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Land and sea management regimes and native title

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Aboriginal and Torres Strait Islander people's ownership and stewardship of country has been formally recognised in various ways in recent decades including through land rights, native title, and cultural heritage laws.

Over the past thirty years it has also been recognised and demonstrated in other significant ways through greater involvement in land and sea management. This has taken place at both a decision making level and caring for country and culture on the ground, supported by several initiatives and programs including:

- The Indigenous Rangers Working on Country Program. This program draws on the traditional knowledge and skills of Indigenous Rangers and provides opportunities for Aboriginal and Torres Strait Islander people to care for country and protect and sustain the natural resources and cultural values of their country. It has also helped create meaningful livelihoods and developed the capacity of Indigenous organisations to manage their country, including the Indigenous Protected Areas mentioned below.
- Indigenous Protected Areas. IPAs are land and sea country managed and cared for by Aboriginal and Torres Strait Islander people to maintain the biodiversity and conserve the cultural resources on the country. They are funded by the Australian Government as part of the National Reserve System of parks, reserves and protected areas across Australia. IPAs have created a broad range of opportunities for Aboriginal and Torres Strait Islander people including education, training, and employment in the course of caring for country, as well as providing broader cultural, social, and economic benefits for their communities.
- Joint Management Boards of National Parks. The establishment of Joint Management Boards in a number of National Parks across Australia has enabled Aboriginal and Torres Strait Islander people to take a central role in planning and decision making in these National Parks on their country while and

honouring their traditional land management obligations to care for country and keep their culture strong.

Some of these land and sea management initiatives have been successfully undertaken in parts of Australia independently of land rights and native title processes. Others have built on the foundation established by native title or land rights to successfully manage their land and sea country.

Land and sea management opportunities within the native title process

In the native title context, evidence of land and sea resource use and management is important to demonstrate the contemporary exercise of traditional laws and customs and a continuing connection to country.

Where there are sufficient resources and time available, developing an understanding of Aboriginal and Torres Strait Islander cultural values in land and sea resource use and management can be enhanced by using a whole of country planning process while preparing for and working through the usual native title processes.

The country planning process can serve several purposes while providing extensive and detailed evidence of the use and management of land and sea resources to support a claim in the Federal Court or in negotiations with government.

Country planning creates opportunities for families to meet and discuss their shared aspirations and identify their goals, priorities and vision for the future. This work can provide the information base and understanding required for productive native title settlement negotiations. It can also inform the content of indigenous land use agreements with government and other interest holders that set out how native title rights may be exercised on country after a determination.

In addition, country planning can assist in the establishment of a PBC by identifying the native title group's aspirations, goals and priorities for their PBC so that it