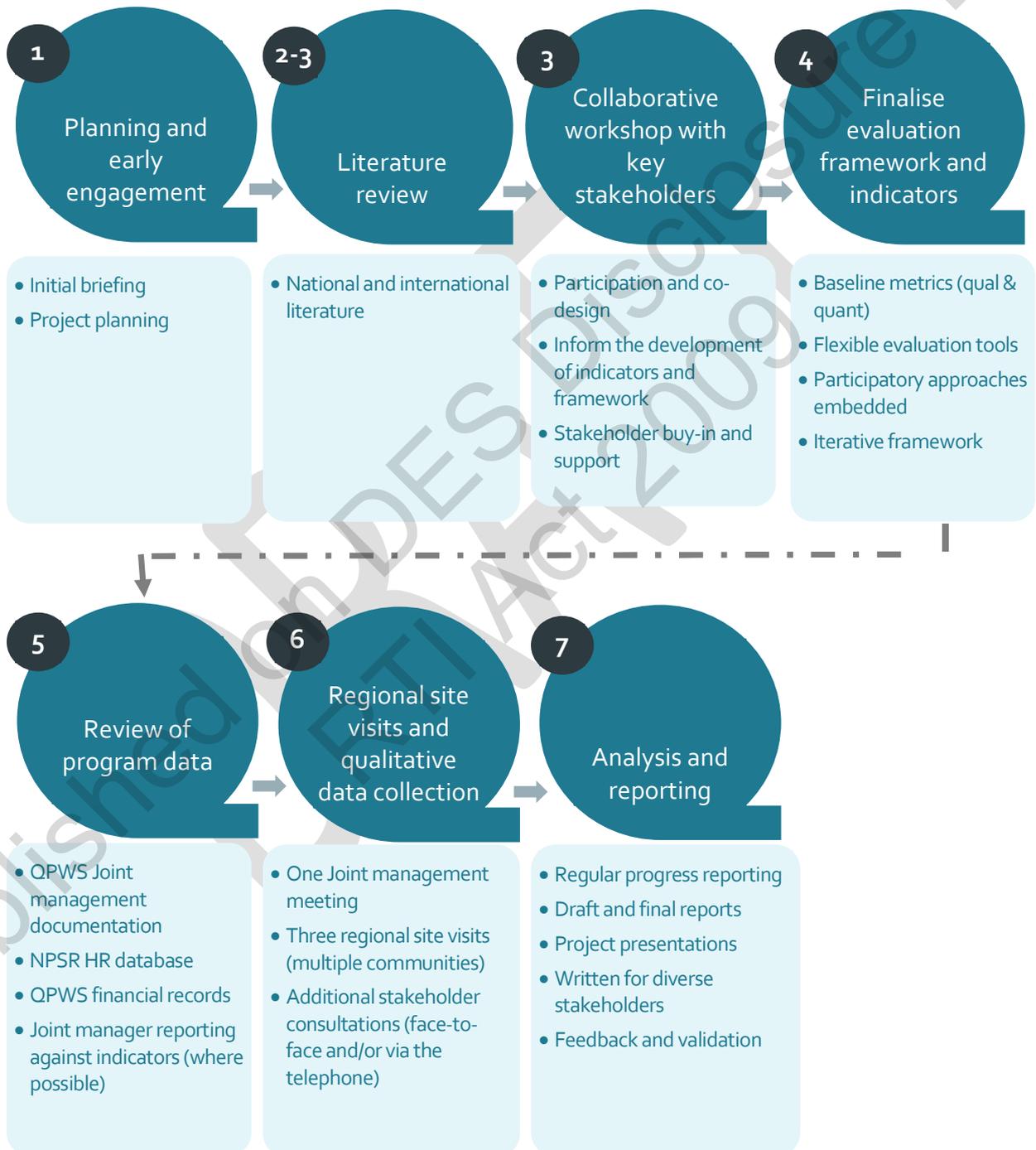
⁵ Guidebook for Supporting Participatory Monitoring and Evaluation of Jointly Management Parks in the Northern Territory (Charles Darwin University, August 2011).

3. Methodology

Overview

The evaluation was undertaken between April - September 2017 in line with the method set out in Figure 2.

Figure 2: Approach for the evaluation of the Cape York Joint Management Program



Literature review

A review of the national and international literature was undertaken. This included published, peer-reviewed and unpublished sources with a focus on protected area governance. The literature was then restricted to documents that were most relevant to the Cape York Joint Management context, using the following criteria:

- Indigenous co-management or joint management.
- Review of governance frameworks.
- International and national frameworks/analyses/guidelines.
- Review of evaluations of joint management in Australia and internationally (and where possible, international best practice).

Analysis of the literature was focused on outcomes relevant to the Cape York Joint Management context and informed by professional insights into Traditional Owner-driven governance and management of protected areas. The aim of this literature review was to: Inform the development of the Cape York Joint Management Program; to understand the outcomes of joint management and how these are supported through evaluations; and explore the gaps and opportunities in current policy to inform the Cape York Joint Management evaluation context.

Data sources and method of collection

A mixed methods approach was used to evaluate the Cape York Joint Management Program. A combination of primary data (data collected specifically as part of the evaluation) and secondary data (data provided by QPWS joint management team) have been used in the evaluation.

Qualitative approaches used in the evaluation included consulting with a representative sample of stakeholders in the joint management arrangement as well as an observation of one joint management meeting, as follows:

- Semi-structured, in-depth interviews (open-ended questions) with individuals and groups (Traditional Owners, QPWS operational and administrative staff and other key stakeholders).
- Evaluation of the Cape York Joint Management Program Workshop with Traditional Owner representatives of the RPAMC.
- Observation of one joint management meeting.

Most interviews were conducted face-to-face, and some were conducted over the telephone. In total, 57 consultations were conducted with individuals and groups (see Appendix 3 for list of stakeholder participants). This included interviews with 26 Traditional Owners, 10 QPWS operational staff, 9 QPWS administrative staff, including the joint management team, and 12 other key stakeholders.

See Appendix 3 for a list of stakeholders who participated in the evaluation of the Cape York Joint Management Program.

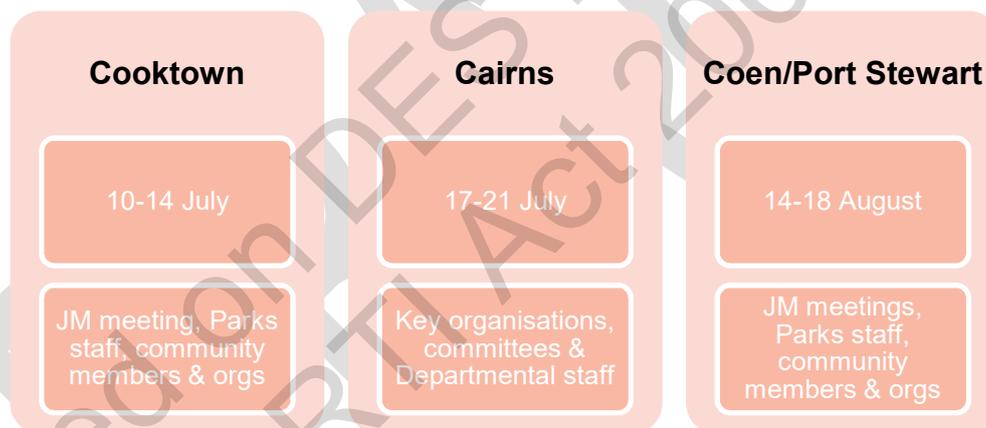
Collaborative workshop with key stakeholders

Culturally appropriate approaches to participant involvement in the evaluation were developed at an initial evaluation workshop between the evaluators and members of the Evaluation Working Group in Cairns in April 2017.

During this initial evaluation workshop, the locations and dates of the site visits were agreed. Methods of consultation were also agreed and included in-depth interviews and an Evaluation Workshop with representatives of the RPAMC. The Manager of the joint management team assisted with coordinating engagement opportunities throughout the Cape York region.

Ross Williams facilitated all interviews/workshops with Traditional Owners. Ross is an Aboriginal Research Consultant with extensive experience consulting with Traditional Owners across the Cape York region and has specific expertise in land management. Ross provided leadership throughout the evaluation in engagement and facilitation, particularly in relation to Aboriginal and Torres Strait Islander involvement, and cultural knowledge and understanding. Ross Williams identified and made direct contact with a number of Traditional Owners across the region to inform them of the evaluation and to seek their contribution, where appropriate.

Site visits for qualitative consultations were carried out in Cooktown, Cairns and Coen/Port Stewart, during the months of July and August 2017.



Secondary data, provided by QPWS, included copies of IMAs, ISAs, Aspirational Plans, joint management meeting agendas, joint management meeting records, and protocols. Evaluation data and secondary data were synthesised to consolidate key evaluation findings.

Analysis approach

Qualitative evaluation data formed the basis of the findings and was supplemented by secondary data. Thematic analysis of the qualitative research findings was conducted to identify themes across the interviews and group discussions and provide an answer to the evaluation questions. Data was coded and analysed. This involved a process of data familiarisation, data coding, and theme development and revision.

Ethical considerations

In the case of evaluation interviews with Traditional Owners several measures were applied to ensure both an ethical process and the collection of high quality interview material in terms of depth and validity. These measures included:

- Aboriginal and Torres Strait Islander participants: In all cases, Ross Williams undertook interviews with Aboriginal and Torres Strait Islander stakeholders to promote a high level of cultural competence in the exchanges.
- Pre-interview information: The evaluation team, in collaboration with NPSR and QPWS, ensured the provision of succinct and clear information on the evaluation project to all prospective participants prior to the scheduling of any interviews to ensure interviewees had a clear idea of what the interview was about and to avoid unwarranted surprises.
- Consent: The issue of consent for interview was given high priority so that the right to refuse an interview was plain and explicit, and that sufficient time was given to consider interview participation.
- Confidentiality: An offer of confidentiality was made to all participants outlining that they would not be personally identified through the information they provided.

In addition, Traditional Owners received a payment to compensate them for their time and any costs associated with participation. The approach was finalised in consultation with NPSR and facilitated by QPWS.

Changes to original methodology

It was originally proposed that CIRCA would identify (in conjunction with members of the Evaluation Working Group), train and mentor local Aboriginal and Torres Strait Islander community-based researchers to collect data that would feed into the assessment of the joint management arrangement. During the first site visit to Cooktown in July 2017, it became apparent that many Traditional Owners were frustrated with the current joint management arrangement and it was considered untimely to pursue this opportunity.

4. Evaluation Findings

The following section details findings from the evaluation and explores the extent to which the Cape York Joint Management Program has been effective in meeting identified objectives and intended short term outcomes. Findings are based on analysis of qualitative consultations with key stakeholders, and a review of secondary data provided by QPWS. The section is structured around the key short-term outcomes of the program as identified in the program logic: Communication and engagement; decision-making; cultural and natural resource management; economic sustainability; and social connection. The extent to which joint management aligns with NPSR's strategic priorities and Traditional Owner aspirations has also been explored.

4.1 Communication and engagement

The literature has identified that it is the quality and strength of relationships, communication, and how groups and people work together that make joint management work. Communication and engagement are an integral part of the process of information sharing and exchange, and negotiation and underpin notions of equity and power-sharing.⁶ This section will explore stakeholder satisfaction with the ways in which Traditional Owners and QPWS staff communicate and engage with each other to jointly manage NPs (CYPAL). In particular, it explores whether joint management is: Facilitating improved communication flows between QPWS and Traditional Owners; delivering an increase in community and wider government support / communication around joint management; and, facilitating a culturally appropriate and diverse workplace to support Indigenous engagement more broadly.

Is joint management facilitating improved communication flows between QPWS and Traditional Owners and within the two parties?

Some Traditional Owner groups and QPWS staff reported high levels of satisfaction with the ways in which the communication flow is working between them and noted that the important elements of this satisfactory process revolved around trust, honesty and commitment to the process of joint management. Timely responses to each other's communication needs were also considered an important part of the process. However, most stakeholders involved in consultations reported that communication between Traditional Owners and QPWS could be improved, including in the ways in which information is made available and accessible to Traditional Owner groups and their community.

"Communication is an area that is recognised by QPWS staff as requiring improvement".⁷

"Sometimes there is bad communication between us and the joint management team" (Traditional Owner interview, 2017).

Stakeholders reported that much of the communication between the landholding bodies and QPWS is handled by QPWS Senior Rangers in the joint management team. These Senior Rangers are based in Cairns and some

⁶ Zurba et al. 2012; Bauman & Smyth 2007; Lyver et al. 2014

⁷ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 18, 2017.

stakeholders, including some QPWS administrative and operational staff, believed that this did not assist communication flows. Many stakeholders believed that this made it difficult for the joint management team's Senior Rangers to fully understand both the local context and/or to provide practical advice and assistance to the Traditional Owners as and when required. It was also reported that having the joint management Rangers in Cairns placed an additional burden on the Rangers who are located on the Cape and that this will continue to increase as additional NPs (CYPAL) are dedicated.

"The joint management Senior Rangers should be on the ground, up here, not sitting in Cairns and flying in and flying out. They don't know what's going on up here and they can't help from down there" (QPWS operational staff member interview, 2017).

Joint Management could get better traction if the Joint Management Senior Rangers were decentralised (QPWS administrative staff interview, 2017).

Everything has expanded over the last few years – there is now approximately 2.5 million hectares of protected land on the Cape. Joint management finances have expanded. 003 Indigenous positions have expanded but not 005. Park staff are getting flogged, they are getting burned out. It's hard enough as it is getting good staff on the Cape but it's getting ridiculous. (QPWS operational staff interview, 2017).

Each of the QPWS Senior Rangers in the joint management team is responsible for a number of landholding bodies. Overall, the joint management team work with the Traditional Owners of 16 landholding bodies, each of which has four joint management meetings per year. This equates to 64 meetings per year that the joint management team is committed to organise.

It is the joint management team's responsibility to communicate with the Directors or Committee of the landholding body, and/or the landholding bodies' joint management Support Officer, about the regular joint management meetings and to follow up on actions and minutes resulting from these meetings.⁸ QPWS have reported that the communication process is outlined in the communication protocol developed and agreed to by landholding bodies and QPWS.⁹ However, only seven of the 28 NPs (CYPAL) have developed a communication protocol so far. QPWS staff have also reported that even where communication protocols have been developed they are not given the necessary attention or adhered to by some of the Traditional Owner groups.

"We have tried to develop 'engagement and communication' protocols. But, when we develop protocols, it shouldn't just be another document to lay gathering dust on a shelf – and this is what often happens. It's a document that requires attention" (QPWS administrative staff member interview, 2017).

Traditional Owner groups reported that a crucial channel of communication with QPWS is through the dedicated joint management Support Officer. Each of the landholding bodies employs a joint management Support Officer, with the salary being met through their respective ISA funds. QPWS has noted how Support Officers have improved the operation of joint management meetings and the follow-up of outcomes from

⁸ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 17, 2017.

⁹ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 17, 2017.

those meetings in some cases.¹⁰ Some Traditional Owners believed that, over time, the Support Officers would become a vital network that facilitates the sharing of information between the different landholding bodies and with QPWS. A recurrent theme among Traditional Owners was the desire for information, especially information about good practice in the joint management of Country, and it was believed that Support Officers could be an important network to facilitate this. Many Traditional Owner groups expressed the desire for these positions to be full-time rather than part-time as they believed this would greatly assist with further improving communication between the joint management stakeholders.

Some QPWS operational staff and Traditional Owner groups expressed frustration around communication related to some on-park activities, particularly around the way in which some on-park operational decisions were made. For example, Traditional Owners reported that requests for ad-hoc operational activities were sometimes communicated to them at the 'last minute' and how this challenges their capacity to provide Rangers for on-Country work.

There were reports by several QPWS operational staff that they felt they had not received adequate support from QPWS senior management on the occasions when they reported that they had been threatened by Traditional Owners, either on Country or even in their local store. Staff reported that this has sometimes led to a sense of isolation in their job.

"QPWS are terrified of upsetting Traditional Owners and pushing people too far. Rangers have no back up from up high. We've been told to suck it up – the yelling and the swearing from Traditional Owners. Some Corporation Rangers have threatened me, they have broken equipment etc and there's no support" (QPWS operational staff interview, 2017).

"I get the sense that middle to upper management would rather avoid the high costs of managing some of the Traditional Owners' threatening behaviours and will do whatever they want them to do" (QPWS operational staff interview, 2017).

Some Traditional Owners and QPWS staff also believed that the success of communication flows was often contingent on individual personalities and how well the respective parties got along with each other. Although this was benefiting some joint management arrangements where relationships were strong, this was not always the case and stakeholders believed that this approach could present a risk to the sustainability of joint management arrangements if individuals moved away from the area/the job. One stakeholder suggested that, in their experience, the current joint management arrangement was operating on the basis of 'who likes whom' rather than allowing the structural and procedural guidelines to inform the joint management arrangement.

"There are some issues around personalities and the effect that can have on communication and engagement – this can be between the Traditional Owners and Parks and between Traditional Owner groups and individuals" (QPWS operational staff interview, 2017).

¹⁰ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 25, 2017.

Is joint management delivering an increase in community and wider government support / communication around joint management?

The topic of broad community support for joint management did not feature strongly in consultations. Some Traditional Owner groups, who are in the early stages of the joint management arrangement, were still in the process of understanding what joint management means for them as a group. For Traditional Owner groups who have had a longer relationship with joint management, conversations tended to focus on current and future plans for their NP (CYPAL) and their Aboriginal freehold land rather than broader community support and engagement in the process.

During consultations, apart from QPWS, DATSIP was the only other government body referred to in relation to joint management. Some Traditional Owner groups and QPWS operational and administrative staff expressed frustration with DATSIP and some of the decisions that were made during the land transfer process, as part of Cape York Tenure Resolution Program. The main issue reported revolved around the discrepancies between clan and cadastral boundaries. For example, one clan group reported how they believe their Country should have been split differently to how it has been. QPWS have also acknowledged that boundary issues have created some difficulties.

"The NP (CYPAL) boundaries have placed a new tenure overlay onto a cultural landscape, and this can cause some difficulties".¹¹¹²

QPWS operational and administrative staff, on the other hand, reported the challenges of working within an environment where the tenure arrangements have been made outside of their jurisdiction but where they are sometimes on the receiving end of Traditional Owner frustrations around this. They reported how challenging it can be for some Traditional Owner groups to understand that QPWS staff are also operating within a decision-making system over which they have had limited control.

"There are a lot of boundary issues within the groups. It causes a lot of conflict. Parks have no input into boundaries or into any of the negotiations, but we have to pick up the slack. We get a lot of stick for it and it's hard for Traditional Owners to understand our position. It's a very complex environment to work within" (QPWS operational staff interview, 2017).

Is QPWS a culturally appropriate and diverse workplace?

Many stakeholders across the consultations expressed the view that QPWS was not a sufficiently culturally appropriate and diverse workplace and that this was a key factor that was affecting communication between the joint management stakeholders. Some Traditional Owners expressed a desire for more Aboriginal QPWS

¹¹ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 26, 2017.

operational staff in positions beyond those identified and believed that this would assist with the effectiveness of joint management.

"The employment ratio on QPWS management lands needs to reflect the Aboriginal population up there ... approximately 60% of the people up there are Indigenous but there is nowhere near 60% Indigenous representation in the QPWS workforce. This imbalance needs addressing for joint management to be effective" (Stakeholder interview, 2017).

All Traditional Owner groups, and some staff within QPWS, believed that there was a need for cultural awareness training within QPWS and that this training needs to be developed and delivered in collaboration with Traditional Owner groups.

"Parks staff need cultural awareness training. Cultural awareness is a big issue. This would involve Indigenous people giving awareness training on Country to non-Indigenous people. We should design and deliver program to Parks" (Traditional Owner interview, 2017).

To address the need for cultural awareness training and in recognition that working with Traditional Owners and native title is rapidly becoming a part of day to day business of most NPSR Business Units, the Partnerships Team (Department of NPSR) organised a 2-day cultural capability training session in November 2016 entitled 'Working With The Mob'. The training was delivered by the Partnerships Team, the Irukandji Traditional Owners and the Gimuy Walubara Yidinji Traditional Owner groups. Overall, 27 NPSR (including QPWS) attendees participated in the training. One of the training modules included an on-Country experience, giving attendees the opportunity to walk, talk and engage with the Irukandji Traditional Owners and the Gimuy Walubara Yidinji Traditional Owner groups. This module was provided to attendees to develop and build cultural competency about engagement with Traditional Owner groups. The on-Country experience was designed to develop cultural competency skills, allow for the presence of Country to be involved, and increase the confidence of agency staff to engage with Aboriginal Peoples and Torres Strait Islanders.¹³

None of the stakeholders consulted for the evaluation made reference to this training. Whilst attendance at this training was voluntary, many stakeholders believed that mandatory cultural awareness training for QPWS operational and administrative staff was required.

In addition to this, the IMA contains a clause recognising the benefits of "cross-cultural and traditional land management training", specifying that the "Department and the Corporation will ... develop a cross-cultural and traditional land management training program ... for the Department's staff involved in the management of the NP (CYPAL) ...".¹⁴ QPWS have acknowledged that cross-cultural training packages for QPWS staff have not yet been developed in collaboration with most of the landholding bodies, despite repeated attempts by

¹³ Information provided by NPSR Strategic Policy and Racing Industry Governance, Department of National Parks, Sport and Racing

¹⁴ For example, Indigenous Management Agreement between Waarntuur-iin Aboriginal Corporation and State of Queensland for Biniirr National Park (Cape York Peninsula Aboriginal Land), p. 27.

QPWS encouraging them to do so. It has also been recognised that “with the high turnover of QPWS staff in Cape York peninsula, it is necessary for the cultural awareness training to be on-going and readily available”.¹⁵

¹⁵ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 26, 2017.

KEY FINDINGS: COMMUNICATION AND ENGAGEMENT

The overall assessment of communication and the flow of information between QPWS and Traditional Owners is that, although it is working well in some locations this was often based on individual personalities and relationships and that it was generally limited and could be greatly improved. Some of the reasons for this provided by stakeholders included: effective communication often relying on individual personalities and how well the respective parties get along with each other rather than relying on standard processes and protocols; QPWS Joint Management Senior Rangers not being based locally; the need for additional, dedicated resources to support landholding bodies; insufficient cultural knowledge and awareness by many QPWS staff.

Recommendations

- Existing communication structures and processes between QPWS staff and Traditional Owners should be reviewed in light of the findings of this evaluation and relevant measures developed and implemented in response. These should include:
 - Traditional Owners and QPWS staff should develop communication protocols where they do not exist.
 - QPWS and Traditional Owners should ensure that existing communication protocols are adhered to.
 - QPWS should consider increasing the amount of dedicated resources to landholding bodies to support joint management including the possibility of increasing joint management Support Workers from part-time to full-time.
 - Traditional Owners and QPWS staff should develop and deliver cross-cultural and traditional land management training program where this has not occurred.

4.2 Decision-making

Joint management meetings are the major decision-making forum for the operation of the NP (CYPAL). Under the IMAs, it is expected that the Directors of the landholding body and QPWS meet quarterly, share information and make decisions together about use of funds and land management activities. This section of the report explores stakeholder views and experiences of whether joint management is developing and implementing effective joint decision-making processes. It is structured around the short-term outcomes that relate to decision-making contained in the program logic including: Increased participation and engagement by Traditional Owners and QPWS at decision-making meetings; culturally appropriate meetings; and, the sharing of knowledge and the transfer of skills between Traditional Owners and QPWS.

Is joint management delivering increased active participation and engagement by Traditional Owners and QPWS at decision-making meetings?

Under the IMAs, it is expected that four meetings with the Directors of the landholding body and the joint management team are held each year and QPWS reported that these expectations were being met. Meetings are held either on country, in a town where most of the directors of the landholding body are located, or in Cairns. In general, the joint management teams' involvement in the joint management meeting process includes drafting the meeting agenda and minutes of the meeting. Drafts of the agenda are provided to the appropriate landholding body representative for comment and feedback although QPWS reported that usually no or minor additions or changes are made to the agenda by the landholding body.¹⁶

QPWS has reported that, overall, there are high levels of Director/Traditional Owner attendance at the joint management meetings. It has been suggested that the recently implemented initiative to pay Directors to attend meetings has contributed to the high attendance levels.¹⁷ QPWS also reported that, generally, there are more Traditional Owners at each meeting than QPWS staff. The number of QPWS staff attending the joint management meetings can vary, but usually includes operational staff and a member of the joint management team, and sometimes includes technical support staff depending on the issues being discussed, and the level of decision-making that is required at any particular meeting.¹⁸

Despite Traditional Owners' high attendance levels, many stakeholders reported that their active participation in joint management meetings was variable and depended on a range of factors. One factor that was raised repeatedly throughout the consultations was the high turnover of Directors and how this affects both active involvement by other group members and capacity for decision-making both in the joint management meetings and more broadly.

¹⁶ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 14, 2017.

¹⁷ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 14, 2017.

¹⁸ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 14, 2017.

"It is hard for some groups that constantly change Directors. Some change over every two years and even allow proxies. There is a need to have some continuity to provide guidance, continuity and experience" (Stakeholder interview, 2017).

Some QPWS staff reported how frustrating it can be if quorums are not met during joint management meetings, as this can delay decision-making and have an impact on, in particular, environmental and cultural management activities. It was also recognised, however, that out-of-session resolutions can be made in such circumstances and that this can mitigate against decision-making delays if these out-of-session resolutions are made in a timely fashion.

"Quorums can be challenging, and some meetings don't have a quorum from the beginning which means that we know from the beginning that no motions will be passed during that meeting. 20/30% of meetings might fall within this category. If no quorum, we draw up a resolution and the Land Trust gets an 'out of session' approval. But this all takes time ... If no decisions are made, then programs don't get delivered. For example, the environmental and cultural aspects don't get delivered. The cultural aspects, in particular, are important for outcomes on the ground" (QPWS administrative staff interview, 2017).

QPWS staff reported that a number of necessary decisions are not being met in a timely manner by some of the landholding bodies, including responses to agenda items and responses to a range of permits that require landholding body approval before activities can take place on Country (e.g. scientific permits).¹⁹

Traditional Owners and some QPWS operational staff have expressed frustrations at the procedural and bureaucratic nature of joint management activities. QPWS operational staff, for example, expressed their frustrations at the need to have meeting sign-offs on what would normally be business as usual operations, and which delayed the operational requirements of management of the park. The joint management team also reported that the procedural requirements to set up joint management meetings, together with the sheer volume of issues and decisions that needed to be made, impacted on their capacity to undertake long-term strategic planning (as previously noted).

Are joint management meetings culturally appropriate?

QPWS reported that protocols for how joint management meetings are to be run are discussed at the first meeting following the dedication of the NP (CYPAL)²⁰. This includes talking with Traditional Owners about concepts such as proxies and quorums and coming to some sort of agreement and understanding around how these will work. Stakeholders across the consultations noted how starting the joint management relationship with a discussion of these concepts set up western constructs from the outset which then continued to guide the joint management process. They believed that this approach was hindering Traditional Owners' full engagement in the joint management process.

¹⁹ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 27, 2017.

²⁰ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 14, 2017.

Many Traditional Owners reported frustrations with the joint management meetings. These included: too many items on the agenda; the perceived pressure to make immediate decisions; and the bureaucratic nature of the interactions between them and QPWS. Some Traditional Owners reported that these processes did not support them to feel like equal partners in the arrangement.

Some Traditional Owners also suggested that they were at a disadvantage in joint management meetings and felt that QPWS staff manage the meetings according to their own agenda.

"I see their body language, we rush through the agenda and they dictate the meeting. Our mob get really frustrated and they don't get a chance to talk" (Traditional Owner interview, 2017).

"When we have joint management meetings Parks want to run the show, but Land Trust Chair should run the show" (Traditional Owner interview, 2017).

Some Traditional Owners demonstrated a limited understanding of what ISA funds cover and this has led to frustrations with decision-making in the joint management meetings. As a result, some Traditional Owners described joint management meetings as tokenistic, reporting that the same issues were being raised "meeting after meeting". For example, a number of Traditional Owners expressed frustration that they had made repeated requests for a 4WD to enable access to Country, and the construction of a Ranger base to enable Traditional Owners/Rangers to work/stay on Country. They explained how both requests were continually denied. It was clear in discussions with QPWS staff, and in a review of the secondary data, that the ISA funds do not cover costs for purchasing vehicles and there appeared to be a miscommunication and/or a misunderstanding, generally, around what the ISA funds will cover.

"We need a vehicle, a Ranger-base and proper training by QPWS but a big 'no-no' in Parks eyes is a vehicle or shed on land. It keeps being put on the agenda to talk about next time. Always next time" (Traditional Owner interview, 2017).

"We all know, from our meetings, things we want for our park. We tell Parks this and it always gets carried over to the next meeting. Meetings are all about the budget" (Traditional Owner interview, 2017).

"Parks put an issue on the agenda, we talk about it, it gets put back on the agenda for the next joint management meeting and they keep asking us the same questions every meeting" (Traditional Owner interview, 2017).

"They keep repeating themselves in meetings, for example, mustering, fencing but it's just not happening. That's why people don't want to go to meetings. There is bad communication between us and joint management. Maybe there's no money or they don't want to spend money" (Traditional Owner interview, 2017).

Some Traditional Owners also acknowledged that communication between clans has an impact on decision-making processes and that where there is conflict this can have a negative impact. Some Traditional Owners' recognised that there needed to be a shift in their own attitudes/behaviours before effective joint management could be achieved.

"Right now, joint management is going really well. Very collaborative. Joint decisions. Very solid group of Directors but this hasn't always been the case. Previous Directors were fighting with each other, so we couldn't ever reach a consensus. Nothing really progressed. It was very frustrating (Traditional Owner interview, 2017).

"We have one clan group here that's very negative. Outcomes are being affected for us, however, because of one clan. We can't make decisions together. It's very frustrating" (Traditional Owner interview, 2017).

QPWS staff also commented on the negative impacts that intra-clan conflicts can have on the joint management process. QPWS staff described one situation where there was ongoing conflict between clan groups and a consequent lack of progress in the joint management arrangement. In an attempt to address this, QPWS staff reported that they had employed a facilitator and that whilst this was an expensive and time-consuming process, it was successful. They noted how "a well-functioning landholding group is imperative to the successful outcomes of joint management".²¹

"What is required for the shift from joint management to sole management? There has to be an end point. There needs to be a more pragmatic approach by Traditional Owners – for example, if they fall out with each other, within their clan group, they need to agree to still move forward. Mostly everything grinds to a halt" (QPWS administrative staff interview, 2017).

"Some land trusts are really good and some are all over the shop. There is a lot of in-fighting/internal issues. This holds them back. It's the individuals within the groups. Some are taking baby steps. Some have really dominant people who everyone else is scared to tackle. Things can be geared towards one family to the detriment of others. There are a lot of internal politics and a resistance to direction. Some groups may flounder for a while until they find their feet" (QPWS operational staff interview, 2017).

QPWS have also recognised that there is an expectation that the clan groups in conflict with each other will now work cooperatively together in a 'white western' paradigm of governance. It was noted that one option to address this could be to fund the clan groups separately. However, QPWS reported that this approach is likely to increase the administrative burden on both the landholding body and QPWS.²²

Is joint management facilitating knowledge sharing and the transfer of skills between Traditional Owners and QPWS?

Discussions with Traditional Owners around the sharing/transferring of knowledge and skills between themselves and QPWS tended to evoke a lot of emotion. Traditional Owners held the strong belief that QPWS staff have positioned themselves as custodians of legitimate knowledge in all areas of land and land management and that their own knowledges and skills are positioned as subordinate. Thus, despite legal recognition of Aboriginal land ownership, many Traditional Owners and other stakeholders across all consultations reported their belief that QPWS are still operating within the paradigm that the land 'belongs' to them. It is believed that this, in turn, continues to inform both QPWS's approach to joint management, and

²¹ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 26, 2017.

²² Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 26, 2017.

their interactions with Traditional Owners more broadly, and this was a source of much frustration and disappointment for many Traditional Owners.

"Parks still have 'ownership' of Parks. From their perspective, they own the Parks instead of just having 'responsibility' for Parks. Now with joint management, it's frustrating for Traditional Owners because Parks don't want to get away from their own vision of what they think is best for Country. Joint management keeps Parks 'in the game' of land management but Parks will never have the knowledge of Country as Traditional Owners do" (Traditional Owner interview, 2017).

"I have a good understanding of what Joint Management can do – I've reviewed the legislation. I haven't seen a lot of change since the beginning. Park staff still control everything. They are not relinquishing their powers, they are not letting the Traditional Owners do anything" (Stakeholder interview, 2017).

KEY FINDINGS : DECISION-MAKING

Concerns were expressed by both Traditional Owners and QPWS around decision-making processes and protocols. Most Traditional Owners were quite critical about how joint management meetings were run, particularly around: The length of agendas and the perceived pressure to make decisions on the spot; and, feeling that their ideas and initiatives were being stifled. For QPWS, the procedural and bureaucratic nature of joint management is frustrating and delays the operational requirements of management of the parks. Conflicts between Traditional Owner clans was also negatively impacting on decision-making processes in some situations.

Recommendations

- That QPWS staff and Traditional Owners consider how decision-making processes and protocols could be improved in light of the findings of this evaluation. Consideration should be given to the following:
 - Agendas for meetings be capped in terms of the number of items so that issues can be given appropriate levels of consideration.
 - A separation between matters of a strategic nature and those of an operational nature be applied to joint management meetings. Operational matters should be discussed between the respective Rangers, at the lower level, and then prioritised to allow for appropriate discussion time.
 - An 'issue' triage system be adopted that directs less important agenda items to alternative delegated approaches for approval i.e. 'on land permissions'.
 - Consideration be given to an independent organisation or person to assist with the chairing of joint management meetings to eliminate perceived biases and control.
 - More weight to be given to traditional communication and decision-making over the current level of bureaucratic and western decision-making.

4.3 Cultural and natural resource management

The literature identifies the significant role Indigenous peoples, and their Indigenous ecological knowledge, play in biodiversity conservation, and how Indigenous peoples can benefit economically, socially and culturally from environmental management and biodiversity conservation.²³ Overall, the issue of cultural and natural resource management did not receive a lot of attention throughout the consultations, or was not seen as a high order issue apart from concerns around contested expertise on how best to manage the land and on decision-making processes related to this. These issues have already been addressed in the previous section and, to avoid repetition, will not be addressed here.

Is joint management delivering opportunities for the successful achievement of shared cultural and natural resource management?

QPWS have reported that the development of operational plans under the IMAs provides a work plan for key cultural and natural resource management programs on a rolling 12-month basis. Annual work plans and protocols associated with fire and pest management, cattle management and fencing are common amongst the Traditional Owner groups and QPWS have noted how their development is an opportunity for Traditional Owners to contribute their knowledge and experience of traditional environmental practices. QPWS has reported how the implementation of these operational plans has significantly contributed to the improved natural integrity of the NPs (CYPAL).²⁴ Many Traditional Owners, on the other hand, reported that plans alone will not ensure a shared joint management experience. Whilst it has been noted that a number of landholding bodies have agreed protocols with QPWS about activities on NPs (CYPAL), including annual fire and pest management strategies, (see Appendix 4 for agreed protocols for 2017), stakeholders also reported that there was a lot of ongoing friction around when these activities would take place and who would carry them out.

The majority of Traditional Owners reported that some aspects of environmental management, for example, cultural auditing and strategic planning are not taking place. The joint management team has also recognised that given the resources that they are spending on joint management meetings, financial administration and operational activities, there is little time left for them to focus on more strategic work relating to the implementation and improvement of joint management²⁵

"We are supposed to have a cultural audit on Parks and Traditional Owners are supposed to go on Country and carry out this audit. This isn't happening." (Traditional Owner interview, 2017).

"Parks are meant to sit down with us, on Country, to do strategic plan. It's not happening" (Traditional Owner interview, 2017).

²³ Commonwealth of Australia (CoA) (2016) Report on the Review of the first five years of Australia's Biodiversity Conservation Strategy 2010-2030, p. 40.

²⁴ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 21 2017.

²⁵ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 27, 2017.

Whilst Traditional Owners acknowledged that discussions about future work programs took place during joint management meetings, they also expressed concerns that in some instances they believed that QPWS Rangers carried out work on Country with no prior Traditional Owner approval. Traditional Owners were particularly concerned about burning activities and their potential to destroy and/or damage sites of cultural significance. They reported that there was an overall lack of knowledge amongst themselves and QPWS staff around the location of sites of cultural significance, and limited progress was being made with regard to cultural mapping by Traditional Owners.

"Maybe there are story places, rock art and they are burning places that Indigenous people haven't even been to on foot, so how can they drop their fire bombs on Country when they don't know what is there" (Traditional Owner interview, 2017).

Concern has been raised by some QPWS staff, however, that much of the traditional knowledge about Country, including fire practices and the management of native species has been lost, or is held by a small number of Elders in the landholding communities. They reported that in some cases, the younger Traditional Owners have never been on-Country as their relatives were forcibly taken from their traditional lands.²⁶ Traditional Owners themselves acknowledged this concern and reported that this only strengthened their case to be able to access their land and to be actively involved in decision-making about cultural and natural resource management activities.

It became clear in discussions with many Traditional Owners that there was a disjuncture between their perception that QPWS were making unilateral decisions regarding environmental activities and the fact that signed plans and protocols were in place for these activities. In large part, this was attributed to the high turnover of Directors and the fact that knowledge of these agreed plans and protocols had not necessarily been passed on to other members of the landholding body.

²⁶ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 21, 2017.

KEY FINDINGS : CULTURAL AND NATURAL RESOURCE MANAGEMENT

Overall, the issue of cultural and natural resource management did not receive a lot of attention throughout the consultations, or was not seen as a high order issue. Discussions centred around notions of contested knowledge and expertise about how best to manage the land. Despite agreed fire and pest protocols being in place for most of the parks, there was tension among Traditional Owners and QPWS staff around the implementation of these plans and in some cases a lack of awareness of the plans among Traditional Owner groups, particularly because of the high turnover of Directors. Stakeholders reported a lack of progress on cultural resource management and strategic planning activities often affected by lack of QPWS resources, limited access to sites and limited progress in cultural mapping by Traditional Owners.

The issue of land 'ownership' also dominated discussions, with stakeholders across all consultations stating their belief that QPWS are operating within a paradigm that has not recognised Aboriginal ownership of Aboriginal land. These issues are a concern for many Traditional Owners and impact on the quality of the relationships between Traditional Owners and QPWS staff.

Recommendations

- **Traditional Owners and QPWS staff ensure they are familiar with and where necessary review agreed protocols in place for pest and land management.**
- **Traditional Owners and QPWS staff ensure that cultural auditing/mapping of sites occur and consider whether additional resources are required to undertake this work.**

4.4 Economic sustainability

Economic sustainability and in particular an increase in employment and business opportunities for Traditional Owner groups is an important aspect of the Joint Management Program. This section of the report is structured around the short-term outcomes in the program logic relating to economic sustainability which include: Commitments to park management service contracts taken up by landholding body entities, opportunities for the provision/availability of appropriate experience and training, increased employment of Traditional Owners, and increased business opportunities. This section explores how current joint management arrangements are contributing to economic opportunities for Traditional Owners and their organisations according to key stakeholders who participated in the evaluation.

Negotiations between the State and the relevant landholding body determine which land granted under the ALA become NP (CYPAL), which areas are to be Aboriginal freehold, and which areas are to be Aboriginal freehold land with a conservation agreement, such as a nature refuge. The activities that can be undertaken under these different tenures varies, with NPs (CYPAL) managed under the NCA. The Cape York Peninsula Heritage Act 2007 (the Act) includes recognition of the economic, social and cultural needs and aspirations of Indigenous communities in relation to land use in Cape York Peninsula. The Act provides for this in a number of ways; for example, the declaration of indigenous community use areas and changes to the Vegetation Management Act 1999 to allow for clearing of vegetation for special indigenous purposes. QPWS have stressed in their submission to the evaluation that the areas of NP(CYPAL) should not be seen as the only areas available to Aboriginal people to support economic outcomes, and the areas outside NPs (CYPAL) have far fewer restrictions placed on their use. They note that it is unlikely that the NPs (CYPAL) alone will meet the expectations of economic sustainability.²⁷

Is joint management delivering an increase in appropriate experience and training opportunities for Traditional Owners?

Some Traditional Owners identified positive outcomes from training opportunities generated through the joint management arrangement. Primarily, these have been recognised through the employment by QPWS of landholding body Rangers to work on NPs (CYPAL), for example at Rinyirru (Lakefield) where six Indigenous Rangers have been employed under this arrangement. Training that has been routinely undertaken by Rangers has included fire, pest and weed management, chemical control, and chainsaw use. However, all Traditional Owners reported that they were not offered, or there were limited opportunities for attaining more advanced skills and knowledge and that they believed this was impacting on their capacity for both employment within QPWS and in undertaking land management activities more broadly. QPWS staff stressed that it would be helpful for Traditional Owners to be more proactive in identifying what training they required and to communicate this to QPWS. There was also recognition by Traditional Owners that their “people need to pull their own weight” by taking responsibility to participate in training opportunities that are provided and to, in turn, take up employment opportunities that arise as a result.

²⁷ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 19, 2017.

"We want to do training that's beneficial for Rangers but that's not happening. They do give us training and they want to use us for that training – fire/weed work – but it's not enough for us. They are regurgitating the Ranger training all the time. Our Rangers have all had the training but it's the same thing that's offered all the time and it just keeps on coming back around and around. Same training all the time" (Traditional Owner interview, 2017).

"There has been a lack of training opportunities overall although all of our Rangers have done Fire Level 1, pest and weed" (Traditional Owner interview, 2017).

Traditional Owners felt strongly that training should be provided to Traditional Owners by Traditional Owners, where possible, and some reported that this was not happening. One Traditional Owner reported what they thought was a lost opportunity for QPWS to involve them in training, although QPWS staff have confirmed that in many cases this approach cannot be employed as trainers need to be certified to train others due to health and safety requirements.

"X got his ticket for chainsaw. We thought he could do some train-the-trainer but when we brought it up at the joint management meeting there was no response. They brought in white trainers. X could get paid to train his people" (Traditional Owner interview, 2017).

QPWS staff described the stages involved in the training process: Training needs and opportunities are identified by QPWS operational staff; this information is provided to DATSIP, who offer training to the Traditional Owners; the majority of training is then contracted to, and carried out by, South Cape York Catchments.

There was also recognition and support by QPWS Rangers that training is essential to build and enhance Traditional Owners' capacity to work on parks as "a lot of land management activities are new to them".

"A lot of what's going on is new to Traditional Owners and they need to be trained up to that level. We need to show them what's involved in writing a fire proposal, for example" (QPWS operational staff interview, 2017).

The perception of some Traditional Owners, however, is that QPWS staff do not offer training above the basic levels because they believe that Indigenous people are not capable and/or are incompetent. Some Traditional Owners stated that they had been told this directly by QPWS staff.

"They told us you don't have capability or capacity as Indigenous people to do firearms training. Same thing with the croc training" (Traditional Owner interview, 2017).

There was discussion across all Traditional Owner groups around their longer-term expectations and requirements for employment opportunities for Rangers, including training and upskilling interested Rangers to QPWS management level. Training and mentoring was seen as a vital component of successful joint management, as was longer-term/permanent employment opportunities for QPWS-funded Ranger positions.

"Parks need to train and mentor Traditional Owners so they can take over their own Country. Why not train and then employ the Indigenous people?" (Traditional Owner interview, 2017).

"None of the Rangers are being offered management training. We would like land management training, admin training, financial training, computer training. These items get put on the agenda but we don't get offered anything. Parks want to tell us what to do our training in. Parks need to give more money for this sort of thing" (Traditional Owner interview, 2017).

The process that QPWS staff undertake regarding training involves them nominating themselves, or their supervisors nominate them, for relevant training courses. In some Ranger roles, there are mandatory training courses such as fire, pest and weed management, chemical control, and chainsaw use (the same training courses that are offered to Indigenous Rangers). However, for the majority of training courses, QPWS staff need to identify their own training needs and source this training themselves. Many QPWS staff members undertake training outside of their working hours to advance their skills and career opportunities. In the same way, Traditional Owners also need to identify what training they need, source the training course and the required funds to pay for the training.

Although many Traditional Owner groups described aspirations for members of their groups to be trained and recruited into management roles, there seemed to be a lack of awareness around the realities of what was required to train, and work at those levels. Furthermore, some Traditional Owners acknowledged that existing QPWS Indigenous Rangers were reluctant to take on senior 005-level positions. A range of reasons were given for this reluctance including not wanting to work on other Traditional Owner groups' country and not wanting to supervise people from another Traditional Owner group. It was noted by many stakeholders that identifying those people who have the potential to fulfil management roles is vital to the success of both joint management and the eventual transition to sole management.

"Indigenous Rangers have to have experience or potential to work at that level. Not everybody is capable of that. Not everybody wants to do that. They also have to supervise people from another Traditional Owner group not many will want that conflict" (Traditional Owner interview, 2017).

"For success, the leaders within each group need to be identified. What some Land Trusts lack is that Leadership. We need to convince these leaders to train-up in governance, management etc so that they can effectively manage their land" (QPWS operational staff interview, 2017).

Is joint management delivering an increase in contracts/business opportunities awarded to Traditional Owner enterprises?

During the consultations, QPWS operational staff reported that Traditional Owners are given the first right of refusal for contract work. The IMA²⁸ states that offers for contract work will be based on the "value for money objective of the State government procurement policy" as well as on an assessment that the Corporation has the required specialist skills or equipment at the time. Some Traditional Owners recognised these as valid reasons for their not being offered/able to take-up contracts. One Traditional Owner group noted that they have "the lack of pre-requisites for carrying out works, for example, insurance, necessary skills, or a driving licence" and that they need to develop their capacity to be considered for contract work.

²⁸ IMA – Cape Melville, Flinders Group, Howick Group National Parks (CYPAL). Document No: 4532021, p. 38 of 63.

Whilst some Traditional Owner groups indicated a high level of satisfaction and significant success in achieving contracts for NP (CYPAL) work, the majority reported that they are finding it difficult to achieve such contracts. Some Traditional Owners reported that the tendering process is demanding and they do not have the necessary skill range, at this moment in time, to compete with more experienced organisations. Some Traditional Owners also believed that some QPWS staff have a preference in contracts being awarded to external bodies, especially around project management. Some Traditional Owners talked about fencing as one of the contracts that could more easily come directly to them, especially as their Rangers tend to end up as part of the crew working on the fencing contract. Traditional Owners reported that the lower order labour activities are given to Traditional Owners whilst the contract management activities (and the bulk of the financing) are often awarded to an external organisation. Whilst some Traditional Owners were positive about this approach and its potential to lead to employment opportunities, some also noted that it failed to assist in building the capacity of Traditional Owners to undertake other contracts in the short and longer-term.

QPWS staff have reported that Traditional Owners need to obtain business skills to enable them to manage contracts on their NP (CYPAL), and that Traditional Owners need to work with other government agencies as training in business management is not a role for QPWS. In discussions with many Traditional Owners throughout the consultations, there appeared to be some confusion around QPWS's roles and responsibilities with regard to training.

Despite the process that provides for Traditional Owners to be offered first right of refusal on all contracts, some Traditional Owners did not appear to be aware of this or did not believe that this was always happening.

"We should automatically be offered certain jobs, like fencing. We should have a standing offer arrangement for works on Country, generally, and we can always sub-contract if we don't have the skills. But we have the skills for fencing. In fact, they [Parks] take [Indigenous Ranger] whenever Country needs fencing but the contract is not through us" (Traditional Owner interview, 2017).

"Parks will bring in their preferred supplier who has public indemnity insurance and a driving licence. We only hear about contracts if we hear about them on the street. All jobs and contracts should first be offered to Traditional Owners, in hard copy – not everyone has access to the internet. However, they want literate Traditional Owners, not illiterate Traditional Owners. Well, take Traditional Owners to Country and they're very literate" (Traditional Owner interview, 2017).

Both tourism and cattle were economic opportunities raised repeatedly by Traditional Owners throughout the consultations. To date, there have been no major new tourism ventures in NPs (CYPAL)²⁹, although many Traditional Owners envisaged future opportunities in this area. Cattle, particularly mustering, was reported as being a source of conflict amongst some clan groups. Some Traditional Owners reported how mustering was being exploited by some of the older clan members to the detriment of others, with none of the money earned through mustering being deposited into the landholding body's accounts. Some other Traditional Owners believed that QPWS were not assisting them sufficiently to remove cattle from their lands. QPWS operational staff stated that the removal of cattle and associated issues of cattle ownership is not within their jurisdiction and that they are repeatedly reminding Traditional Owners of their inability to assist them in this area.

²⁹ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 19, 2017.

"There is cattle throughout the Park. We have conversations with Parks around getting cattle off our land. There is big money in mustering. We are currently in negotiation with lawyers to get cattle off the park ... Some Traditional Owners have been doing it for years, mustering, and not putting the money into the Corporation, keeping it for themselves" (Traditional Owner interview, 2017).

"Mustering is polarizing groups and the question is always who controls mustering on parks. A lot of cattle is managed under the Cattle Act – the police manage this. Ownership of cattle has nothing whatsoever to do with Parks" (QPWS operational staff interview, 2017).

Is joint management delivering increased employment opportunities to Traditional Owners?

Stakeholder consultations and a review of the secondary data suggests that employment opportunities have arisen for Indigenous Rangers within QPWS as a result of the joint management arrangements, with a number of positions specified for Indigenous people. QPWS have reported that in "the past two years, the number of Indigenous specified operational Ranger positions in Cape York Peninsula is between 30 and 35% of the total number of Ranger positions".³⁰ QPWS have reported that these figures meet the requirement in the IMAs that have been developed since 2011 that at least 30% of positions are occupied by Indigenous people. Since 2011, QPWS report that the number of all operational Rangers has increased from 37 positions to 47 positions.³¹

In addition to QPWS Ranger positions, the landholding body can train and pay Rangers to work on their NP (CYPAL) under the ISA.³² This notwithstanding, there was a perception among many Traditional Owners that more could be done to increase the number of Aboriginal QPWS operational staff in positions beyond those identified in order to create a more equitable and diverse workforce.

Many Traditional Owners reported that when training opportunities were taken up they raised Rangers' expectations of employment from QPWS, and when employment offers did not materialise this demoralised and demotivated the Rangers. For example, some Traditional Owners mentioned that quite a few Rangers took the Conservation and Land Management Cert III but none of those Rangers secured employment as a result. Training, in and of itself, was universally acknowledged across all Traditional Owner groups as an inadequate approach to short and longer-term employment within QPWS. The perception by many Traditional Owners was that QPWS: "need to increase resources to meet the Indigenous employment targets within the IMAs". This perception aside, QPWS have reported that the Indigenous employment targets within the IMAs are being met.

Overall, across the consultations with Traditional Owners, there appeared to be the misconception that acquiring tickets/training accreditation will/should result in employment with QPWS. QPWS staff pointed out that there are many people who undertake training and/or higher education, but this does not necessarily result in a job. Being offered a job in a preferred location, we were told, is even harder to come by.

³⁰ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 19, 2017.

³¹ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 19, 2017.

Several QPWS operational staff reported that even when employment opportunities are taken up, some Rangers refuse to do some of the jobs that are required of Rangers, for example, cleaning the toilets and cars, and digging holes for fencing. Some QPWS operational staff noted how some of the younger Rangers are unfamiliar with full time work and how they believed that this has contributed towards the lack of a 'work ethic' considered necessary to function within the NP (CYPAL) environment.

Most Traditional Owner groups were concerned about the limited nature of the employment opportunities that are on offer through QPWS, and their potential to impact on Centrelink entitlement and/or other work opportunities. Furthermore, trying to distribute employment opportunities across the different clan groups was problematic for many Traditional Owner groups and they noted how the ISA funding was not nearly enough for this purpose: "It's hard to get our six groups happy with limited funding".

Engaging with other funding bodies to expand the role of Rangers to undertake land management activities on adjacent Aboriginal freehold land has been noted as one way in which several of the Traditional Owner groups have been able to maintain year-round employment for their Rangers (for example, the Lama Lama people and the Kulla Land Trust).

The topic of identified positions was given significant attention throughout the consultations. Overall, Traditional Owners expressed concern that there should be more Aboriginal Rangers within QPWS, as well as in senior positions (as previously noted). The lack of Aboriginal Rangers within QPWS, more broadly, has been identified by some members of all stakeholder groups as perpetuating the power imbalance between QPWS and Traditional Owners and that they believed this was representative of a reluctance on QPWS's part for the progressive transfer of power to Traditional Owners.

Again, some members of all stakeholder groups believed that QPWS could be doing more to assist Traditional Owners to build capacity, particularly of younger Rangers to have the requisite skills and experience to be ready for promotion. All Indigenous identified positions are currently at the 003 junior level Ranger positions and it was suggested that without additional support to build the skills and capabilities of these Rangers they are unlikely to progress into more senior positions which may create a potential shortfall in appropriately qualified Indigenous staff, at the higher level, over time.

"There are identified positions and open positions. Lower positions are all taken up by Indigenous Rangers. Some don't have literacy skills to go any higher. A lot of the young people, the educational standard is not there. Eventually they will have no decent staff to take over, as the quality is diminishing. Parks should think about a different system for identified positions so indigenous Rangers aren't stuck at the bottom of the barrel with no chance of moving up" (QPWS operational staff interview, 2017).

KEY FINDINGS: ECONOMIC SUSTAINABILITY

A range of issues were identified as impacting on the ability of joint management to deliver economic sustainability for Traditional Owners and their organisations. In the main, discussions focused on three distinct areas that require attention: training; contracting Traditional Owners to work on NPs (CYPAL); and employment.

Traditional Owners expressed concerns around the repetitive, basic-level training opportunities that have been offered, together with the limited opportunities for attaining advanced skills and knowledge. There appeared to be the misconception across many of the Traditional Owner groups that acquiring tickets/training accreditation will/should result in employment with QPWS. For many of the new/developing landholding bodies, the capacity to take up contracting opportunities on NPs (CYPAL) is not being developed through the joint management arrangement. Some Traditional Owners believe that QPWS are favouring the engagement of other providers to carry out contract work on NPs (CYPAL). QPWS staff have reported that Traditional Owners need to obtain business skills to enable them to manage contracts on their NP (CYPAL), and that Traditional Owners need to work with other government agencies as training in business management is not a role for QPWS. Overall, there appeared to be some confusion from Traditional Owners' perspectives around QPWS's roles and responsibilities with regard to training. The joint management arrangement is not delivering the employment opportunities in accordance with Traditional Owners' expectations despite the fact that QPWS have met employment targets set within the IMAs.

Recommendations

- Traditional Owners need to identify their training needs and then work with other agencies that can deliver these training requirements.
- QPWS need to be clear on what training they can provide and that training may not necessarily lead to increased career opportunities.
- Given that employment targets for Indigenous Rangers have been met, consideration should be given to increasing these targets and whether targets should be set for the increased employment of Aboriginal staff within the operational and administrative functions of the joint management program.
- Traditional Owners need to consider how they will increase their capacity to respond to and secure contracts on Country.
- Where landholding bodies have the requisite experience and capacity, they should have more control over their own budgets.

4.5 Social connection

This section explores whether joint management is facilitating an increase in Traditional Owners' access to Country and enabling Traditional Owners to practise their cultural lore and customs activities through such access. Discussions with Traditional Owners around social and cultural connections to their country and people evoked a great deal of emotion, particularly for those groups whose connections to country remain limited.

Is joint management facilitating Traditional Owners' access to Country?

QPWS have reported how the return of Country to the Traditional Owners through the NP (CYPAL) provides the first opportunity for many Traditional Owners to reconnect with their Country. It has also been acknowledged by members of all stakeholder groups that much of the traditional knowledge of Country is not known to many of the younger generation, although people have maintained a strong cultural and spiritual connection to their land.

Through discussions with QPWS staff, and observations of joint management meetings, there is funding available for QPWS to offer support to Traditional Owners to access and work on NPs (CYPAL). Some of the activities that were reported as occurring and/or have been offered but not necessarily taken up by Traditional Owners have included: mapping of culturally significant sites and the sharing and documentation of traditional knowledge between Elders and younger people. Overall, many Traditional Owners believed that QPWS could be doing more to facilitate access to Country.

Although progress was being made in some cases in achieving the objective of having Traditional Owners return to Country, there were a range of barriers to achieving this objective that were raised during consultations. Some of these barriers were the result of misunderstandings/misconceptions on the part of Traditional Owners, particularly around QPWS's roles and responsibilities, and included:

- Traditional Owners reported uncertainty and a lack of awareness in relation to their rights to access Country and practise customs activities – particularly in relation to having to seek permission for fire management, the use of guns (permission is required as these activities carry with them health and safety issues as QPWS have to close off the park to visitors for such activities to take place), dogs, mustering (this is a police issue, not QPWS) and construction (Traditional Owners can construct on their freehold land but not on their NP (CYPAL)).
- Traditional Owners reported a lack of physical resources to enable them to connect with Country (e.g. appropriate vehicles and living structures to allow Traditional Owners to stay on Country – as noted above, living structures are not permitted on NPs (CYPAL) but are on Aboriginal freehold land). Stakeholders reported a visible disparity between the physical resources joint management has delivered to QPWS versus that to Traditional Owners.
- A lack of cohesion among members of some of the Traditional Owner groups.
- Some Traditional Owners reported restricted access to their Country due to geographical challenges, and their no longer living in the same area as their NP (CYPAL).

- The need to get Elders back on Country to gain a cultural connection and to look for and record sites of significance and importance.

"We've come a long way in the last 12 months. We want to go back onto Country but we don't know how to get out there. Not having a vehicle is holding us up. Parks said they would help take us out there but they haven't done this" (Traditional Owner interview, 2017).

"A lot of Traditional Owners want to get out on Country but they have to split the budget between clan groups. There's not enough money to get to go out on Country" (Traditional Owner interview, 2017).

"We need a person on Country to look after Country. There are people coming onto Country, wrecking the place because nobody is there. We need funding for that" (Traditional Owner interview, 2017).

Is joint management enabling Traditional Owners to practise their cultural lore and customs activities?

QPWS has reported that one way in which the joint management arrangement is supporting access/return to Country is through the facilitation of field trips with Traditional Owners and other stakeholders. For example, field trips with Traditional Owners and scientists are being organised to share information about Country and to provide training for Traditional Owners and QPWS Rangers in species identification and survey techniques. QPWS have also reported that recent increases in funding have enabled QPWS to offer more support to Traditional Owners to access and work on Country within NPs (CYPAL).³³

QPWS have noted that more field trips are planned to:

- Provide for Traditional Owners to spend time on Country and have opportunities to share knowledge about the land, plants, animals and sites with each other, QPWS and others as desired.
- Provide field training for Traditional Owners, and Rangers in field work, bio-cultural studies and recording.
- Provide training in cross-cultural awareness for QPWS Rangers and other participants.
- Integrate Traditional Ecological Knowledge with existing and new scientific findings, to the extent desired by Traditional Owners.
- Provide opportunity to pass on knowledge from Aboriginal elders and experienced scientists and Rangers to young people, and to document the knowledge where appropriate.
- Increase recorded knowledge of the plants and animals in parks and the stories associated with them.

³³ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 25, 2017.

- Develop shared understanding by QPWS and Traditional Owners of the key bio-cultural values of each NP (CYPAL), for incorporation into planning, management and interpretation.³⁴

³⁴ Leverington and Lesebert, 2017, in Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 22.

KEY FINDINGS: SOCIAL CONNECTION

Progress against outcomes to improve Traditional owners' access to Country was variable with many stakeholders reporting significant barriers to achieving this. Some Traditional Owners were not aware or were uncertain about their rights to access Country. Some Traditional Owners reported barriers to accessing Country including geographical challenges and the lack of an appropriate vehicle. All stakeholders acknowledged the importance of facilitating Traditional Owners' access to Country, particularly so that Elders gain/regain a cultural connection and to record sites of significance and importance.

Recommendations

- **Simple information about rights and responsibilities for both Traditional Owners and QPWS in relation to access to land be made available to all participants in joint management.**
- **QPWS give priority to greater opportunities for Traditional Owner access to Country; and that any restrictions placed on this access by QPWS be clearly communicated and explained.**

4.6 Future aspirations

Under the NCA, all national parks, including NPs (CYPAL) require a management statement that outlines the vision and values of the national park. For NPs (CYPAL), the management statements must be approved by the landholding body. The opening section of the management statement outlines the vision for the national park, and provides an opportunity for the landholding bodies to express their aspirations.³⁵ It has been reported that a number of QPWS documents refer to the aspirations of the landholding bodies guiding the park management, and "it is through continuing engagement with QPWS that these aspirations can be met".³⁶ This section explores whether the joint management arrangement is delivering the opportunity for Traditional Owners to realise their future aspirations.

"We have a dream for our Country, in our dream our feet are on that land, our mind is set on that land, we will respect all the old people from that land and we will share that land and care for that land and care for one another" (Buubu Gujin Aboriginal Corporation)

It was apparent throughout discussions with all Traditional Owners that their future aspirations for the NP (CYPAL) revolve around the realisation of sole management of their Country. QPWS have reported that there was an expectation when the *Cape York Peninsula Heritage Act 2007* was proclaimed that there would be continuing devolution of the day-to-day management responsibility of the NP (CYPAL) to the landholding body. As part of this process, it has been reported that "QPWS will transition from day-to-day management to a support, resourcing, strategic planning, training, mentoring and monitoring role. It is acknowledged that this transfer of roles is dependent on the capacity of the landholding body and requires good governance".³⁷

The transition of responsibilities from QPWS to the landholding bodies is also recognised in the review process of the IMA, with the review to consider whether an increase in the landholding body's responsibilities is appropriate. QPWS have acknowledged that reviews of the IMAs have not met the timeframes originally anticipated, although some are commencing in 2017.³⁸

There was consensus across the stakeholder groups that the landholding bodies are at very different stages of realising their aspirations for sole management. They agreed that some of the landholding bodies were currently operating on the upper end of the continuum towards realising sole management whereas others were at the early stages where building capacity to become fully operational is a pre-requisite to sole management. Traditional Owners themselves were, in the main, aware of where they sat on this continuum.

³⁵ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 23, 2017.

³⁶ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 23, 2017.

³⁷ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 23, 2017.

³⁸ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 23, 2017.

Yintjingga Aboriginal Corporation (Lama Lama people) and Kulla Land Trust, together with Yuku Baja Muliku Landowner & Reserves Ltd, have been noted consistently by stakeholders across the consultations as the three organisations most ready to transition to sole management now or in the near future.

There was support and recognition of the need for a staged or tiered joint management approach where increasing responsibility and autonomy is afforded Traditional Owners once certain capacity developments/thresholds have been met. This notwithstanding, those groups who are already operationally strong have also recognised that there are a number of pre-requisites that must be met by QPWS before a hand-over to sole management takes place. One landholding body identified that these must include a sufficient lead time (this may be two to three years from now) and sufficient financial resources (for infrastructure, etc) to ensure success”.

Another landholding body reported that sole management is a progressive process and that appropriate training and supports need to be put in place prior to this occurring.

“Right now, joint management is going really well. It’s very collaborative. We make joint decisions. Very solid group of Directors but this hasn’t always been the case. Previous Directors were fighting with each other, so we couldn’t reach a consensus. Nothing really progressed. Currently, we’re all on the same page. We want to achieve long-term employment on Country in order to: Generate an income; live on land; create tourism opportunities; cultural mapping and protection. We want to take over full management of the park. We have a long-term vision and want to put the appropriate training and supports firmly in place, so we can sustain ourselves and thrive” (Traditional Owner interview, 2017).

While the aspirations for Traditional Owners is somewhat clear (that is, sole management), QPWS’s aspirations are not so clear. QPWS staff have reported that they are fully occupied supporting the joint management meetings, financial administration and operational activities, and that being so busy with these matters has hindered their progress in assessing and articulating where joint management is heading. It was apparent throughout the consultations with all stakeholders that this situation is placing pressure on and negativity towards QPWS.

KEY FINDINGS: FUTURE ASPIRATIONS

There was an expectation when the Cape York Peninsula Heritage Act 2007 was proclaimed that there would be continuing devolution of the day-to-day management responsibility of the NP (CYPAL) to the landholding body. All Traditional Owner groups reported sole management of their NP (CYPAL) as their future aspiration. Some QPWS staff did not appear to share this understanding. Stakeholders reported that some landholding bodies were well on their way to achieving this aspiration whereas others were still at the very early stages of this journey.

Recommendations

- QPWS start planning what is beyond joint management.
- QPWS and Traditional Owners identify criteria to show when Traditional Owner groups may be ready to move beyond joint management.
- Traditional Owners that are ready for sole management assist QPWS in developing options, possible procedures, and resourcing on how to achieve sole management.

5. Discussion

Overall, this evaluation of the Cape York Joint Management program has found that progress of the program against the key, desired outcomes is mixed and varies considerably across the different joint management arrangements. While it was reported that some arrangements were working very well and there were strong and effective working relationships between the parties, other arrangements were still at the very early stages of building trust and relationships. As stakeholders reported on a number of occasions throughout the evaluation, it is still relatively early in the life of the program, particularly given its scale and complexity. For a number of the Traditional Owner groups, the formal recognition of their connection to traditional land and their involvement in the NPs (CYPAL) joint management program are as recent as the last couple of years.

Where strong progress had been made some groups were identified through the evaluation as being almost ready for sole management. There were a number of factors that had enabled this to happen including the fact that many of these groups had been successful in accessing external funding. This has enabled them to take opportunities towards up-skilling their groups in land and sea management and apply this to their daily operations. This additional external funding has also allowed for the acquisition of infrastructure to support their land and sea ranger programs as well as providing capital for training, management, administration and equipment.

The benefits of an evaluation at this stage in the program are that it has provided the opportunity to identify both some positive elements of what works as well as barriers to the success of the program. It is hoped that this opportunity will enable all parties to look at ways in which they can contribute to solutions and positive outcomes. Throughout the evaluation, it was apparent that there is a great deal of good-will towards a respectful and reciprocal joint management arrangement. Although the evaluation found that relationships between QPWS operational staff and Traditional Owners were, at times, strained, it is envisaged that, over time, these relationships will be enhanced as respective parties better understand each other and form enduring partnerships.

Despite the progress made towards realisation of the program's objectives, the evaluation findings show that there remains a divergence in aspirations between QPWS and many Traditional Owners who are seeking the opportunity to realise full, or at least equal, management of Country. Effective communication and engagement between the parties has been reported as limited for many Traditional Owner groups. It has been acknowledged by many stakeholders throughout the consultations that decision-making processes are operating within a western paradigm of governance which presents barriers for many Traditional Owner groups. Many Traditional Owners reported that their knowledges, expertise and cultural values are positioned and treated as subordinate to those of QPWS in relation to cultural and natural resource management activities. The evaluation has also highlighted ways that the core components of training, employment and the contracting of Traditional Owners to work on NPs (CYPAL) could be improved in order for economic opportunities to be realised and for long-term economic sustainability to be achieved. Barriers, both perceived and real, exist for some Traditional Owner groups around their rights and responsibilities in accessing Country.

Overall, the evaluation has identified a range of perceptions and experiences of the Cape York Joint Management Program, varying between successful arrangements and relationships to very limited engagement and feelings of disempowerment on the part of Traditional Owners. At best, joint management has been described as a stage through which Traditional Owners are working to achieve longer-term sole management of their parks.

At worst, current joint management arrangements are being experienced by Traditional Owners as an unequal relationship with a greater share of the power residing with QPWS.

Structural barriers

The current joint management arrangement is structured around three discrete interests: Traditional Owners and their respective landholding body; the joint management team who have the administrative responsibility of supporting joint management meetings and processes; and, QPWS operational staff who have responsibility for the on-ground management of park activities. Stakeholders have noted how this exists within a context of formal and informal rules that are regulating the interactions between Traditional Owners and other stakeholders. They also believe that this arrangement has contributed to a range of structural impediments to joint management which impacts on roles, responsibilities and residual powers between and among Traditional Owners and other stakeholders. A fourth interest, represented by DATSIP, also exists within the joint management context and whilst DATSIP has strong relationships with many Traditional Owners, particularly through their central role in the Cape York Peninsula Tenure Resolution Program, stakeholders were not clear about their role within the Joint Management program.

The quality of the partnerships between Traditional Owners and QPWS were reported as varying significantly across sites and depended on the personalities of the respective parties and Traditional Owners' willingness and/or capacities to work within the existing joint management structure.

Overall, there was a view among many stakeholders (both Traditional Owners and QPWS staff) that some within QPWS were resistant to change and to adapting to the shifting landscape of land management and ownership that joint management aims to achieve. Stakeholders have described a number of indicators reflecting this resistance, including: A perceived lack of cultural competence among QPWS staff; limited numbers of Aboriginal operational and administrative staff; a range of conflicts and tensions between QPWS operational and administrative staff and Traditional Owners; and, the existence of negative attitudes towards Traditional Owners, as well as negative attitudes to the Traditional Owners' role in joint management considerations. The consultations have highlighted that Traditional Owners' views and aspirations support what has been articulated in the literature, which is that joint management for many Aboriginal people is seen as a process supporting Traditional Owner rights and interests to control traditional estates and strengthen culture. QPWS' aspirations for the program and whether they shared this view of Traditional Owners was not clear from the consultations.

Structures and processes

Whilst there are clear structures in place to support the Cape York joint management approach, such as ILUAs and IMAs, it was reported across the consultations that there is a low-level of awareness and understanding of these agreements, and the rights and responsibilities set out in them, among many Traditional Owner groups

and some QPWS operational staff. This lack of detailed understanding has negative impacts on the expectations that Traditional Owners have of joint management.

All stakeholders have identified that Traditional Owners have been subject to western-centric constructs that guide joint management, such as management boards and legal tools and frameworks, and that these have hindered their full engagement in joint management. It has been recognised through stakeholder interviews, and in the literature, that equitable power-sharing will not be addressed through agreements alone. Rather, it needs to be addressed through collaborative processes that honour and respect divergent knowledges, expertise and views (Lyver (2014). The recognition of joint management as occurring at the “intersection of two sets of cultural values and two approaches to managing Country in an intercultural space of reconciliation” (Bauman & Lauder 2012, pp. 26) has been noted as a key objective in facilitating cultural change towards a successful joint management arrangement.

There was a strong perception among Traditional Owners that their aspirations are not being met through the joint management process and that the larger share of power within the arrangements lies with QPWS. Assessments of equity in national parks in Canada and South Africa have found that strong co-management arrangements, with support from Indigenous groups, demonstrated higher equity scores across a variety of indicators (Timko & Satterfield, 2008). Furthermore, the establishment of co-management agreements in themselves have been noted as not necessarily leading to more equitable arrangements. Good governance, (which includes principles of equity), it has been noted, depends largely on the overall quality of the relations between partners and stakeholders, including the broader society (Borrini-Feyerabend & Hill 2015). Embedding greater recognition of Indigenous rights and interests within the joint management arrangement of NPs (CYPAL), requires progressive and incremental improvement across a range of structural, procedural and process domains.

Contested knowledges, contested authority

The tensions that were evident within most of the joint management partnerships were reported as stemming from conflicts between knowledges and authority. Many Traditional Owners believed that their knowledges and their authority to claim their knowledges as legitimate was not being valued by QPWS. Traditional Owners repeatedly expressed a belief that QPWS staff perceive ‘them’ as ‘not capable ... incompetent ... different’.

The economic implications for Traditional Owners of the return of ownership of Aboriginal land

Throughout the consultations, stakeholders frequently situated the return of ownership of lands on Cape York Peninsula to Traditional Owners within an economic context. Discussions tended to revolve around three key issues:

- NPs (CYPAL) are funded under IMAs whilst the remaining Aboriginal freehold land is not.
- The level of annual funding available to landholding bodies to jointly manage their own land is considered inadequate for many landholding bodies’ requirements, particularly those involving multiple clan groups.

Control of the annual funding through the ISA.

Aboriginal freehold land (outside of the NPs (CYPAL)) has been returned to Traditional Owners with no associated management plan and, more importantly for many Traditional Owners, no financial resources to manage the land and/or benefit economically from it as a result. Whilst these areas have far fewer restrictions placed on their use than NPs (CYPAL) – for example, Traditional Owners can build permanent living structures on their freehold land – many landholding bodies do not have the financial resources, nor the capacity to seek additional financial resources, to do so. This has led to a sense of frustration and disillusionment for some Traditional Owner groups as they see no way forward for developing social, cultural and/or economic opportunities on this land.

"Most disappointing thing about program is the return of freehold with no management plan and no money. A five-year plan is what's required for the freehold land, so they can develop opportunities there" (QPWS operational staff interview, 2017).

"There has been a massive change in land ownership since the 1990s but how are we to manage our freehold? There have been no resources to manage the land. A lot of people are saying 'we can't do anything on our land – where do we get the money?' (Traditional Owner interview, 2017).

Many Traditional Owners expressed disappointment about the distribution and management of the ISA funds that are available for the management of NP (CYPALS). The ISA, signed by both parties, is the annual contract which sets out how and when payments are to be made by QPWS to the landholding body, and how those funds are to be administered and reported. Many landholding bodies, particularly those involving multiple clan groups, believed that there was insufficient money for them to do the work that they want to do on their parks.

"It's not just about one person, one group. It's about everyone, all of us together. Everybody needs to move forward. Everybody needs money. There just isn't enough money for all of the clans to do the work that they want to do on their parks. They need to allocate enough money for each CYPAL. We also need the right people to help us get the funding. We can't do that on our own" (Traditional Owner interview, 2017).

In addition to this, the ISA stipulates the several ways in which these funds may be spent, and these include: Fixed costs; projects on NPs (CYPAL); staffing options; parks works and services (e.g. employment of Traditional Owners for the management of cultural or natural resources); and, scholarship, learning and training programs (e.g. academic study, traineeships, on Country cultural camps).³⁹ For many Traditional Owners groups, these options present as limitations and there was a universal belief across the groups that they had little control over how they could spend their ISA funds.

Overall, discussions with Traditional Owners about finances tended to focus on what was termed "a lot of inequity in the distribution of funds" (Traditional Owner interview, 2017), and with whom the power resides in controlling the funds that are available. The majority of stakeholders felt strongly that this power does not

³⁹ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), page 16, 2017.

reside with Traditional Owners but with QPWS and that this power imbalance reflects the underlying tenet of QPWS' approach to joint management.

"The relationship is not equal between us and Parks, it is slanted in Parks' interest – it's a big brother, little brother relationship. We've all said 'when can we have our own vehicle? When is it becoming a real joint venture?' It's a joint venture on paper but when they want something (fencing for example) off our Ranger has to go at their behest" (Traditional Owner interview, 2017).

Landholding bodies: Developing and Mature

Stakeholders have reported how the success of the joint management program is dependent upon the capacity of the landholding body and that this capacity is highly variable across the Cape York Peninsula. Furthermore, Traditional Owner's capacity to effectively participate in joint management processes varies considerably across locations, and stakeholders consistently reported how this needs to be understood and allowed for in the progressing of joint management. The current one-size-fits-all approach does not accommodate the varying levels of capacity or maturity in Traditional Owner groups.

Concerns have also been raised by QPWS around Rangers' capacity – especially at the Ranger-in-Charge level - to meet the ever-increasing demands placed upon them as additional NPs (CYPAL) are dedicated. For joint management to be successful, the capacity of QPWS must match not only the expectations of the landholding bodies but also match the requirements each landholding body has in building capacity towards eventual sole management.

This notwithstanding, those operationally strong landholding bodies/Traditional Owner groups have also recognised that there are a number of pre-requisites that must be met before a hand-over to sole management takes place. One landholding body identified that these must include a sufficient lead time (this may be two to three years from now) and sufficient financial resources (for infrastructure, etc) to ensure success.

Where successful progress in joint management was observed, the elements and preconditions included:

- Mature and strong landholding bodies.
- Strong leadership within the landholding bodies.
- QPWS operational staff who demonstrate cultural competence and operate in ways that are culturally responsive.
- Having Rangers based on NPs (CYPAL).
- Skilful tendering processes for contract work.
- The commitment of Traditional Owners to optimise the opportunities presented.

For current landholding bodies requiring support and assistance to attain these elements, and for all future NP (CYPAL) landholding bodies, the development and resourcing of a dedicated transitional policy team within QPWS is considered an essential next step in the Cape York Joint Management arrangement. A transitional

policy team is considered essential as QPWS administrative staff, themselves, have reported that they are fully occupied supporting the joint management meetings, financial administration and operational activities and therefore have little time for more strategic work relating to the implementation and improvement of joint management. This team would be required to research options beyond joint management, identify legislative and policy barriers, create new policies and or legislation and amend or remove the old polices/legislation. The evaluation findings highlight how unsustainable this situation is for the joint management team and for Traditional Owners requiring support and assistance to develop their capacity to jointly manage their lands and

Criteria for success

Stakeholders acknowledged that joint management is an ambitious objective that involves complex change processes and there is a need to identify factors that inhibit this process (as noted above) and those factors that enable this process of change. Overall, the consultations highlighted that the success of joint management is dependent upon:

- The development and implementation of joint management plans.
- A genuine commitment to a shared decision-making relationship with the realisation that decision-making must respect and honour Traditional Owners' knowledges, expertise and cultural values.
- Increasing involvement of Traditional Owners in the management of parks, with the ultimate aim of transition to sole management.

It is hoped that the recommendations that have been developed throughout this evaluation can serve as a roadmap towards the next phase in the joint management arrangement on the Cape York Peninsula.

6. Key findings and recommendations

Key findings	Recommendations
<p>Communication and engagement</p> <p>The overall assessment of communication and the flow of information between QPWS and Traditional Owners is that, although it is working well in some locations this was often based on individual personalities and relationships and that it was generally limited and could be greatly improved. Some of the reasons for this provided by stakeholders included: effective communication often relying on individual personalities and how well the respective parties get along with each other rather than relying on standard processes and protocols; QPWS Joint Management Senior Rangers not being based locally; the need for additional, dedicated resources to support landholding bodies; insufficient cultural knowledge and awareness by many QPWS staff.</p>	<ol style="list-style-type: none">1. Existing communication structures and processes between QPWS staff and Traditional Owners should be reviewed in light of the findings of this evaluation and relevant measures developed and implemented in response. These should include:<ol style="list-style-type: none">e. Traditional Owners and QPWS staff should develop communication protocols where they do not exist.f. QPWS and Traditional Owners should ensure that existing communication protocols are adhered to.g. QPWS should consider increasing the amount of dedicated resources to landholding bodies to support joint management including the possibility of increasing joint management Support Workers from part-time to full-time.h. Traditional Owners and QPWS staff should

develop and deliver cross-cultural and traditional land management training program where this has not occurred.

Decision-making

Concerns were expressed by both Traditional Owners and QPWS around decision-making processes and protocols. Most Traditional Owners were quite critical about how joint management meetings were run, particularly around: The length of agendas and the perceived pressure to make decisions on the spot; and, feeling that their ideas and initiatives were being stifled. For QPWS, the procedural and bureaucratic nature of joint management is frustrating and delays the operational requirements of management of the parks. Conflicts between Traditional Owner clans was also negatively impacting on decision-making processes in some situations.

2. That QPWS staff and Traditional Owners consider how decision-making processes and protocols could be improved in light of the findings of this evaluation. Consideration should be given to the following:
 - a. Agendas for meetings be capped in terms of the number of items so that issues can be given appropriate levels of consideration.
 - b. A separation between matters of a strategic nature and those of an operational nature be applied to joint management meetings. Operational matters should be discussed between the respective Rangers, at the lower level, and then prioritised to allow for appropriate discussion time.
 - c. An 'issue' triage system be adopted that directs less important agenda items to alternative delegated approaches for

approval i.e. 'on land permissions'.

- d. Consideration be given to an independent organisation or person to assist with the chairing of joint management meetings to eliminate perceived biases and control.
- e. More weight to be given to traditional communication and decision-making over the current level of bureaucratic and western decision-making.

Cultural and natural resource management

Overall, the issue of cultural and natural resource management did not receive a lot of attention throughout the consultations, or was not seen as a high order issue. Discussions centred around notions of contested knowledge and expertise about how best to manage the land. Despite agreed fire and pest protocols being in place for most of the parks, there was tension among Traditional Owners and QPWS staff around the implementation of these plans and in some cases a lack of awareness of the plans among Traditional Owner groups, particularly because of the high turnover of Directors. Stakeholders reported a lack of progress on cultural resource management and strategic planning activities often affected by lack of QPWS resources, limited access to sites and limited progress in cultural mapping by Traditional Owners.

The issue of land 'ownership' also dominated discussions, with stakeholders across all consultations stating their belief that QPWS are operating within a paradigm that has not recognised Aboriginal ownership of Aboriginal land. These issues are a concern for many

- 3. Traditional Owners and QPWS staff ensure they are familiar with and where necessary review agreed protocols in place for pest and land management.
- 4. Traditional Owners and QPWS staff ensure that cultural auditing/mapping of sites occur and consider whether additional resources are required to undertake this work.

Traditional Owners and impact on the quality of the relationships between Traditional Owners and QPWS staff.

Economic sustainability

A range of issues were identified as impacting on the ability of joint management to deliver economic sustainability for Traditional Owners and their organisations. In the main, discussions focused on three distinct areas that require attention: training; contracting Traditional Owners to work on NPs (CYPAL); and employment.

Traditional Owners expressed concerns around the repetitive, basic-level training opportunities that have been offered, together with the limited opportunities for attaining advanced skills and knowledge. There appeared to be the misconception across many of the Traditional Owner groups that acquiring tickets/training accreditation will/should result in employment with QPWS. For many of the new/developing landholding bodies, the capacity to take up contracting opportunities on NPs (CYPAL) is not being developed through the joint management arrangement. Some Traditional Owners believe that QPWS are favouring the engagement of other providers to carry out contract work on NPs (CYPAL). QPWS staff have reported that Traditional Owners need to obtain business skills to enable them to manage contracts on their NP (CYPAL), and that Traditional Owners need to work with other government agencies as training in business management is not a role for QPWS. Overall, there appeared to be some confusion from Traditional Owners' perspectives around QPWS's roles and responsibilities with regard to training. The joint management arrangement is not delivering the employment opportunities in accordance with Traditional Owners' expectations despite the fact that QPWS have met employment targets set within the IMAs.

5. Traditional Owners need to identify their training needs and then work with other agencies that can deliver these training requirements.
6. QPWS need to be clear on what training they can provide and that training may not necessarily lead to increased career opportunities.
7. Given that employment targets for Indigenous Rangers have been met, consideration should be given to increasing these targets and whether targets should be set for the increased employment of Aboriginal staff within the operational and administrative functions of the joint management program.
8. Traditional Owners need to consider how they will increase their capacity to respond to and secure contracts on Country.
9. Where landholding bodies have the requisite experience and capacity, they should have more control over their own budgets.

Social connection

Progress against outcomes to improve Traditional owners' access to Country was variable with many stakeholders reporting significant barriers to achieving this. Some Traditional Owners were not aware or were uncertain about their rights to access Country. Some Traditional Owners reported barriers to accessing Country including geographical challenges and the lack of an appropriate vehicle. All stakeholders acknowledged the importance of facilitating Traditional Owners' access to Country, particularly so that Elders gain/regain a cultural connection and to record sites of significance and importance.

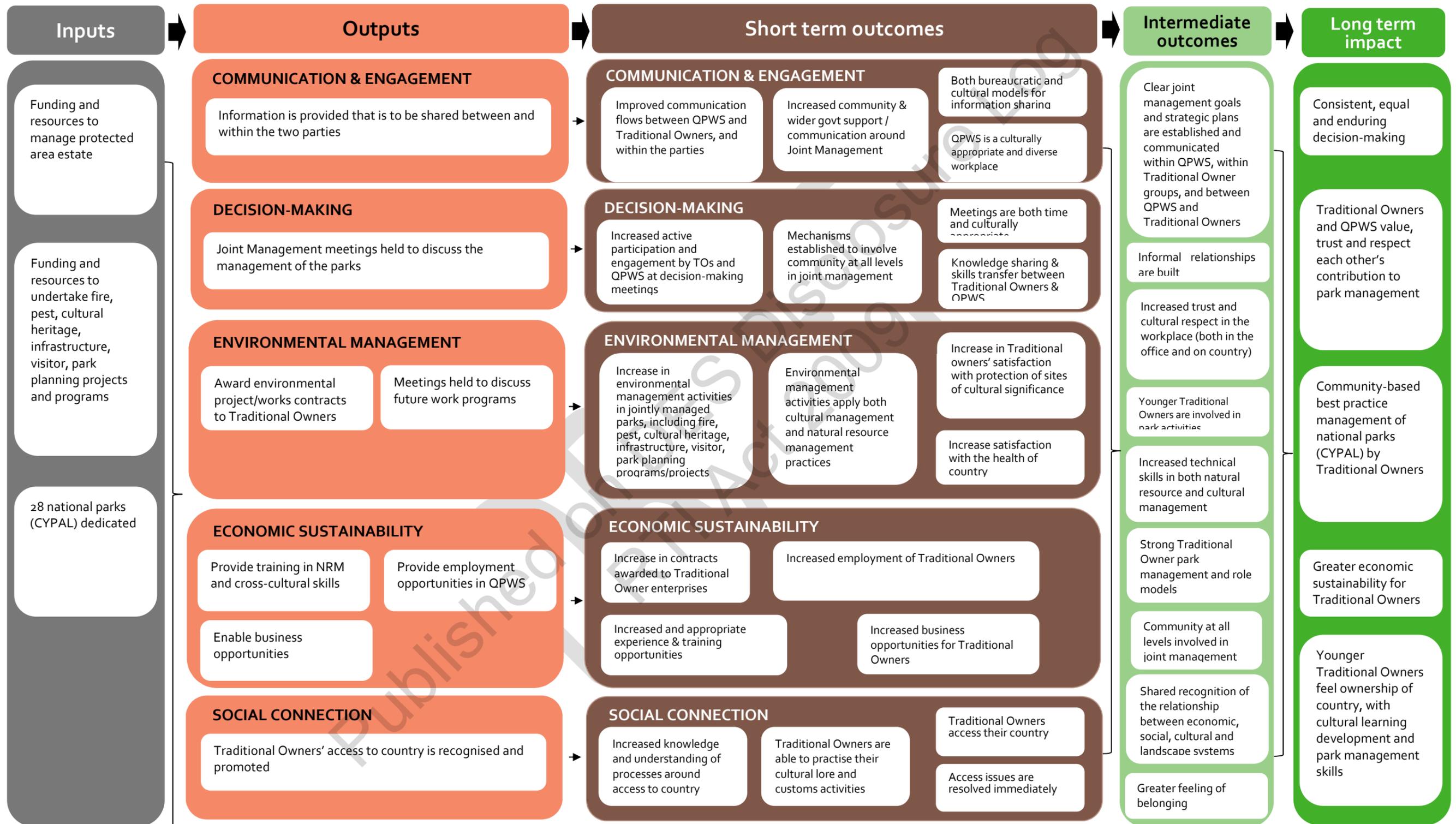
10. Simple information about rights and responsibilities for both Traditional Owners and QPWS in relation to access to land be made available to all participants in joint management.
11. QPWS give priority to greater opportunities for Traditional Owner access to Country; and that any restrictions placed on this access by QPWS be clearly communicated and explained.

Future aspirations

There was an expectation when the Cape York Peninsula Heritage Act 2007 was proclaimed that there would be continuing devolution of the day-to-day management responsibility of the NP (CYPAL) to the landholding body. All Traditional Owner groups reported sole management of their NP (CYPAL) as their future aspiration. Some QPWS staff did not appear to share this understanding. Stakeholders reported that some landholding bodies were well on their way to achieving this aspiration whereas others were still at the very early stages of this journey.

12. QPWS start planning what is beyond joint management.
13. QPWS and Traditional Owners identify criteria to show when Traditional Owner groups may be ready to move beyond joint management.
14. Traditional Owners that are ready for sole management assist QPWS in developing options, possible procedures, and resourcing on how to achieve sole management.

Appendix 1: Program logic



Assumptions and contextual factors: Legislation and procedures support joint management; location and population profile variations; sufficient resources exist to be strategic

Appendix 2: Indicators and sub-questions

INDICATOR	EVALUATION SUB-QUESTIONS TO GUIDE DISCUSSIONS
Communication and engagement	
1. Information is shared between QPWS and Traditional Owners	<ul style="list-style-type: none"> • What information is shared? • How is information currently transferred between QPWS and Traditional Owners? • What are the appropriate protocols for sharing information? • Are there information blockages (e.g. insufficient time)?
2. Information is shared within QPWS	<ul style="list-style-type: none"> • What information is shared across QPWS? • What are the appropriate protocols for sharing information? • How is information currently transferred within QPWS? • Are there information blockages?
3. Information is shared between Traditional Owners	<ul style="list-style-type: none"> • What information is shared? • How is information currently transferred within Traditional Owners? • What are the appropriate protocols for sharing information? • Are there information blockages?
4. Information is disseminated to a wider stakeholder audience	<ul style="list-style-type: none"> • What information is shared? • How is information currently disseminated to a wider stakeholder audience? • What are the appropriate protocols for sharing information more widely? • Are there information blockages?
5. Satisfaction with information provided	<ul style="list-style-type: none"> • Are QPWS, Traditional Owners and visitors (tourists, hunters, scientists etc) satisfied with information provided (cultural, natural, safety, behavioural)?
Decision-making	
6. Both NPSR and the Traditional Owner group attend meetings	<ul style="list-style-type: none"> • What meetings are held to discuss park management? • Where and when are these meetings held? • Is the meeting site culturally appropriate? • How are the meetings structured? • Who attends these meetings (or is not attending)? • Is there equal representation (between QPWS and Traditional Owners, gender balance and similar levels of seniority)? • Are rules of a quorum followed? • Is a quorum best practise? • Are proxies sent when required?
7. Both parties have opportunities to discuss the	<ul style="list-style-type: none"> • How are items for agenda put forward and prioritised? • Are agendas sent out early enough for sufficient time to prepare?

INDICATOR	EVALUATION SUB-QUESTIONS TO GUIDE DISCUSSIONS
topic and any issues (e.g. when and how to carry out burning, informed by both Traditional and recent knowledge)	<ul style="list-style-type: none"> • How many agenda items per meeting? • Do agenda time allocations allow for sufficient time for discussions? • Are complex issues given sufficient time for discussion?
8. Both parties feel they can raise topics for discussion	<ul style="list-style-type: none"> • Do all attendees feel comfortable to raise issues? • How are attendees encouraged to raise issues/participate in discussions?
9. Both parties feel that their opinions are listened to	<ul style="list-style-type: none"> • Do you feel valued and respected, that people will listen to you and ask more questions to increase their understanding?
10. Decision-making is shared and equitable	<ul style="list-style-type: none"> • How are decisions reached? • Do you feel that your opinions contribute towards final decisions reached?
Cultural and natural resource management	
11. Both parties' knowledge and expertise applied to environmental management	<ul style="list-style-type: none"> • How many environmental management activities in jointly managed parks took place in 2016/2017? • What types of environmental management activities have taken place during this time? • What elements of environmental management do you believe work well and not so well? • What knowledge and experience has been useful to enable successful environmental management activities? • What knowledge or skills are missing/required to enable better success of environmental management activities? • How is cultural management included with natural resource management to undertake environmental management activities?
12. Sites of cultural significance are protected	<ul style="list-style-type: none"> • How many and what type of cultural resource management activities took place in 2016-17? • How satisfied are Traditional Owners with the protection of sites of cultural significance?
13. Country is healthy	<ul style="list-style-type: none"> • How satisfied are Traditional Owners with the health of Country through fire management, weed control, feral animal control, protection of native species? • How satisfied are QPWS with the health of Country through fire management, weed control, feral animal control, protection of native species? • How can joint management improve satisfaction?
14. Traditional knowledge and western knowledge applied to park management	<ul style="list-style-type: none"> • Is there a balance between the application of traditional knowledge and western knowledge to park management? • How is cultural management balanced with natural resource management to undertake cultural and natural resource management activities?
Economic sustainability	

INDICATOR	EVALUATION SUB-QUESTIONS TO GUIDE DISCUSSIONS
15. Traditional Owners are employed in QPWS	<ul style="list-style-type: none"> • How many Traditional Owners are employed in QPWS? • How many Traditional Owners are employed as: <ul style="list-style-type: none"> a) Park Rangers? b) Land Trust/Corporation Rangers? c) Contractors? d) Cultural advisors/mentors? e) Other roles? • How many are in Indigenous specified positions? • How many Traditional Owners are employed on their Country? • How do Traditional Owners, if employed on their Country, balance work and family obligations? • How do Traditional Owners manage their work obligation when their elders may be in lower positions?
16. Traditional Owners are being awarded works contracts	<ul style="list-style-type: none"> • How many contracts have been awarded to Traditional Owners / Land Trusts / Aboriginal Corporations? • Who has received these contracts? • Who is considered a Traditional Owner (Indigenous person or a person from that mob) for these contracts?
17. Training is well attended	<ul style="list-style-type: none"> • What type of training is delivered? • What opportunities are there for training around governance, decision-making and planning activities? • What opportunities are there for training around park management? • Who delivers the training (QPW, Traditional Owners, external)? • Who attends the training? • What are other training needs? • Is training two-way (QPWS training Traditional Owners on government systems and Traditional Owners are training QPWS on Indigenous matters)?
18. Diverse economic opportunities for Traditional Owners on parks are identified and promoted	<ul style="list-style-type: none"> • What are some economic opportunities available for Traditional Owners? • How are opportunities raised? • How many opportunities have been acted on (e.g. tourism opportunities etc)? • What are some barriers for Traditional Owners acting on economic opportunities?
Social connection	
19. Traditional Owners access their Country	<ul style="list-style-type: none"> • How many Traditional Owners access their Country? • Is access easy/appropriate? • Is access limited to certain areas and what is the reasoning? • Do Traditional Owners feel comfortable (allowed and welcomed) about being back on Country?

INDICATOR	EVALUATION SUB-QUESTIONS TO GUIDE DISCUSSIONS
	<ul style="list-style-type: none"> • Have Restricted Access Areas been identified and established in consultation with Traditional Owners and with appropriate buffers?
20. Any access issues are resolved immediately	<ul style="list-style-type: none"> • What are the issues for Traditional Owners accessing Country? • Is there a process for resolving access issues? • Are issues resolved appropriately?
21. Traditional Owners can practise their cultural lore and customs activities	<ul style="list-style-type: none"> • Are Traditional Owners practising cultural activities on their Country? • Do Traditional Owners feel comfortable (allowed and welcomed) to practise their cultural activities on Country?
22. Knowledge is passed down to the next generation	<ul style="list-style-type: none"> • How and where is knowledge passed down? • What are barriers for knowledge transfer?
Future aspirations	
23. Have future aspirational documents been developed	<ul style="list-style-type: none"> • Have aspirations been discussed and collated with Traditional Owner groups and with QPWS? • Is joint management solely responsible for meeting the aspirations of Traditional Owners?

Appendix 3: Participant engagement

Table following lists stakeholders involved in the evaluation of the Cape York Joint Management Program.

Name	Group
CTPI 49-Sch4	Kuuku Ya'u Aboriginal Corporation
	Errk Oykangand National Parl Land Trust - RPAMC
	Rinyirru Lankefiled Aboringal Corporation - RPAMC
	Buubu-Gujin Aboriginal Corporation
	Buubu-Gujin Aboriginal Corporation - RPAMC
	Yintjingga Aboriginal Corporation (Lama Lama Land Trust) - RPAMC
	Kuuku Ya'u Aboriginal Corporation
	Oyala Thumotang Land Trust - RPAMC
	Waarntuur-iin Aboriginal Corporation - RPAMC
	Waarntuur-iin Aboriginal Corporation
	Baingarrawarra Aboriginal Corporation - RPAMC
	Olkola Aboriginal Corporation - RPAMC
	Kulla Land Trust
	Impia Ikaya Aboriginal Corporation (for Jardine/Heathlands ILUA) - RPAMC
	Errk Oykangand National Parl Land Trust
	Balngarrawarra Aboriginal Corporation - RPAMC
	Cape Melville, Flinders & Howick Islands Aboriginal Corporation
	Yuku Baja Muliku Landowner & Reserves Ltd
	Batavia Traditional Owners Aboriginal Corporation
	RPAMC - Cape Melville, Flinders and Howick Islands Aboriginal Corporation
	RPAMC - Oyala Thumotang Land Trust
	RPAMC - Lakefield Land Trust
	RPAMC - Wuthathi Aboriginal Corporation
RPAMC - Wuthathi Aboriginal Corporation	
Olkola Aboriginal Corporation	
Chair Rinyirru Lakefield Aboriginal Corporation	
DATSIP	
Karrell Ross	Manager, CYPTRP
Ed Waison	CYPTRP
Simon Thompson	Snr Nature Refuge Officer
Linda Craig	CYPTRP
Peta Simpson	CYPTRP
Rachel Small	CYPTRP
Lyn Wallace	A/g Director, CYPTRP
QPWS	

Georgianna Fien	Manager, Joint Management
Angela Foster and John De Campo	Manager, Assessments & Approvals
Andrew Millerd	Principal Ranger, Tablelands & Dry Tropics
Dan Mead	Senior Ranger – Northern Cape
Pip Schroor	A/g Team Leader, Joint Management
Lisa Still-Baker	Senior Ranger, Joint Management
Tony Mitchell	Senior Ranger, Joint Management
Tony Cockburn	Ranger in Charge
Chris Kinnaird	Principal Ranger, Technical Support
Brett Stallbaum	Principal Ranger, Cape York
David Fuller	Principal Ranger, FNQ
Chris Wall	QPWS Indigenous Ranger
Ewan	QPWS Indigenous Ranger
Clive Henderson	QPWS Indigenous Ranger
Peter McKenzie	QPWS Ranger
Janie White	QPWS Senior Ranger
Craig Hall	QPWS Ranger
Carol Kinnaird	A/g SPO Community Engagement, QPWS
Robert Kloetzer	005 Second Ranger in Charge of Oyala Thumotang, KULLA, Batavia NP (CYPAL)
Other	
Ross MacLeod	Acting Executive Director Economic Participation, Queensland Government
CTPI 49-Sch4	Retired Director of Joint Management Joint Ex Regional Manager Northern (QPWS)
CTPI 49-Sch4	Balkanu Cape York Development Organisation
Peter Callaghan	CEO, Cape York Land Council
CTPI 49-Sch4	Ex Executive Director Northern (QPWS)

Appendix 4: Agreed protocols for each NP (CYPAL)

Agreed protocols for each NP(CYPAL)⁴⁰

NP (CYPAL)	Fire 2017	Pests 2017	Communication	PTUKIS*	Cattle
Alwal NP (CYPAL)	✓	✓		✓	
Batavia NP (CYPAL)	✓	✓		✓	
Biniirr NP (CYPAL)	✓	✓		✓	
Bromley (Ampulin) NP (CYPAL)	New park	New park		✓	
Bromley (Kungkeychi)	New park	New park		✓	
Cape Melville NP (CYPAL)	✓	✓	✓	✓	✓
Daarrba NP (CYPAL) (formerly Mount Webb)	✓	✓	✓	✓	
Errk Oykangand NP (CYPAL) (formerly Mitchell Alice River)	✓	✓		✓	
Flinders Group NP (CYPAL)	✓	✓	✓	✓	NA
Howick Group NP (CYPAL)	✓	✓	✓	✓	NA
Juunju Daarrba Nhirrpan NP (CYPAL)	✓	✓	✓	✓	
KULLA (McIlwraith Range) NP (CYPAL)	✓	✓ Surveys only in 2017			
Kutini-Payamu (Iron Range) NP (CYPAL)	✓	✓		✓	
Lama Lama NP (CYPAL)	✓	✓		✓	
Ma'alpiku Island NP (CYPAL) (formerly Restoration)	NA	NA		✓	NA
Marpa NP (CYPAL) (formerly Cliff Islands)	NA	NA		✓	NA
Melsonby (Gaarraay) NP (CYPAL)	✓	✓	✓		

⁴⁰ Queensland Parks and Wildlife Service Submission to the 2017 Evaluation of Joint Management of National Parks (Cape York Peninsula Aboriginal Land), pages 15-16, 2017.

NP (CYPAL)	Fire 2017	Pests 2017	Communication	PTUKIS*	Cattle
Mitirinchi Island NP (CYPAL) (formerly Quoin)	NA	NA		✓	
Muundhi (Jack River) NP (CYPAL)	✓	✓	✓	✓	
Ngaynggarr NP (CYPAL)	New park	New park		✓	
Olkola NP (CYPAL)	✓	✓		✓	✓
Oyala Thumotang NP (CYPAL) (formerly Mungkan Kandju)	✓			✓	✓
Piper Islands NP (CYPAL)	NA	NA		✓	NA
Rinyirru (Lakefield) NP (CYPAL)	✓	✓		✓	
Wuthara Island NP (CYPAL) (formerly Forbes)	NA	NA		✓	NA
Wuthathi (Saunders Islanders) NP (CYPAL)	NA	NA		✓	NA
Wuthathi (Shelburne Bay) NP (CYPAL)	✓	New park		✓	
Wuthathi (Sir Charles Hardy Group) NP (CYPAL)	NA	NA		✓	NA

* Permits to take, use, keep, interfere with Natural Resources

Appendix 5: Literature Review

The aim of this literature review is to review national and international best practice joint management arrangements; to understand the outcomes of joint management and how these are supported through evaluations; and to explore the gaps and opportunities in current policy to inform the CYJM evaluation context.

The literature review is presented in three sections:

Section 1 – Overview of international and national joint management policy and frameworks, and how joint management has developed as a result.

Section 2 – Review of similar evaluations of joint management in Australia and internationally.

Section 3 - Assessment of the Cape York joint management context against future directions for joint management, and how this can be applied to the broader policy environment.

1. Overview of joint management policy and framework for protected areas

International Frameworks

The International Union for Conservation of Nature (IUCN 2008) defines a protected area as:

A clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.

Contained in the IUCN's Categories System for protected area management, recognised internationally by the United Nations and governments as the global standard, national parks (Category II) are defined (IUCN 2013) as:

Large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities.

As defined by the IUCN, joint management of national parks is a form of shared governance by various rights holders and stakeholders together in a pluralistic governance body, often including government agencies sharing power, authority and responsibility. The IUCN further identifies true shared governance to include key components of a negotiation process, a co-management agreement, and a multi-party governance institution (IUCN 2013).

At an international level, protected area management is supported through the United Nations Convention of Biological Diversity (CBD), implemented through the Strategic Plan for Biodiversity 2011-2020 and Aichi Targets – the CBD's ten-year framework for action by all parties, including Australia. By 2020, Aichi biodiversity target 11 calls for:

at least 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscape and seascape (UNEP 2011, p.1).

To meet the target, one of the conditions to be met is that the protected area conserved:

...should be effectively and equitably managed with planning measures in place to ensure ecological integrity and the protection of species, habitats and ecosystem processes, with the full participation of indigenous and local communities, and such that costs and benefits of the areas are fairly shared.

National frameworks

Australia's strategy to develop the National Reserve System and National Representative System of Marine Protected Areas directly addresses national goals to meet Aichi biodiversity target 11 through protected

terrestrial and marine areas under government, private or Indigenous management. As of 2016, data from the Collaborative Australian Protected Area Database calculates joint management to make up 5.6% (8,444,020 has) of protected area governance (DoEE).

As a signatory to the CBD, Australia has developed a Conservation Biodiversity Strategy (2010-2030) (the Strategy), which is used as the guiding framework for biodiversity conservation and fulfilling international obligations under the CBD. The Strategy identifies the significant role Indigenous peoples, and their Indigenous ecological knowledge, play in biodiversity conservation, and how Indigenous peoples can benefit economically, socially and culturally through the environmental management and biodiversity conservation (CoA 2016, p.40). Indigenous engagement has also been identified as a priority for the Strategy (see box below).

Box 1: Indigenous engagement in Australia's Biodiversity Strategy (NRMMC, 2010, pp. 55, 40)

National priority for action: Engaging all Australian's in biodiversity conservation

Sub-priority: Increasing Indigenous engagement

Actions for all governments in partnership with Indigenous peoples:

- A4 - Extend opportunities for employing Indigenous peoples in biodiversity conservation, including through the Indigenous Protected Areas program.
- A5 - Support long-term, two-way knowledge transfer and capacity building to enhance the role of traditional ecological knowledge in biodiversity conservation.
- A6 - Support training programs that strengthen biodiversity outcomes in Indigenous land and sea management.

Outcomes for increasing Indigenous engagement:

- 1.2.1 An increase in the employment and participation of Indigenous peoples in biodiversity conservation activities.
- 1.2.2 An increase in the use of Indigenous knowledge in biodiversity conservation decision making.
- 1.2.3 An increase in the extent of land managed by Indigenous peoples for biodiversity conservation.

National target: By 2015, achieve a 25% increase in employment and participation of Indigenous peoples in biodiversity conservation.

Recognition of Indigenous rights and interests through joint management

Land Rights legislation in the 1970s was a catalyst for joint management and co-management models for protected areas in Australia (Bauman & Smyth 2007b). As Aboriginal land ownership gained legal recognition, and as it overlapped with mainstream conservation areas, government policy began to shift in relation to Aboriginal involvement in contemporary land management and to enable the development of various mechanisms for Aboriginal people to be involved in the management of protected areas, including co-management arrangements. Initially the early joint management model was an arrangement of convenience or coercion by the government where hand back arrangements were conditional on the continuation of the

national park and denied Aboriginal people opportunities to benefit from their traditional estates (Smyth 2001; Bauman & Smyth 2007b).

Native title supported further development of joint management arrangements over government established protected areas (Bauman & Smyth 2007b; Smyth & Ward 2008; Hill 2011) as a result of acknowledging pre-existing and continuing ownership of land by Indigenous people and recognition of native title rights and interests as part of Australian common law through the 1992 High Court Mabo native title decision (Bauman & Smyth 2007b, p8). The recognition of native title provides additional opportunities for Indigenous engagement in the management of protected areas through Indigenous Land Use Agreements (Bauman & Smyth 2007b, p.9). Of note, Chief Justice of the High Court, Sir Anthony Mason, in his Mabo judgement referred to national parks as an example of a land tenure where he anticipated that native title would have survived.

Native title continues to exist where waste lands of the Crown have not been appropriated or used or where the appropriation and use is consistent with the continuing concurrent enjoyment of native title over the land (e.g. land set aside for national parks).⁴¹

Two key policies putting forward Aboriginal perspectives in joint management arrangements were the Aboriginal and Torres Strait Islander Commission 1994 draft policy paper, A Fine and Delicate Balance: a discussion paper on ATSIC's draft environment policy, which supported principles for effective Aboriginal and Islander participation in the development of environmental policies and joint management of national parks and world heritage areas to secure native title rights and interests; and the 1990 Millstream recommendations resulting from the Royal Commission on Aboriginal Deaths in Custody, which presented clear goals for Aboriginal engagement in protected areas and a summary of existing concerns Aboriginal people held relating to conservation, land management, decision-making and the designation of protected areas over Aboriginal land (Lawrence 1996):

315. *That the recommendations submitted to the Conservation and Land Management meeting (held at Millstream on 6-8 August 1990) by representatives of Aboriginal communities and organisations be implemented in Western Australia upon terms to be negotiated between Aboriginal people and appropriate Aboriginal organisations and communities on the one hand and National Park authorities on the other so as to protect and preserve the rights and interests of Aboriginal people with cultural, historical and traditional association with National Parks. The recommendations proposed at the Millstream meeting were:*
- a. The encouragement of joint management between identified and acknowledge representatives of Aboriginal people and the relevant State agency;*
 - b. The involvement of Aboriginal people in the development of management plans for National Parks;*
 - c. The excision of areas of land within National Parks for use by Aboriginal people as living areas;*
 - d. The granting of access by Aboriginal people to National Parks and Nature Reserves for subsistence hunting, fishing and the collection of material for cultural purposes (and the amendment of legislation to enable this, where necessary);*
 - e. Facilitating the control of cultural heritage information by Aboriginal people;*
 - f. Affirmative action policies which give preference to Aboriginal people in employment as administrators, Rangers, and in other positions within National Parks;*
 - g. The negotiation of lease-back arrangements which enable title to land on which National Parks are situated to be transferred to Aboriginal owners, subject to the lease of the area to the relevant State or Commonwealth authority on payment of rent to the Aboriginal owners;*
 - h. The charging of admission fees for entrance to National Parks by tourists;*

⁴¹ *Mabo v Queensland (no. 2)*

- i. The reservation of areas of land within National Parks to which Aboriginal people have access for ceremonial purposes; and
- j. The establishment of mechanisms which enable relevant Aboriginal custodians to be in control of protection of and access to sites of significance to them.⁴²

The government formally responded to the recommendations with support for the development of strategies for self-determination and the restoration of unalienated Crown land to Aboriginal people to support land claims. Despite clear in principle support from Commonwealth, Northern Territory, New South Wales, Victoria, Queensland and Western Australia governments, Lawrence notes that Aboriginal rights and interests in protected areas remained inferior to user groups' economic and political interests and aspirations for tourism, resource use and conservation (1996, p.13).

The development of joint management in Australia has come about in response to land rights legislation, and driven by both the desire of government to conserve areas of land under the National Reserve System in high priority biogeographic regions and a growing recognition of Aboriginal rights and Traditional Ecological Knowledge internationally (See figure 1 below). It has required government managers and the public to alter their perspective to how national parks were previously managed with an emphasis on biological conservation (Bauman et al. 2012), to supporting Indigenous concepts of cultural connectivity to landscapes, livelihoods, Aboriginal knowledge, rights and interests in management and community development (Lawrence 1996).

Joint Management Journey in Australia

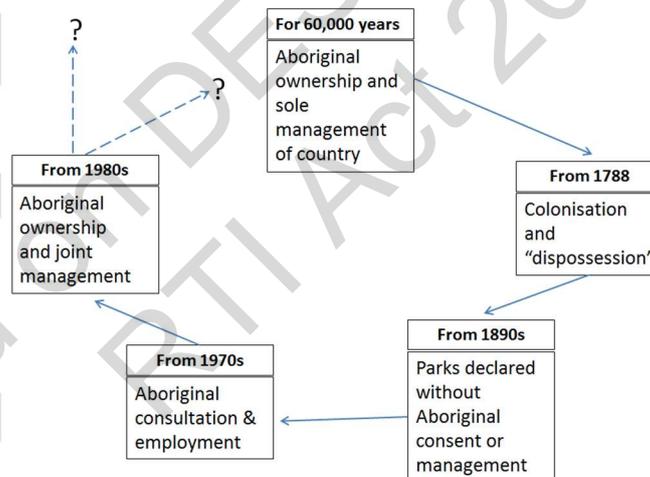


Figure 1: Joint management journey in Australia (D. Smyth, Bauman and Smyth 2012)

Bauman & Smyth (2007, p.4) define joint management as:

the establishment of a legal partnership and management structure which reflects the rights, interests and obligations of the Aboriginal owners of the park, as well as those of the government conservation agency, acting on behalf of the wider community.

⁴² Report on the NSW Government's Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody: Recommendation 315 Involvement of Aboriginal people in decisions relating to National Parks, available online at http://www.lawlink.nsw.gov.au/report%5Clpd_reports.nsf/pages/rc99_land

Approaches to joint management in Australia differ depending on provisions in enabling legislation and management plans, lease agreements, on-ground management and operations and resourcing. Bauman & Smyth (2007, p.4) state that,

Typically, where legal recognition of Aboriginal rights to traditional lands is strong, protected area joint management arrangements provide for significant Aboriginal involvement in decision-making, accompanied by rights to live within and use resources of protected areas, albeit subject to provisions of plans of management. Where such legal recognition is weak or unresolved, Aboriginal input into decision-making tends to be advisory only and rights to living areas and resource use highly constrained.

However, evidence also shows that effective joint management requires more than an agreement and the strength of joint management is in the process of governance and management.

Gurig National Park, Uluru Kata-Tjuta National Park and Kakadu National Park are three of the earliest Commonwealth managed protected areas that, through supporting land rights legislation, were leased back to the government of Australia by traditional owners. This model is considered a coercive approach to joint management, as the land was only handed back on condition that the areas become national parks. Joint management features of these early approaches include inalienable fee-simple (freehold) title held by a trust of Aboriginal landowners; 99-year lease back to the Commonwealth; Aboriginal rights to use the park and other contractual obligations laid out in a lease agreement; and a board of management with majority traditional owner representatives appointed by the Commonwealth Minister for Environment (Lyver et al. 2014; Bauman & Smyth 2007b).

Similar joint management features are present in state-managed protected areas across Australia. In Queensland, the *Aboriginal Land Act 1991* (Qld) and *Nature Conservation Act 1992* (Qld) allowed for a form of joint management offered by the government for Aboriginal-owned parks leased back in perpetuity with no payments. Aboriginal groups rejected this offer and no parks were ever created using this approach. ILUA-based cooperative management models were successfully implemented over national parks as part of native title consent determinations and the Queensland government's Cape York Tenure Resolution Program (CYPTRP). The *Aboriginal Land Act 1991* (Qld) and *Nature Conservation Act 1992* (Qld) were subsequently amended to establish a regional approach under the *Cape York Peninsula Heritage Act 2007* (Qld), providing Aboriginal land leased back and managed in perpetuity as dedicated national park (Cape York Peninsula Aboriginal Land, CYPAL). Aboriginal land dedicated as national park (CYPAL) under the *Nature Conservation Act 1992* (Qld) is supported through an ILUA, signed by the native title holders, and an Indigenous Management Agreement (IMA) entered into by the land trust and State and registered on the title. CYPALs are managed under their ILUA, IMA, management principles identified in the *Nature Conservation Act 1992* (Qld) and any management plans. A similar model to CYPAL was developed as part of the *North Stradbroke Island Sustainability and Protection Act 2011* (Qld), which provides for joint management across a number of protected area classes.

In Western Australia, 2012 amendments to the *Conservation and Land Management Act 1984* (WA) provided formal joint management agreements between the State's department of Parks and Wildlife and people with rights and interests in the area, including Aboriginal People (regardless of exclusive or non-exclusive native title rights and interests), and the establishment of joint management bodies.

Under the state's *National Parks and Wildlife Act 1972* (SA), South Australia's co-management model allows shared responsibility with Aboriginal groups and formal co-management agreements for protected areas under Aboriginal ownership, managed by a majority Aboriginal board; or Crown ownership, either managed by a board determined by the Minister and Aboriginal group or statutory advisory committee that does not hold management control and whose functions are determined by the Minister and Aboriginal group.

Victoria has both joint management and co-management arrangements, with joint management established under the terms of the *Traditional Owner Settlement Act 2010* (Vic), allowing parks and reserves to be returned to Aboriginal ownership under Aboriginal Title and state-appointed Traditional Owner Land Management Boards (TOLMB) established to oversee the management of parks. Under formal agreements, TOLMBs are tasked with the development of joint management plans.

Other forms of co-management exist through Memorandums of Understanding that recognise Aboriginal interests, support Indigenous membership on management boards (e.g. Great Barrier Reef Marine Park and Wet Tropics World Heritage Area), and employment and training of Indigenous people in park management (Bauman & Smyth 2007b).

Booderee National Park, located in the Bherwerre Peninsula in Jervis Bay Territory of South-Eastern Australia, was established following amendments to the *Aboriginal Land Grant (Jervis Bay Territory) Act 1986* (Cth) and the *National Parks and Wildlife Conservation Act 1975* (Cth) to transfer freehold title of the park to the Wreck Bay Aboriginal Community Council and leased back to the Director of National Parks for 99 years. The park is governed by the Jervis Bay National Park Board of Management, with majority members from the Wreck Bay Aboriginal Community, and is currently managed under its second edition of the Booderee National Park Management Plan (2015-2025). It is a unique example of joint management at the Commonwealth level as all parties to the agreement clearly identify and recognise the goal of eventual sole management of the park by the Wreck Bay Aboriginal Community (DoNP 2015, p.41). Furthermore, the park's management plan recognises that (DoNP 2015, p.9):

The Wreck Bay Aboriginal Community Council concerns are wider than park management and extend into community development, housing and other social issues. Although these are not directly the responsibility of the Director of National Parks, these issues and how the Council deals with them have an impact on the joint management arrangements and the success of joint management. The Council's focus on park issues often relates to its aim of achieving outcomes that enhance the sound and economic development of the Wreck Bay Aboriginal Community.

Recognition of sole management acts as a powerful catalyst for partners to build capacity of traditional owners in protected area management, and has further strengthened economic development opportunities through commitments to park management service contracts taken up by local Indigenous-owned commercial entities (Bauman & Smyth 2007b, p.13; DoNP 2015). As stated in the management plan, the success of joint management is dependent on implementation of the plan, including aspirations of Wreck Bay people; a shared decision-making relationship; and increasing involvement of the Wreck Bay people in park management (DoNP 2015, p.44). Issues identified to achieve sole management include improvements in joint management through review of current arrangement and innovative approaches, and the need for a roadmap towards sole management to ensure effective management throughout the transition period (DoNP 2015, p.48). The plan

also identifies Parks Australia's 2014 *Joint Management Futures Project*, which aimed to determine joint management frameworks that could evolve to meet the needs of traditional owner aspirations.

Looking at innovative joint management approaches in other countries, the New Zealand Treaty of Waitangi claim settlement process has the potential to recognise constitutional relationships with Aboriginal groups. The Ngāi Tūhoe Treaty of Waitangi settlement claim for Te Urewera National Park led to the development of the *Te Urewera Act 2014* (NZ), making Te Urewera a separate legal entity with Tūhoe and Crown representative board members acting as trustees. Particular Tūhoe criteria for the settlement included that the claim would restore Tūhoe kaitiakitanga (guardianship) over natural resources, realize management centred on Tūhoe worldview, provide safeguards that existing or future legislation impact the development of Tūhoe governance, and recognition by the Crown that Tūhoe never relinquished their governance authority (Lyver et al. 2014, p.94). In developing criteria for settlement, members of the Tūhoe Treaty claim settlement negotiating team (Te Kotahi a Tūhoe) acknowledged that they desire governance authority over themselves and their customary territory to be recognised as an inherent right, but that there was also an acknowledgement of 'interdependence' with the Crown to "...become the master of its own destiny while at the same time remaining mutually economically, ecologically and morally responsible to the Crown and public of New Zealand" (T. Kruger, Tūhoe Chief Negotiator, pers. comm. 2009 in Lyver et al. 2014, p.94).

Despite native title rights in protected areas, and strong recommendations through policies and statements, Aboriginal rights and interests in Australia's protected areas, including their cultural connections to the landscape and aspirations, are largely not met.

Lawrence (1996) notes that joint management for many Aboriginal people is seen as a process supporting traditional owner rights and interests to control traditional estates and strengthen culture, and that failure to recognise this perspective will result in protected areas continuing to support paternalistic, colonial approaches to shared governance and management. The need for an 'intercultural space' is reinforced by Australian and NZ perspectives on joint management where Lyver et al. also identifies that traditional owners have been limited to western constructs that guide joint management, such as land title, leases and management boards, which have hindered full engagement in joint management (2014), and that the equitable power-sharing needs to be addressed through collaborative processes rather than just by agreements themselves. Ayre & Verran (2010) suggest acknowledgement of the differences between the ontology and epistemologies of Aboriginal knowledge systems remains unaddressed in government policy and practice (acknowledged but backgrounded). Weir et al. (2011) also identifies the difficulty in influencing government policy nationally even in the face of robust evidence for the need for change, and with increasing respect for cultural and natural resource management.

As joint management approaches have progressed and responded to traditional owner experience, there is now greater recognition of Indigenous rights and interests. This is especially the case with the development of Indigenous Protected Areas (IPAs). However, there remains a divergence in aspirations with many Indigenous people seeking eventual return of Country and full control (but not all, for example Uluru traditional owners). Finding the 'intercultural space' to negotiate these aspects still remains a challenge for widely separate ontologies and government bureaucracies, processes and timeframes are slow to change. Joint management typically develops in a western construct, which Aboriginal people may struggle to translate into their own ontologies, but this will be dependent on the local Aboriginal context (Lyver et al. 2014).

In 2012, the Australian Institute of Aboriginal and Torres Strait Islander Studies held a workshop, titled *Joint Management of Protected Areas in Australia Workshop: Native Title and Other Pathways towards a Community of Practice*, in Alice Springs for Commonwealth, state and territory agencies to share information on approaches to joint management and identify practical issues that should be addressed in developing a community of practice (Bauman & Lauder 2012). Discussions identified a series of objectives for joint management including the need to facilitate cultural change and for a paradigm shift within some state departments and agencies; that joint management occurs at the intersection of two sets of cultural values and two approaches to managing Country in an intercultural space of reconciliation; the need for joint management processes need to remain fluid and flexible; the critical need to promote the benefits of joint management to the wider community and to governments; and that the implications of joint management should be considered as a component of native title claims (Bauman & Lauder 2012, pp. 26-27).

Defining and developing frameworks and policy for joint management has achieved considerable outputs for protected areas and traditional owner groups in Australia. However, there has been little critical assessment of how effectively these Australian shared governance arrangements work in practice or meet Indigenous aspirations compared with the attention given to describing their structural features and goals. (Lyver et al. 2014).

While Australia has implemented International joint management frameworks to address conservation objectives, there remain gaps for achieving Indigenous rights, interests and aspirations in protected area governance and management. Literature has shown that Indigenous groups are addressing these gaps through non-legal tools and frameworks that directly meet their needs and compliment joint management in protected areas, including through the development of Indigenous Protected Areas and Country-based planning. How these support policy directions for joint management will be further discussed in *section 3.2*.

2. Overview of joint management evaluations in Australia and internationally

Background

Increasingly, recognition of rights holders such as Indigenous communities and local communities have brought them into planning and decision-making for protected areas (Borrini-Feyerabend et al. 2013). International bodies such as the IUCN encourage a cooperative approach to assessment of protected areas, for example Principle 7 of the World Commission on Protected Areas (Hockings et al. 2006, p.49):

Principle 7: The evaluation process is cooperative, with good communication, teamwork and participation of protected area managers and stakeholders throughout all stages of the project wherever possible. Gaining the approval, trust and cooperation of stakeholders, especially the managers of the protected areas to be evaluated, is critical and must be ensured throughout the assessment. Assessment systems should be established with a non-threatening stance to overcome mutual suspicion. Evaluation findings, wherever possible, should be positive, identifying challenges rather than apportioning blame. If the evaluation is perceived to be likely to 'punish' participants or to reduce their resources, they are unlikely to be helpful to the process.

More recently addressing measurement of equity are framed in the CBD Aichi Target 11 for biodiversity conservation through “..effectively and equitably managed...protected areas..” (UNEP 2011, p.1; emphasis added).

In 2010, the CBD parties agreed to report on governance of protected areas and adopted a reporting framework to be integrated with Aichi Targets, including standards and best practice for protected area governance (see Borrini-Feyerabend et al. 2013).

The IUCN has dedicated significant effort to advancing standards and guidelines for management effectiveness over the last two decades, including governance principles and equity, for example, Scoones 1998; Hocking et al. (2000); Hocking et al. (2006); IUCN-TILCEPA (2010); UNEP (2013); Borrini-Feyerabend et al. (2013). These guidelines and frameworks provide an international standard, which is useful to benchmark evaluation methods and processes, understanding that each M&E must be developed according to local contexts (Izurieta 2011; Borrini-Feyerabend et al. 2013; Stacey et al. 2013; Hill et al. 2013). However, the IUCN still recognise that despite this effort, improving the evaluation of social, economic, community and governance aspects of protected area management remains a challenge (Worboys et al. 2015).

International guidelines and frameworks that may be useful to inform the development of the CYJM Program evaluation include:

Guidebook for Supporting Participatory Monitoring and Evaluation of Jointly Managed Parks in the Northern Territory (Izurieta et al. 2011): Guidelines for evaluating jointly managed parks and reserves in the Northern territory based on a pilot of four jointly managed parks. It includes a set of suggested principles to carry out the evaluation covering partner focus and ownership, negotiation, learning by doing, flexibility, and equitability.

Sustainable Livelihoods Framework (Sayer et al. 2007; Scoones 1998): assess trends in five capital assets of natural, human, social, physical and financial capital. It may be used as a tool for participatory research or as a framework to assess evaluation design against, and can be useful to maintain a perspective of the whole of peoples lives and the complexity of interactions. It may be useful to adapt to local Indigenous contexts (Davies et al. 2010).

The World Commission on Protected Area Management Effectiveness Framework (Hockings et al. 2006): A framework based on adaptive management providing a consistent approach to evaluation that can be adapted to a diversity of needs and circumstances.

IUCN guidelines (Borrini-Feyerabend et al. 2013): Guidelines to understand and measure governance quality. The IUCN has developed these guidelines for protected areas that incorporate governance types and bring in a focus on equity. Provides ‘good governance’ principles for protected areas as best practice standards merge effectiveness (vision, performance, accountability) and equity (fairness, respect for procedural & substantial rights).

Protected Area Governance and Management (Worboys et al. 2015): This tome of international experience and guidance is the most recent IUCN publication to support the quality of protected area governance and management globally and across a range of governance types including co-managed or joint managed areas, IPAs and private protected areas. Chapter 28 is dedicated to protected area

management effectiveness and provides guidance for designing and implementing evaluation systems and outlines the main approaches to assessing the effectiveness of protected areas.

In Australia, monitoring and evaluation of protected areas has focussed on the management of physical assets and outcomes (what the management wants to achieve) rather than on governance processes or the quality of governance (how the management arrangements function) (Stacey & Izureita 2010). With the development of co-management of protected areas with Indigenous people, a shift towards broader evaluation of both the governance and the protected area performance or management is beginning to develop in Australia, consistent with the shift on international guidelines over the last decade (Worboys et al. 2014; Borrini-Feyerabend et al. 2013).

Shifting focus from only the physical nature of protected areas to include Indigenous perspectives, local contexts and cultural values and governance includes accommodating cultural transmission of knowledge, strength of kinship, cultural identity, cultural maintenance and traditional ecological knowledge (Borrini-Feyerabend et al. 2013).

However, there still remains a disconnect between Aboriginal people and government in Australia, where Aboriginal traditional owners tend to engage joint management as a community development process and to reinstate their control over their land *"driven by the need for a stronger cultural identity and self-determination"* whereas the governments in Australia primarily engage joint management as a mean to achieve conservation goals (Stacey & Izurieta 2010, p1). Stacey & Izureita (2010) suggest that rarely are the shared objectives within the different perspectives identified, agreed or been subject to an evaluation. As such there remains little practical experience in Australian protected areas of M&E for jointly managed protected areas, especially governance quality and equity.

Formal joint management agreements, such as those established in Gurig, Kakadu and Uluru National Parks, and Boards of management (even where there is a majority Indigenous) does not necessarily lead to equity (Lyver et al. 2014; Pinkerton 1992). It is the workings of the jointly managed process; the dynamics and quality of collaboration, the strength of relationships, learning, communication, adaptive processes, social networks and trust being important determinants of power sharing (Zurba et al. 2012; Bauman & Smyth 2007; Lyver et al. 2014). *"Power sharing is a potential outcome of a collaborative problem-solving process"* (Lyver . 2014, p90), and joint management agreements are a means to achieve an equitable power sharing outcome. Joint management then is a transition to equitable power-sharing that starts with an agreement (Lyver et al. 2014; Hill et al. 2013).

Although M&E of management effectiveness (governance) of protected areas globally has increased over the last two decades or so, the uptake for similar evaluations of joint management arrangements in Australia is lagging (Stacey & Izurieta 2010). Effective joint management as described above, requires a transparent process and ongoing commitment based in sound relationships between partners. It is surprising then that in Australia, where joint management arrangements have been in place for more than 35 years, there has been little attention or critical assessment of how joint management arrangements have met Indigenous aspirations (Stacey et al. 2013; Lyver et al. 2014) and there are few examples of joint management evaluations. Only very recently has research and development of frameworks and indicators begun (Bauman & Smyth 2007; Stacey & Izureita 2010; Izureita et al. 2011; Hill et al. 2015).

Review of a select few joint management evaluations in Australia and internationally

Two evaluations of joint management in Australia (Northern Territory and Wet Tropics Queensland) and one international evaluation of joint management (including both Canada and South Africa) were reviewed to gain an understanding of the methods and outcomes to inform the CYJM evaluation process. An overview of the findings of these evaluations is provided in this section.

A recent evaluation of joint management of Uluru, Kakadu and Gurig National Parks undertaken by the Department of Prime Minister & Cabinet (Australia) has not been made public and could not be included. A range of resources detailing evaluations for international protected areas reviewed (see Section 2.1 e.g. Worboys et al. 2015; Borrini-Feyerabend et al. 2013; Hocking et al. 2006), did not provide a critical assessment of jointly managed areas comparable to the Cape York context, although they provide useful frameworks and resources to guide evaluations incorporated where relevant in this section.

Evaluation of joint management of protected areas in the Northern Territory, Australia

With changes to Northern Territory (NT) legislation in 2005⁴³ enabling joint management of existing parks and reserves, some research effort has been directed into establishing monitoring and evaluation frameworks to help measure the progress and success of joint management in the NT. In 2008, four jointly managed protected areas were chosen as trial areas for development of a participatory monitoring and evaluation (PM&E) framework for all of the 27 jointly management parks in the NT (Izurieta 2011). The four pilot park areas were:

East MacDonnells parks (Trephina Gorge and N'Dhala Nature Parks and Corroboree Rock Conservation Reserve) within *Arrente* Country;

Flora River (Giwining) Nature Park within *Wardaman* Country;

Adelaide River reserves and conservation area within *Wulna* Country - future Daminmin National Park (Fogg Dam Nature Reserve, Black Jungle/Lambells Lagoon Conservation Reserve, Harrison Dam Conservation Reserve, and Melacca Swamp Conservation Area); and

Watarrka National Park within Anangu Country.

Partners collaboratively defined a framework to monitor and evaluate the joint management of four parks, via a participatory action research approach, with the PM&E undertaken over three years. To support traditional owners in this process there was strong collaboration with Central Land Council and the Northern Land Council as statutory agencies that assist Indigenous people in joint management. This included preparatory sessions with traditional owners prior to each workshop and planning sessions (Stacey et al. 2013).

⁴³ *Parks and Reserves (Framework for the Future) Act 2005* (NT) supported by the Joint Management Agreement to create an equitable partnership to manage and maintain a comprehensive, adequate and representative system of parks in Northern Territory. The agreement requires partners to work together to develop criteria or indicators for the monitoring and evaluation of joint management, and to carry out the evaluation (Izureita 2011).

The PM&E involved four phases of evaluation following the IUCN Framework (Hocking et al. 2006): 1. Develop the method, 2. Data collection, 3. Indicators rated, data analysed, 4. Validation and communication of results (Izurieta et al. 2011).

Initially partners and researchers developed a list of management outcomes and indicators across the four management themes of governance, managing Country, benefit to traditional owners and managing visitors, derived via a desktop review of available documents relating to each park and its management and key informant and group interviews. A validating process for each group of stakeholders was an important feature of the PM&E which clarified and refined outcomes (Stacey et al. 2013).

As the PM&E process was developed collaboratively with partners, it offered a non-threatening framework within which partners could learn about and negotiate how to improve working together, strengthening joint management relationships. This was a valuable contribution to joint management:

...a PME approach which involves partners in identification of indicators as well as other stages of the M&E process provides an opportunity to seek objectivity and ownership of participatory evaluation and strengthen joint management relationships (Stacey et al. 2013, p4).

The pilot study of the four parks established a territory wide PM&E framework for all jointly managed parks in the NT (Izurieta et al. 2011).

Indicators and outcome metrics (qualitative and quantitative) used to measure the performance of joint management protected areas.

Development of indicators are either *stakeholder-derived* based on needs and interests (e.g. Hill et al. 2013; Stacey et al. 2013) or *externally-derived* through expert advice drawn from international and peer-reviewed/grey literature (e.g. Hill et al. 2013). Both approaches have strengths and weaknesses (e.g simplistic and often ignore temporal and geographic scale issues/variables or heavily theoretical and ignore local people) (Hill et al. 2013).

Stakeholder-derived indicators for NT evaluations were developed collaboratively with partners through several meetings and workshops to identify the indicators and methods for assessment and analysis (Stacey et al. 2013). Indicators included social, cultural, economic and environmental outcomes as well as the partnership arrangements, governance processes and communication (Izurieta et al. 2011). The collaborative element of the process was considered essential as the method, indicators and the scores are arrived at through a process of negotiation that can develop understanding, trust, improve communication: "*...developing and measuring the indicators is as important as the final outcomes.*" (Stacey et al. 2010).

Indicators were grouped under major themes of joint management for NT parks which included governance, managing Country (cultural and natural heritage), business operations and managing visitors (Izurieta et al. 2011). The criteria for selecting indicators were that they were measurable, consistent, sensitive and relevant (Izurieta et al 2011). A key component of the NT evaluation process was training traditional owners and partner staff for each park area on methods for data collection to support greater engagement, ownership and confidence in the evaluation process (Stacey et al. 2013).

How did they compare to best practice in Australia or internationally?

In the NT pilot 12 common indicators were derived by stakeholders across four park areas⁴⁴. Indicators were assessed against two international frameworks: *The Sustainable Livelihoods Framework* (Scoones 1998) and the *Management Effectiveness Framework* (Hocking et al 2006).

When assessing the outcomes against the Sustainable Livelihoods Framework, common indicators chosen for the NT parks had a strong bias towards measuring changes in social or human capital (Stacey et al 2013). When assessed against the IUCN Framework (Hocking et al. 2006) there was a strong bias towards process, particularly governance and the strength of social relationships, rather than outcomes.

Communication, trust and benefits were strong themes. For example, there were indicators that assessed performance in governance and decision-making, application and interpretation of cultural heritage and traditional ecological knowledge, expansion of social capital and human and financial resources, and visitors (Stacey et al. 2013). The emphasis on the quality of the process- doing things the right way - is consistent with the view that effective joint management requires a transparent process and solid long-term relationships. The emphasis on process may reflect an Indigenous cultural approach and worldview, however, Stacey et al. (2013) suggest it indicates the new and developing relationships.

Although there was a desire to measure outcomes for biodiversity as well as operations there was less emphasis on these management themes, whereas protecting cultural sites was an important theme (Stacey et al. 2013).

How were the indicators assessed and validated?

Indicators were assessed using a four-point colour assessment scale: very good, good, not so good, bad (Stacey et al. 2013). In some cases partners applied different ratings for one indicator or different aspects of that indicator (Stacey et al. 2013; Izurieta et al. 2011).

Indicator

Scoring

Satisfaction with decision-making processes.	While developing the management plan
	Joint management committee
Appropriate and accurate information (natural, cultural, safety and behavioural) provided to visitors and public in general.	Cultural
	Natural, safety and behavioural
Effective communication between partners (Traditional Owners and Parks) and among partners.	Formal meetings
	Between meetings

⁴⁴ An additional three indicators were common to three parks (Stacey et al. 2010).

<p>Tourists and other users of the park are well informed about the natural and cultural values of the conservation areas and are provided and complying with clear rules and guidelines</p>	
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Figure 2: Example of a single indicator being given more than one score (Izurieta et al. 2011, p27)

The four-point colour rating scale was considered a culturally acceptable method for scoring indicators and effective for communicating results (Stacey et al. 2010). NT Parks incorporated a numerical scale to allow quantitative comparison across the different parks (see Izurieta et al. 2011 p29 for an example of assessment scale using ratios). Validation was undertaken through face-to-face workshops where results were presented through storybooks or posters, and facilitated discussion (Stacey et al. 2013).

What were the results of the evaluation?

The evaluation focussed on the process and the quality of the process and less on outcomes, although outcomes especially those related to cultural heritage were still important (Stacey et al. 2010). Nevertheless, inclusion of all outcomes of joint management arrangements – governance, biodiversity, benefits to Indigenous people and park users - was considered important to show linkages and dependencies across classes of indicators, without bias toward one set of outcomes (Stacey et al. 2013).

The evaluation identified improvements were needed in quality of communication, how traditional owners' cultural information was presented to visitors, and emphasis on the performance of economic opportunities for traditional owners such as employment (Stacey & Izurieta 2010).

The evaluation was not able to include all of the principles underlying the objectives of joint management in the NT, and omitted two principles⁴⁵ concerned with management of Country outside of the park boundaries (Stacey et al. 2010). This may reflect the differing world views between government managers and traditional owners: parks staff do not see the association of lands outside of the park boundary as within their legislative responsibility however traditional owners do not distinguish Country by legislative or tenure layers. A Country-based planning approach as part of the evaluation can assist to 'put Country back together' by taking a temporary tenure blind approach to planning to set aside the constraints since colonisation, to empower traditional owners in the management of Country. It is also a valuable way to promote understanding of the different values held by partners and gain support for Indigenous planning and management (Smyth 2012; Dulfer-Hyams & Vernes 2016).

Lessons learned re indicators/process

The NT pilot study found that too many indicators was confusing (e.g. 27 at Flora River), unmanageable for repeat evaluations and that partners worked together more effectively if the number of indicators was kept

⁴⁵ Omitted those principles that were for indigenous control of lands around the park (4) and cooperative management agreements for areas of land outside parks and reserves (5)

lower, suggesting below 20 (Stacey & Izurieta 2010; Izurieta et al. 2011). The Sustainable Livelihoods Framework (Sayer et al. 2007) suggests partners identify 4-6 indicators to measure changes to all the social, cultural, financial and economic benefits likely to be generated as well as the biophysical and conservation management elements of the park.

Keeping the PM&E process to a timeframe of maximum six months for each park was recommended and springboard from, or as part of, a major joint management meeting (Izurieta et al. 2011). Low scores of indicators may show where urgent action is required but may also point to a situation that cannot be reversed, for example, an exotic pest in proportions that cannot be removed. The frequency of follow-up will depend on the resources, capacity and dedication of the partners. Izurieta et al. (2011) suggests an assessment every two years, then annually once confidence and familiarity in the process is established, although any indicators requiring urgent attention can be reviewed more regularly.

To compare another Australian example (see Worboys et al. (2015) Case Study VII - State of Parks NSW), the NSW National Parks and Wildlife Service had developed the Park Management Framework, adapted from IUCN Management Effectiveness Framework (Hocking et al. 2006). Three assessments of protected areas have been undertaken in the last decade. Consistent indicators allow for comparison across all sites. The evaluation involves a comprehensive and defensible data collection and verification process, especially by involving many different people in the validation phase. However, this is an evaluation that focuses on the physical aspects for a government agency, and is not specific for joint management. Its main purpose to inform and improve management decision-making through an adaptive management process.

The evaluation results report regular Aboriginal input for 39% of the parks reported, yet Aboriginal people are included as a 'special interest group', and indicators on the quality of the input, relationship etc., were not paramount (Worboys et al. 2015).

Evaluation of joint management of protected areas in the Wet Tropics, Queensland, Australia

A three-year co-research project between the Rainforest Aboriginal Peoples (RAP) in northern Queensland and social scientists, developed a participatory evaluation tool to measure the strengths and weaknesses of partnerships for the co-managed protected areas in the Wet Tropics (Hill et al. 2013). The resultant tool provides insight into the elements that are important for governance as well a measure of the quality of governance, for Wet Tropics Aboriginal people. This project did not evaluate the management effectiveness of the jointly managed protected areas, but the governance aspect of the partnership. The tool was developed as part of a broader research project that identified five interconnected pathways towards co-management of biodiversity on Cape York Peninsula (Maclean et al. 2015).

Rainforest Aboriginal People consider co-management of protected areas on their traditional Country, as a journey along the path to self-management. Their aspirations to move from co-management to managing Country themselves according to their own cultural authority is consistent with their definition of co-governance as "*...a continual solution-building process, not a fixed state, involving extensive talking, negotiating together and jointly learning so it get better over time*" (Hill et al. 2013, p3).

How were the indicators developed?

The framework has thirteen separate parts or topics relating to co-management in the wet Tropics, which are grouped into two features of co-management: *Rainforest Aboriginal Peoples Keeping Strong* (RAPKS); and *Keeping Engagement Strong* (KES) (Hill et al. 2013). These two features focussing on people and engagement, guided the participatory evaluation.

The RAPKS feature, focussing on people, includes six parts that enable effective engagement of RAPs in co-management which included culture, kin, Country, Indigenous leadership and governance, capacity and the strategic vision and intent of the RAP. The KES or engagement feature of the framework includes those aspects of effective engagement of Indigenous knowledge in co-management which they identify as principles, relationships, protocols, joint management regimes, mechanisms and issues resolution.

The framework was developed through three phases (from Hill et al. 2013, p2):

- Participatory development of a testable framework with thresholds to analyse progress towards Indigenous co-management and biodiversity protection in the Wet Tropics;
- participatory evaluation of the status of Indigenous co management in the Wet Tropics using the framework, and desktop evaluation of the Cape York context;
- identify priority policy options to bridge gaps and for recognition of Indigenous knowledge and co-management for biodiversity protection in the Wet Tropics (Maclean et al. 2015).

Three indicators (structures, processes, results) were developed for each of the 13 parts of the framework. Through two participatory workshops, a health rating of (1 very sick - 5 excellent) was given to the three indicators for each of the 13 parts or topics of the framework (Hill et al. 2013).



Figure 3. Features (parts) of co-management in the Wet Tropics (Hill et al. 2013).

How did they compare to best practice in Australia or internationally?

This co-research process aimed to combine the strengths of both stakeholder-derived and externally-derived approaches to identifying and negotiating indicators by drawing on both global stakeholder consultation and expert derived approach developed through international work⁴⁶. The criteria for analysis and benchmarking thresholds were developed according to the best practice standards for structures and functions⁴⁷ in co-management (see Table I, p12 in Hill et al. 2013) which identified three types of indicators for each topic under consideration: structural indicators (e.g. rights, legislation etc.), process indicators (policy instruments, public programs etc.) and results indicators (individual or collective achievements, realisation of human rights) which were amended to include Indigenous customary institutions and the condition of Country as well as that of people. The language was also changed to suit the context of the participatory evaluation resulting in the following:

Structures – setting things up- both RAP and government/others – e.g. starting organisations, getting the constitutions in place for organisations, making agreements (ILUAs), making new laws or rules, having native title recognised, agreeing on protocols

Processes – Doing things – both RAP and government/others – e.g. making plans, getting people to meetings, starting projects, getting Indigenous Ranger Groups out 'caring for Country', exercising native title rights (hunting, lighting fires), finding ways to sort out arguments, teaching language, finding and working together with partners

Results – things actually changing – both RAP and government/others – e.g. the Country getting healthier, RAP knowing their language and culture, government people showing respect for RAP law, good relationships being in place, protocols being followed.

How were the indicators assessed and validated?

Unlike the NT evaluations, this process seemed to be more constrained by time and consequently separate sessions for validation were not reported.

What were the results of the evaluation?

The workshops found that the 'People Keeping Strong' parts of the framework were in better health than the 'Keeping Engagement Strong' parts: "*The results of participatory evaluations reported here resonate with the concept of the creation of an equitable intercultural space as the key means of achieving co-management (Hibbard et al 2008; Hill 2011)*" (Hill et al. 2013, p36).

⁴⁶ The International Indigenous Forum on Indigenous Issues, Secretariat of the United Nations Permanent Forum on Indigenous Issues – Teb Tebba Indigenous Peoples' International Centre for Policy Research and Education, and the Agencia Espanola de Cooperacion Internacional (Stankovitch 2008).

⁴⁷ Best-practice standards addressing structures – derived from Beltran 2000; IUCN WCPA & WWF 2000; Borrini-Feyerabend et al 2004a, and underpinned by Common Pool Resource (CPR) theory in co-management, while the standards for functions derived from Sandstrom 2009. Best-practice standards for results could not be identified.

IPAs were identified as the most useful tool for creating an equitable intercultural space, due to their adaptability and flexibility, providing a dynamic arrangement that supports empowerments and provides opportunities for effective collaboration with government and others and incorporates multiple tenures (Hill et al 2013). Legal rights and agreements in contrast operated as competitive relationships and produced a static document as its outcome (Hill et al. 2013; Borrini-Feyerabend & Hill 2015).

This is consistent with other Australian experiences where joint management agreements in themselves do not necessarily lead to better governance, as it is the quality of the relationships, trust and equality that determine success (Lyver et al. 2014; Borrini-Feyerabend & Hill 2015).

Lessons learned re indicators/process

One of the parts or topics is focussed on ensuring the health of RAPs institutions for keeping engagement strong, recognising that: "*.. effective engagement with their partners requires that they are thriving and able to keep their own knowledge systems alive.*" (Borrini-Feyerabend & Hill 2015, p197).

The framework was also applied to co-management pathways on the Cape York Peninsula through a desktop review only (Maclean et al. 2015). The indicators (structures, processes, results) in relation to the two major categories of *Keeping Aboriginal Peoples Strong* and *Keeping Engagement Strong* were applied to five main co-management pathways identified for Cape York (knowledge-building, judicial, tenure resolution, World Heritage and Aboriginal-agency pathways) to assess broadly whether support for the two categories was present or not. A yes/no rather than a health rating was applied. The analysis showed that the Aboriginal-agency pathway – which included Aboriginal caring for Country (Aboriginal Rangers; Land and Sea Management Units) Aboriginal agreements (IPAs, ILUAs; NP(CYPAL) and related IMAs) and Country-based Plans - was the only pathway that consistently supported structures, processes and results for both the *Keeping Aboriginal Peoples Strong* and *Keeping Engagement Strong* components of the framework (see Table 2, p11 in Maclean et al. 2015).

The desktop review considered that *Keeping Aboriginal People Strong* was supported through the *structures* inherent in the Aboriginal-agency pathway, such as Aboriginal Ranger groups, Land and Sea Management Units often based in traditional owner corporations, which include and reinforce traditional governance structures; through the processes, such as IPAs and Aboriginal driven planning such as Country-based Plans that focus on language, culture and traditional knowledge and Aboriginal methods of knowledge transmission e.g. intergenerational, on Country; and through *results* indicators which are evident by the proliferation of Aboriginal Rangers, on Country activities, and active partnerships.

Similarly, *Keeping Engagement Strong* was supported through *structures* such as ILUAs, IMAs under the NP (CYPAL), *processes* such as Country-based Plans which have a strong focus on partnerships and implementation, and through *results* demonstrated by the various multi-stakeholder partnerships established.

Challenges that have been identified for joint management in Cape York as NP (CYPAL) has been established can be matched to the two main parts of framework above. For example, those identified by Leverington (2015) such as resourcing and building the capacity of land trusts to become fully operational; securing economic opportunities for traditional owners from joint management can be considered through *Keeping Aboriginal People Strong*, and ensuring effective involvement of geographically dispersed land trust members; developing

and implementing effective joint decision-making processes; and making decisions in accordance with Aboriginal tradition as well as IMA/legislation can be matched to *Keeping Engagement Strong*. Utilising this tool could assist in developing indicators for structures, processes and results for evaluating joint management across the protected areas. Leverington (2015) suggests indicators to include in an evaluation that are focused on physical outcomes rather than the quality of engagement, for example, number and rate of properties resolved; condition of natural and cultural resources; level of involvement (including employment) of land trust members and their families; satisfaction levels of land trust members and departmental officers; and level of public understanding, compliance and support. International and Australian literature reinforce the need for collaborative evaluation to be a measure of both joint management and protected area performance (Worboys et al. 2015), and a process of negotiation and trust-building where the indicators (as well as results) are developed together (Izurieta et al 2015).

International experience: evaluation of joint management of protected areas in Canada and South Africa

Timko & Satterfield (2008) assessed equity in six national parks in Canada and South Africa, and found that stronger co-management arrangements and support from Indigenous groups demonstrated higher equity scores across a variety of indicators. Resolving land claims or establishing co-management agreements in themselves did not necessarily lead to more equitable arrangements, consistent with broader international experience suggesting that good governance (which includes principles of equity) depends largely on overall relations between partners and stakeholders, including the broader society (Borrini-Feyerabend & Hill 2015).

Indicators and outcome metrics (qualitative and quantitative) used to measure the performance of joint management protected areas.

There were similarities in indicators chosen by Indigenous and partner stakeholders in the Canada and South Africa review with those of the NT to assess changes in benefits to Indigenous peoples through commercial opportunities, maintenance of culture, employment and training, financial resources, governance and communication among partners (Stacey et al. 2013). These could also be matched to the two parts of the framework developed to assess wet tropics co-management round *Keeping Aboriginal People Strong* and *Keeping Engagement Strong* (Hill et al. 2013). Differences in indicators and emphasis, for example, rights and access and tenure in the international evaluations, showed the differences in local contexts and priorities between these international case studies and those in Australia. South African evaluation also had many measures of 'willingness to change' which were absent from the NT pilot (Stacey et al. 2013). The IUCN framework suggests a Governance Action Plan to identify responsibilities and actions for change (Borrini-Feyerabend et al. 2013).

The number of indicators chosen for NT parks was broadly similar to those in the Canadian and South African examples with up to 20 governance and 39 social equity indicators (Stacey et al. 2013). State of Parks NSW evaluation use 30 indicators to score management performance on a four-point scale, through quantitative and qualitative data collection (Worboys et al. 2015). Both the international examples also used colour coding scales to assess indicators, which were either four-point (Canada) or five-point (South Africa), similar to the NT and Wet Tropics examples reviewed earlier (Stacey et al. 2013).

Evaluation design and analytical methods to evaluate joint management programs

The key design criteria for CYJM evaluation framework is outlined in this section based on the review of evaluations undertaken in the NT, Qld and international examples, guidelines and frameworks. Data gaps to be addressed through the development of ongoing monitoring and evaluation processes to establish a baseline, and ongoing comparison against the baseline are also discussed.

Key design criteria:

- ❖ *Four phases of evaluation* (as outlined in Hocking et al 2006) is well accepted and tested, and defines the essential elements of the process;
- ❖ *Local context - governance quality can only be understood within a locally considered context – culture and values strongly affect the standards, define what is appropriate, and prioritises issues or principles. Making the evaluation relevant to the context includes using appropriate language, visual tools (such as colour coded scoring, storybooks) (Hill et al. 2013; Stacey et al. 2013; Borrini-Feyerabend & Hill 2015).*
- ❖ *Well informed and prepared – utilising existing traditional owner governance structures with good governance to support communication of the process and prepare traditional owners for workshops and planning meetings, for effective engagement, equity and good outcomes. Land Councils can play a significant role to ensure traditional owners are well informed and prepared prior to each meeting (Stacey et al. 2013).*
- ❖ *Establishing a baseline - for CYJM Program for subsequent evaluations to measure trends and changes to support adaptive management will be important.*
- ❖ *Developing indicators: Review of joint management goals through desktop and informant interviews (see Stacey et al. 2013; Izurieta et al. 2011) to triangulate data and establish key criteria for developing indicators. Each management outcome and theme may be assessed by more than one indicator producing interconnected results (Izurieta et al. 2011). Combining stakeholder-derived and expert-derived indicators combines the strengths of both approaches (Hill et al. 2013). International frameworks (see 2.1) may be useful to assess the Cape York context.*
- ❖ *Data collection and scoring – manageable number of indicators, four-point scale to avoid clustering around the mid-point; training and ongoing support to partners is needed (Stacey et al. 2013; Izurieta et al. 2011).;*
- ❖ *Data gaps: Data gaps should be identified in phase 1 and 2. For insufficient data (e.g. if too early in the process to score, if data not available) leave as 'not scored' (see Stacey et al. 2013; Hill et al. 2011) and remeasure in the next round of the evaluation.*
- ❖ *Validation – critical for reliable results, establish culturally appropriate language and processes such as face-to-face facilitated workshops using visual aids (Stacey et al. 2013).*
- ❖ *Measuring trends – for ongoing comparison of the same areas the same indicators must be measured over time. Consider the skills, expertise and resources required for ongoing evaluations, training M&E staff within the organisations (see Stacey et al. 2013; Hocking et al. 2006). Trends may measure*

change in a management issue e.g. invasive plant in increasing, stable or decreasing. For capturing the status of a management issue e.g. invasive species impact is minor, moderate or major, consecutive assessments build a picture of change over time.

- ❖ *Comparing different areas – the same indicators are required in all evaluations to compare between areas and track progress over time. Each park can identify their own set of indicators for an assessment – but to measure progress in joint management overall, the same indicators must be used each time (Izurieta et al. 2011).*
- ❖ *Frequency of M&E – link to purpose of M&E, consider appropriate resources and skills within organisations (Borrini-Feyerabend et al. 2013)*
- ❖ *Acting on the evaluation results – there is confidence in the process if outcomes are implemented - make evaluation part of core business (Hocking et al. 2006; Stacey & Izurieta 2010). Consider a 'Governance Action Plan' which includes identifying responsibility for actions (willingness to change or commitment) and disseminate the results asap: provide rationale for action (Borrini-Feyerabend et al. 2013). Use culturally appropriate, accessible, visual formats for reporting and communication (Stacey et al. 2013).*
- ❖ *Framing effects - careful wording to avoid misinterpretation, particularly the scope, scale and timeframe, particularly important in cross-cultural situations (Worboys et al. 2014).*

Participatory approach

The PM&E framework, although more expensive and time consuming achieves more credible and sustainable results than purely internal processes (Worboys et al. 2014), as it can provide a rich opportunity for partners to learn, build skills, enhance relationships and share information (Izurieta et al. 2011; Borrini-Feyerabend et al. 2013). The PM&E process in itself is a valuable learning exercise and a process of negotiation and trust-building which should reveal new understandings between partners (Stacey et al. 2013; Borrini-Feyerabend et al. 2013; Worboys et al. 2014).

3. Informing the evaluation of Cape York Joint Management program

Cape York joint management context

The CYJM Program operates under the legislative and policy frameworks of the region's NP (CYPAL) model for joint management, a regionally-based statutory model established through the Cape York Peninsula Tenure Resolution Program (CYPTRP) and subsequent legislative amendments as a result of the *Cape York Peninsula Heritage Act 2007* (Qld).

Prior to 2007, opportunities for joint management of national parks in the region were proposed through provisions in the *Aboriginal Land Act 1991* (Qld) and the *Nature Conservation Act 1992* (Qld) for Aboriginal land grants and lease back in perpetuity. This model failed to result in the dedication of new parks and joint management, and was rejected by traditional owners on the basis that there would be no lease back payment (Bauman & Smyth 2007, p.7), management boards were appointed by the Minister, traditional owners had to agree to a leaseback arrangement before land was handed back, a management plan had to be prepared before

dedication as a national park, and the dedicated national park had to be regulated as claimable and heard before a land tribunal (Bauman et al. 2012, p.9).

Key drivers for the joint management approach include the failure of earlier statutory arrangements to prove satisfactory for traditional owners (Leverington, A. 2012) and provide tangible outcomes (Bauman et al. 2012); the need for a government response to recognise native title interests in tenure resolution of state-owned land, and deliver land tenure and management outcomes for both the state and traditional owners (Leverington, A. 2012); government interest in building on regional and national conservation outcomes (Bauman et al. 2012, p.9); and the recognition that traditional owners would directly benefit from the economic opportunities of land ownership and joint management (Bauman et al. 2012, p.9; Leverington, A. 2012).

Key statutory and policy features supporting shared governance through the NP (CYPAL) model include:

Cape York Peninsula Tenure Resolution Program (CYPTRP) – The CYPTRP came out of the Tenure Resolution Group process in 2004, which sought to return tenure to the region’s traditional owners as Aboriginal freehold, and Aboriginal owned jointly management national parks, through purchasing or voluntarily acquiring properties under the *Native Title Act 1993* (Cth) and supporting ILUAs. Through the program, property is assessed for its environmental, social, cultural and economic values and negotiations with traditional owners identify areas that will become NP (CYPAL) and Aboriginal freehold land (Leverington, A. 2012). The program aims to deliver ownership and management of land, protect areas of high conservation and cultural value, promote economic development opportunities for Aboriginal groups, including through the employment of Aboriginal Rangers and service contracts for park management; and establish joint management of NP (CYPAL) with traditional owners.

Cape York Peninsula Heritage Act 2007 (Qld) – *The Cape York Peninsula Heritage Act 2007* (Qld) provides a regional, statutory approach to shared governance where grantees enter into an Indigenous Management Agreement with the state. It follows on from the unsuccessful negotiations between agencies and user groups under the Cape York Heads of Agreement (1996) and later the Cape York Tenure Resolution Implementation Group, which were designed to address competing visions for conservation and development of the region.

National Parks (Cape York Peninsula Aboriginal Land) (CYPAL) classification - *The Nature Conservation Act 1992* (Qld) creates a protected area classification supporting Aboriginal ownership of national parks on the Cape York Peninsula and joint management between traditional owners and the Queensland Parks and Wildlife Service (QPWS).

Indigenous Management Agreements – Indigenous Management Agreements (IMAs) are the statutory agreement outlining joint management arrangements for NP (CYPAL)s in accordance with the *Nature Conservation Act 1992* (Qld). They address how NP (CYPAL) are to be managed; the responsibilities of the Minister, agency and grantees of the land; how partners will consult with each other regarding park management; funding commitments by the state to support joint management; employment, training and service contracts for traditional owners; and building the capacity of the grantees role in park management (Leverington, A. 2012). The New Laura Resolutions (CYLC & Balkanu 2007) have been instrumental in identifying traditional owner needs met through IMAs, including building capacity and

economic benefits for traditional owners, the right to negotiate development and manage cultural heritage, and protection of traditional owner Intellectual Property.

Amendments to the Nature Conservation and Other Legislation Amendment Bill 2015 (Qld) – Recent amendments to the bill have strengthened the recognition of Indigenous people in the joint management of NP (CYPAL)s by implementing due process that the state must follow in consulting with landholders and streamlining the process of classifying regional parks into NP (CYPAL) (Mills, S. Hon. 2016).

Regional and Sub-regional Protected Area Management Committees – The role of Regional and Sub-regional Protected Area Management Committees is to advise the NSW Minister for Environment about matters relating to protected areas in the region, including park management plans, increasing employment opportunities for Indigenous people in the national park workforce, and provision of resources for park management. The Cape York Peninsula Regional Protected Area Committee is made up of 30 traditional owners of national parks, nominated by land trusts or Aboriginal representative bodies, who report regularly to the Government with advice on managing the protected areas on Cape York Peninsula (Mills, S. Hon. 2017).

Cape York Regional Plan – National Parks make up 15% of the Cape York region; Regional Policy 3: “Planning schemes provide for potential recreation and commercial development opportunities that complement and contributes to the community value of national parks.”; local planning instrument is to reflect the regional plan, including through “supporting Regional Policy 3 through the zoning of land or supporting land uses that complements and contributes to the values of national parks.”

Joint management arrangements in the Cape York Peninsula has provided a context for Aboriginal rights to be recognised, settled and implemented (Maclean et al. 2015, p.vi; p.54). Government support for the model can be shown through the continued delivery of funds for land acquisitions under the Caring for our Country program, and further funding to support Aboriginal land management. Land trusts, grantees of NP (CYPAL), have also used the joint management model to build on investment opportunities through the Working on Country and Indigenous Protected Area programs, private investment for carbon farming and reforestation, and other enterprise opportunities in pastoralism and tourism (Leverington, A. 2012).

The joint management model in the region continues to produce challenges for traditional owners, government agencies and other user groups. This includes challenges of:

- Resourcing to meet joint management requirements and traditional owner and grantee resource needs (Bauman et al., 2012; Fien, G. 2015);
- Seeking external funding to support land trusts build capacity, economic development and their role in park management (Leverington, A. 2012);
- Personal costs, stress to deliver equitable outcomes and fair negotiations, and burn out of both Indigenous and non-Indigenous partners;
- Supporting Queensland Parks and Wildlife Rangers to meet the demands of the joint management partnerships;

- Conflict and frustration with the government;
- Building capacity of land trusts to be fully operational to support joint management, and that of agency staff to deliver work programs and partnership support (Leverington, A. 2012; Bauman et al., 2012);
- Securing sustainable economic opportunities for traditional owners;
- Clear and effective communication and decision-making processes for tenure resolution and joint management (Fien, G. 2015);
- Ensuring coordination of various land management work at various scales;
- Engaging traditional owners geographically dispersed (Fien, G. 2015);
- Making decisions in accordance with Aboriginal Tradition (Fien, G. 2015); and
- Building strong working relationships with traditional owners to address their rights and interests and benefit park management (DNPSR 2015).

Importantly, since European colonisation of the Cape York Peninsula the historical context of the region has held competing interests and aspirations from pastoralists, the mining and tourism industries, the environmental conservation movements and traditional owners (Maclean et al. 2015). Paternalistic state control has also dominated the landscape through the historic transfer of vacant crown land to pastoral lease (Homes 2012 in Maclean et al. 2015, p.5). As discussed in earlier sections, the establishment of protected areas can also be seen as another example of coercive land management by the state, and has been demonstrated through the State's objection to the purchase of Archer Bend National Park by John Koowarta and other Aboriginal People despite the Supreme Court ruling in favour of the purchase. As a result, Maclean et al. notes that protected areas in the region were an instrument for dispossession (Maclean et al. 2015, p.5). Joint management legislative and policy frameworks need to continue to move towards greater Indigenous land ownership and equity as the critical foundation for joint management partnerships (Bauman & Smyth 2007).

Joint Management directions

The NP (CYPAL) joint management model implemented across the Cape York Peninsula manages Aboriginal land supported through statutory agreements between Traditional landowners and the state government, providing a stable legislative platform for the governance and management of protected areas that has supported greater realisation and implementation of traditional owner rights and interests for the region. However, joint management of protected areas remains a western concept, historically established through the coercive management of Aboriginal land, in which traditional owners are challenged to translate, compare and position their own ontologies, management and governance frameworks, rights, interests and values.

In advancing the sustainable and equitable use of Aboriginal land across the Cape York region, joint management needs to address gaps and challenges identified in the local context through

Stronger relationship and partnership building to support transparent processes and sustainable, long-term relationships between partners and user groups. Individual partnerships that 'joint management' or 'two-ways' management pays the greatest dividends, whether or not it occurs in the context of mandated or voluntary arrangements (Bauman and Smyth 2007b).

Equity in the governance and management of Country, including Country classified as protected areas, that recognises and addresses Aboriginal ontologies in mainstream processes, the history of conflict in Cape York and reconciliation through trust and cohesion (Fien, G. 2015). Addressing equity can be supported through

Respecting local peoples' own terms to define their partnerships and focusing on the effectiveness and sustainability of these local partnerships (Bauman and Smyth 2007b);

Indigenous governed and co-governed processes to better integrate Indigenous ecological knowledge and science in environmental management (Hill et al. 2012);

Empowering and resourcing traditional owners to drive the joint management agenda and process through participatory planning and intercultural spaces (Bauman et al. 2012);

Recognising the connectivity across Aboriginal supported through the CYPTRP, and distributing resources and capacity across broader Country, regardless of whether Country sits outside of legislative responsibilities; and

Whole of Country planning to address traditional owner priorities and activities outside of NP (CYPAL) boundaries (Smyth 2011; Dulfer-Hyams & Vernes 2016), and cultural and environmental values across the region to effectively address regional livelihoods and conservation outcomes (Hill et al 2014; Lyver et al 2013).

Continuing to actively address the sustainable economic development of protected areas as a critical outcome for traditional owners, supporting IUCN best practice, protected area 'good governance' principles for fairness and rights.

Supporting traditional owner aspirations for sole-management (e.g. Booderee National Park and Wet Tropics Evaluation) where they exist, through strategic planning for governance and management of protected areas.

Providing capacity and resources for joint management frameworks to work in conjunction with non-statutory approaches that complement and reinforce NP (CYPAL) frameworks.

Recognising that there are a number of pathways to co-management on Cape York (Maclean et al. 2015), joint management can be seen within a broader toolset that also includes non-statutory approaches to joint management that support cultural life and governance, engagement processes and empowerment and interact across the suite of co-management pathways. Smyth discusses some of the trends that can complement each other within joint management frameworks (See figure 4 below).

Trends in Joint Management

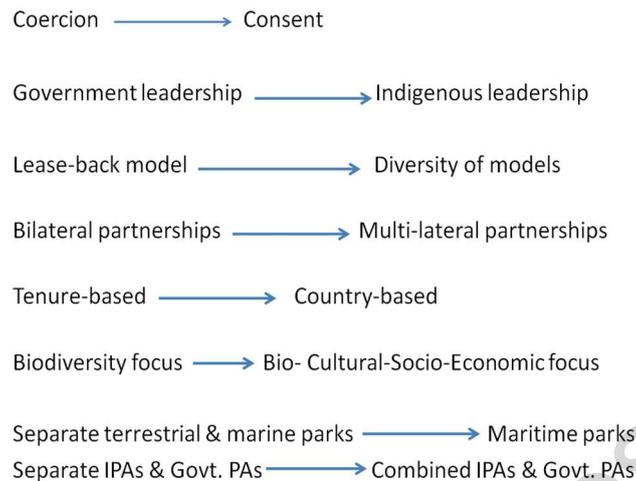


Figure 4: Trends in joint management (D. Smyth, Bauman and Smyth 2012)

Progressive approaches addressing traditional owner rights and interests include non-statutory or 'other effective means' approaches to protected areas driven by traditional owners such as Indigenous Protected Areas and Country-based planning (Smyth 2011). These Aboriginal-agency approaches (Maclean et al. 2015) support Aboriginal cultural values, governance and processes whilst engaging and developing partnerships for implementation. They can provide a useful tool for creating a non-threatening and equitable intercultural space (Smyth 2011; Hill et al. 2013) and for integrating traditional ecological knowledge and science in the management of protected areas (Hill et al. 2012).

The voluntary and flexible nature of the IPA agreement is one of the foundations of its success. There are currently 74 declared IPAs covering more than 67 million hectares of land and sea across Australia, comprising 44.5% of the National Reserve System (SEWPaC 2016).

Accumulated evidence shows that IPAs and other caring for Country activities not only provides benefits to the nation through the conservation and management of high biodiverse areas, but is intricately linked to maintaining cultural life, identity, autonomy, economic, social and health benefits (Gilligan 2006; Burgess *et al* 2005; Garnett & Sithole 2007; Altman et al. 2007; SVA 2016).

Guidelines for Country-based Planning was originally designed to support traditional owner-led planning for Country for environmental, social, economic and cultural outcomes on Cape York Peninsula in the context of a proposal for World Heritage listing of the region (Smyth 2011), but has been embraced across Australian Aboriginal contexts to support landscape scale (Country scale) planning and management. This approach can lead to IPAs over multi-tenure parcels as in Mandagalby-Yidinji IPA, northern Queensland or used to prepare traditional owners and prioritise management outcomes for native title settlements, as in the Victorian *Traditional Owner Settlement Act 2010* (Vic).

Non-statutory approaches can reinforce the quality of statutory outcomes by supporting traditional owners' governance, cultural values and relationships with other stakeholders which can be mapped to the 'Keeping Aboriginal People Strong' and 'Keeping Engagement Strong' features of the Wet Tropics evaluation of joint management (Hill et al. 2013; Maclean et al. 2015). Dhimurru Aboriginal Corporation is a prime example of the

significance of partnership building, regardless of the legal framework. Dhimurru, through strong cultural leadership rejected the joint management model being offered at around the same time at Kakadu was established, and have achieved a considerable amount as an autonomous contemporary Yolngu institution through its commitment to two-way knowledge and partnerships (Hoffmann et al. 2012).

Understanding where Cape York NP (CYPAL) is on the joint management continuum (Bauman & Smyth 2007), and considering the improvements suggested above, participatory evaluation can benefit from assessing traditional owner aspirations and stakeholder-derived indicators of success against international best practice such as the IUCN Framework's five good governance principles. Stakeholder derived indicators to measure the quality of governance, such as the workings of the joint management, the ability of the framework to provide an equitable intercultural space, can also be expanded to the strength of Aboriginal capacity to promote leadership and engagement in joint management through Aboriginal-agency approaches. These non-statutory yet interlinked approaches benefit of joint management by *Keeping Aboriginal People Strong and Keeping Engagement Strong* (Maclean et al. 2015).

Evaluation outcomes can lead to policy changes in governance (e.g. moving away from joint management or other alternatives towards Aboriginal sole-management), and whilst international guidance recommends evaluations to improve the practice of governance, they caution hasty changes to governance frameworks without long term monitoring and evaluation (Borrini-Feyerabend et al. 2013).

Bauman and Smyth (2007) identify common elements or critical success factors from their assessment of national case studies (Nitmiluk, Booderee, Dhimurru) that can direct policy and support trends for joint management.

The commitment of Indigenous people to utilise the opportunities presented by protected areas to care for their Country, reinforce its associated cultural and natural values, and further community and individual development;

A bipartisan political approach in which political parties, traditional owners, and relevant government departments work together for the benefit of all;

Achieving a balance between Indigenous holistic community development aspirations and approaches and the reality that joint management cannot be a panacea for all problems;

Approaching the management of protected areas as a matter of progressive and incremental improvement involving the serial capacity building of all involved across a range of areas;

Recognising the importance of effective partnerships with neighbouring landowners and managers in biodiversity and other environmental initiatives, since protected areas cannot be managed successfully in isolation from surrounding environments;

Clear understandings of Indigenous values and ideas of success, as well as those of other partners and their integration into evaluation and monitoring procedures; and

Competent and effective governance procedures on the part of all parties.

Joint management success will depend on the ability of traditional owners, their partners and other user groups to establish an 'intercultural space' to negotiate innovative and equitable governance and management of protected areas and the broader Traditional estates in which they have been established. Government can consider holistic support to current and future joint management for both legislative and non-legislative approaches that strengthen the pathways to joint management, and work within or make space for Indigenous ontologies that expose Country as a whole and ownership of Country through supporting Aboriginal-driven approaches through policy.

Appendix 6: International guidelines and frameworks

International guidelines and frameworks that may be useful to inform the evaluation of joint management in Cape York

Guidebook for Supporting Participatory Monitoring and Evaluation of Jointly Managed Parks in the Northern Territory (Izurieta et al. 2011)

This guidebook provides a northern Australian experience to assess national parks jointly managed between Aboriginal and government, to assess not only social, cultural and economic and environmental outcomes but the partnership arrangements, governance processes and communication. The guidelines are based on the outcomes of a pilot undertaken across four key parks areas in the Northern Territory, Australia. The guidebook provides steps and resources to guide participatory monitoring and evaluation (PM&E), including four main phases of PM&E (see p7), development of criteria (key aspects of joint management) and indicators (measurable, consistent, sensitive, relevant, see p14), rating scale for assessing or scoring indicators (colour based or numerical), validation and analysis of results. The guidebook also provides experience in regarding logistics, timeframes and training staff to undertake PM&E.

Principles to carry out the evaluation are suggested to include the following (from p8-9):

- **Partner focus and ownership** – monitoring processes and structures are created to ensure equality among partners in the design, planning and implementation stages. The participatory process allows contributions from all partners in all stages of the process and recognises the importance of knowledge as part of this.
- **Negotiation** – partners are committed to work as a team to decide the focus of the evaluation, how it should be conducted, how the results will be used and what action will be implemented. This will often require negotiating differences in points of view and ways forward.
- **Learning by doing** – partners learn together while undertaking the process to take actions and improve the plans and/or activities.
- **Flexibility** – the approach and methods used are developed creatively to match the needs, skills and resources of the partners.
- **Equitability** – all stages of the monitoring and evaluation process should be carried out as an equitable collaboration between partners.

Sustainable Livelihoods Framework (SLF) (Scoones 1998).

This framework assesses trends in five capital assets of natural, human, social, physical and financial capital. The framework is a flexible tool that can be used to consider the many diverse factors that impact on people's livelihoods, and the complexity of the interactions, rather than only focussing narrowly. It can assist stakeholders and partners with different perspectives to engage in a structured and coherent debate and identify appropriate points for support of livelihoods. Sustainable livelihoods can be defined as: *"the ability to*

lead lives they have reason to value and to make substantive choices about their values and the course of their lives” (Davies et al. 2010, p2).

The SLF can be used to guide evaluation questions and methods and provide a framework for analysis that considers the whole of peoples’ lives and the complexity of factors that affect them. The SLF has been used for different research purposes such as to guide field research questions, design an interview process and to guide analysis for sustainable livelihoods and regional development for Aboriginal people in the Anmatjere region of the Northern Territory (Davie et al 2010). Other researchers have used the SLF, modified to reflect the dominant roles of Aboriginal and mainstream government in the local context, as a participatory tool to help Aboriginal communities identify assets they draw upon and their ability to transform them into income, capacity, power, sustainability and wellbeing (see Moran et al. 2007 cited in Davies et al 2010).

IUCN Evaluation Framework - Evaluating Effectiveness: A framework for assessing management effectiveness of protected areas (Hocking et al. 2006)

The World Commission on Protected Area *Management Effectiveness Framework* is a framework for management effectiveness that can be adapted to the diversity of needs and circumstances while still retaining a common underlying logic and approach to evaluation, similar criteria and in some cases common assessment methods and tools. See Table 1 - IUCN-WCPA Framework for assessing management effectiveness of protected areas and protected area systems (p13).

The framework is based on an adaptive management cycle and classifies indicators to six key elements of the protected area management cycle being context, planning, inputs, process, outputs, outcomes. Indicators are focussed on ecological integrity but can be adapted to include social and cultural values, however a focus on the quality of governance specifically is not made. Seven international case studies are provided, including one from Australia detailing State of Parks evaluation undertaken using Protected Area Management Effectiveness (PAME) evaluation framework. The IUCN PAME framework has been widely adopted internationally by many organisations (such as the World Bank) and countries as their principal evaluation framework tool.

IUCN Governance of Protected Areas (Borrini-Feyerabend et al. 2013)

The IUCN guidelines for governance assessment and evaluation processes for protected areas builds on previous work by the UN to progress human rights and the promotion of public involvement in environmental governance. It is one of many in a series of international best practice guidelines developed by the IUCN.

To understand and measure governance quality, the IUCN has developed ‘good governance’ principles for protected areas as best practice standards: Legitimacy and Voice (mutual respect, active dialogue); Direction (vision, monitoring, adaptive management); Performance (capacity, efficient use of financial resources); Accountability (transparency, allocation of resources) and Fairness and Rights (free, prior, informed consent, equitable, livelihoods protected). Considerations to assess the quality of governance are expanded on in Table 7.4 p190-191.

The principles ask protected area managers to merge effectiveness (vision, performance, accountability) and equity (fairness, respect for procedural & substantial rights).

IUCN guidance on assessing the effectiveness of governance approaches governance through three inter-related parameters of type, quality and vitality (Borrini-Feyerabend & Hill 2015). Vitality is a recent parameter to describe “..whether a governance setting is able to learn, evolve and meet its role and responsibilities in ways that are timely, intelligent, appropriate and satisfactory for everyone concerned.” (Borrini-Feyerabend & Hill 2015, p193). Among other things the authors identify that vitality is related to empowerment and the ability to adapt.

Protected Area Governance and Management (Worboys et al 2015)

This tome of international experience and guidance is the most recent IUCN publication to support the quality of protected area governance and management globally and across a range of governance types including co-managed or joint managed areas, IPAs and private protected areas. Chapter 28 is dedicated to protected area management effectiveness and provides guidance for designing and implementing evaluation systems and outlines the main approaches to assessing the effectiveness of protected areas.

One of these approaches is the Protected Area Management Effectiveness (PAME) evaluations, measuring how well the protected area is being managed. The process consists of four main phases: Start (Define evaluation objectives and expectations), Plan (Develop methodology), Do (Implement assessment and analyse data) and Feedback (Communicate and implement findings).

The use of PAME was promoted as a recommendation of the Fifth IUCN WPC and many organisations including IUCN, UNESCO, WWF and TNC apply PAME. In Australia PAME is adopted as part of the national policy for protected areas. It is applied in the State of Victoria across 300 of the most significant protected areas (90% of the area managed) (Parks Victoria 2007) and in NSW the State of Parks PAME evaluation is an internal adaptive management tool to evaluate the management of most of the parks managed by the government in NSW.

PAME has a focus on the physical environment and internal governance, not joint or co-management. However, it provides comprehensive guidance on developing an evaluation system including consideration of scales and scoring of indicators, use of a hierarchical approach for organisation of data and scaling of indicators. It also includes many case studies of evaluations of protected areas across many different countries and governance contexts.

Appendix 7: References

- Altman, J., Buchanan, G. & Larsen, L. (2007) The environmental significance of the Indigenous estate: Natural resource management as economic development in remote Australia. CAEPR Discussion Paper 286 / 2007
- Ayre, M. & Verran, H. (2010) Managing ontological tensions in learning to be an Aboriginal Ranger: inductions into a strategic cross-cultural knowledge community. *Learning Communities: International Journal of Learning in Social Contexts* 1: 2-18
- Bauman, T. and Smyth, D. (2007a) Indigenous Partnerships in Protected Area Management in Australia: Three case studies, The Australian Institute of Aboriginal and Torres Strait Islander Studies The Australian Collaboration.
- Bauman, T. and Smyth, D. (2007b) Outcomes of three case studies in Indigenous Partnerships in Protected Area Management, Policy briefing paper for The Australian Collaboration, Canberra.
- Bauman, T, Stacey, C & Lauder, G (2012) 'Joint management of protected areas in Australia: native title and other pathways towards a community of practice', Workshop report, AIATSIS Research Publications, Canberra.
- Borrini-Feyerabend, G., N. Dudley, T. Jaeger, B. Lassen, N. Pathak Broome, A. Phillips and T. Sandwith (2013) Governance of Protected Areas: From understanding to action. Best Practice Protected Area Guidelines Series No. 20, Gland, Switzerland: IUCN. xvi + 124pp.
- Borrini-Feyerabend, G. and Hill, R. (2015) Governance for the conservation of nature, In: G. L. Worboys, M. Lockwood, A. Kothari, S. Feary and I. Pulsford (eds) Protected Area Governance and Management, pp. 169–206, ANU Press, Canberra.
- Burgess, C. P., Johnston, F. H., Bowman, D. M. J. S. & Whiehead, P. J. (2005) Healthy Country: healthy people? Exploring the health benefits of Indigenous natural resource management. *Australian and New Zealand Journal of Public Health* 29: 117-122.
- Cape York Land Council and Balkanu (2007) 'New Laura Resolutions', Cape York Land Council & Balkanu National Parks Joint-Management Meeting, 4-5 November, Lakefield National Park, Cape York Peninsula.
- Commonwealth of Australia (CoA) (2016) Report on the Review of the first five years of Australia's Biodiversity Conservation Strategy 2010-2030.
- Davies, J., Maru, Y., Hueneke, H., Grey-Gardner, R. & Chewings, V. (2010) Outback livelihoods: employment, sustainable livelihoods and development in Anmatjere region, central Australia. DKCRC Report 61. Desert Knowledge Cooperative Research Centre, Alice Springs.
- Department of Environment and Energy (DEE) (n.d.) Ownership of Protected Areas [web page], Commonwealth of Australia, available online via <http://www.environment.gov.au/land/nrs/about-nrs/ownership>.
- Department of National Parks, Sport and Racing (DNPSR) (2015) Operational Policy: Indigenous partnerships in management of protected areas, QPW/2015/1294, Queensland Government.
- Dulfer-Hyams, M. & Vernes, T. (2016) Country-based Planning Toolkit for the Lake Eyre Basin, Report to DEWNR, unpublished.
- Director of National Parks (DNP) (2015) Booderee National Park Management Plan 2015-2025, Canberra,

ACT.

Fien, G. (2015) Cape York Peninsula Aboriginal freehold and national parks – agreements and achievements 2005-2014, 17 June 2015, presented by Watson, E. and Kinnaird, C., AIATSIS Native Title Conference, Port Douglas, Queensland.

Garnett, S. & Sithole, B. (2007) Sustainable northern landscapes and the nexus with Indigenous health: healthy Country, healthy people, Report to land and Water Australia, Canberra.

Gilligan, B. (2006) The Indigenous Protected Area Program 2006 Evaluation, Department of Environment and Heritage, Canberra.

Haynes, C (2017) The value of work and 'common discourse' in the joint management of Kakadu National Park, Australian Journal of Anthropology (28: 72-87).

Hill, R., C. Grant, M. George, C. Robinson, S. Jackson, and N. Abel (2012) A typology of indigenous engagement in Australian environmental management: implications for knowledge integration and socioecological system sustainability. Ecology and Society 17(1): 23.

Hill, R., Maclean, K., Pert, P., Schmider, J. & Tawake, L. (2013) Participatory evaluation of co-management in wet tropics Country. Interim report - December 2013, National Environmental Research Program, Technical Report, Tropical Ecosystems Hub

Hocking et al (2000) Evaluating Effectiveness: A framework for assessing the management of protected areas, IUCN World Commission of Protected Areas, IUCN, Gland, Switzerland.

Hockings, M., S. Stolton, F. Leverington, N. Dudley and J. Courrau (2006) Evaluating Effectiveness: A Framework for assessing management effectiveness of protected areas. Second edition. IUCN, Gland, Switzerland. <http://data.iucn.org/dbtw-wpd/edocs/PAGo14.pdf>

Hoffmann, B. D., Roeger, S., Wise, P., Dermer, J., Yunupingu, B., Lacey, D., Yunupingu, D., Marika, B., Marika, M. & Panton, B. (2012) Achieving highly successful multiple agency collaborations in a cross-cultural environment: experiences and lessons from Dhimurru Aboriginal Corporation and partners Ecological Management & Restoration, 2012: (13) 1

International Union for Conservation of Nature-Theme on Indigenous Peoples, Local Communities, Equity and Protected Areas (IUCN-TILCEPA) (2010) Joint PAELTILCEPA workshop on protected areas management: evaluation and social assessment of protected areas. IUCN, Gland, Switzerland.

Izurieta, A., N. Stacey, J. Karam, with contributions by M. Moyses, R. Ledger, M. Burslem, D. Scopel, P.A. Donohoe, P.J. Donohoe and B. Panton (2011) Guidebook for Supporting Participatory Monitoring and Evaluation of Jointly Managed Parks in the Northern Territory, Research Institute for the Environment and Livelihoods, Charles Darwin University, Darwin, 54pps

Izurieta, A. & Stacey, N. (2010) Monitoring and Evaluation of Joint Management of Parks and Reserves in the Northern Territory, Brief Prepared for the AIATSIS Native Title Conference, Canberra 1-3 June 2010: Joint Management of National Parks Session, Charles Darwin University, Australia.

Lawrence, Dr D (1996) Managing Parks/Managing Country: Joint Management of Aboriginal Owned Protected Areas in Australia, Research Paper 2 1996-97. Dept. of the Parliamentary Library, Commonwealth of Australia.

Leverington, A. (2012) Opportunities for enhancing conservation management and resilience through tenure resolution in Cape York Peninsula (Chapter), pp.94-99, in Figgis, P., Fitzsimons, J. and Irving, J. (eds). (2012). Innovation for 21st Century Conservation. Australian Committee for IUCN, Sydney.

Lyster, P., Davies, J. and Allen, R. (2014) Settling Indigenous Claims to Protected Areas: Weighing Māori

Aspirations Against Australian Experiences, *Conservation and Society*, 12(1): 89-106.

Maclean, K. Hill, R., Pert, P.L. (2015) Desktop review of co-management pathways in Cape York Peninsula. An assessment of support for structures, processes and results that enable Aboriginal Peoples and their partners to work towards co-management of Country. Report to the National Environmental Research Program. Reef and Rainforest Research Centre Limited, Cairns (60pp.).

Natural Resource Management Ministerial Council (NRMMC) (2010) Australia's Biodiversity Conservation Strategy 2010-2030, Australian Government, Department of Sustainability, Environment, Water, Population and Communities, Canberra.

Resource Management Guide no. 131 (2015) Developing good performance information, developed by the Department of Finance, April.

Miles, S. Hon. (2016) New laws for National Parks recognise traditional owners and improve tenure resolution on Cape York [media release], May 11, Queensland Government.

Miles, S Hon. (2017) Cairns meeting sets up committee and terms for future management of Cape York parks [media statement], February 23, Queensland Government.

Sayer, J., B. Campbell, L. Petheram, M. Aldrich, M. R. Perez, D. Endamana, Z.-L. Nzooh Dongmo, L. Defo, S. Mariki, N. Doggart, and N. Burgess (2007) Assessing environment and development outcomes in conservation landscapes. *Biodiversity and Conservation* 16(9):2677-2694.

SEWPaC (2016) IPA: <http://www.environment.gov.au/indigenous/> accessed: 17/06/17

Scoones, I. (1998) Sustainable rural livelihoods: a framework for analysis. IDS Working Paper 72. Institute of Development Studies, Brighton, UK.

Smyth, D. (2012) Guidelines for Country-based planning. Cairns, Queensland Department of Environment and Resource Management.

Social Ventures Australia (2016) Department of Prime Minister and Cabinet. Consolidated Report on Indigenous Protected Areas following Social Return on Investment analyses, February 2016.

Stacey, N., Izurieta, A. and Garnett, S. T. (2013) Collaborative measurement of performance of jointly managed protected areas in northern Australia. *Ecology and Society* 18(1): 19

Stacey, N. & Izurieta, A. (2010) Brief Prepared for the AIATSIS Native Title Conference, Canberra 1-3 June 2010: Joint Management of National Parks Session

The Wilderness Society (TWS) (2011) Protecting Rivers, Supporting Communities: Cape York Peninsula Policy Settings, Report 4 of 6, February, West End, Queensland.

Timko, J. A., and T. Satterfield (2008) Seeking social equity in national parks: experiments with evaluation in Canada and South Africa. *Conservation and Society* 6(3):238-254, available online via <http://dx.doi.org/10.4103/0972-4923.49216>

United Nations Environment Programme (UNEP) (2013) Convention on Biological Diversity Article 8(j) - Traditional Knowledge, Innovations and Practices: Programme of Work. UNEP, Nairobi, Kenya.

United Nations Environment Program (UNEP) (2011), A quick guide to the Aichi Biodiversity Targets: Protected areas increased and improved, Target 11, available online via <https://www.cbd.int/doc/strategic-plan/targets/T11-quick-guide-en.pdf>

Weir, J. K., Stacey, C. & Youngetob, K. (2011) The Benefits Associated with Caring for Country: Literature Review prepared for the Department of Sustainability, Environment, Water, Population and

Communities by from the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, June 2011.

Worboys, G. L., Lockwood, M., Kothari, A., Feary, S. & Pulsford, I. (Eds) (2015) Protected Area Governance and Management, ANU Press, Canberra.

Zurba, M., Ross, H., Izureita, A., Rist, P., Bock, E. & Berkes, F. (2012) Building co-management as a process: problem solving through partnerships in Aboriginal Country, Australia. Environmental Management 49 (6) 1130-1142.



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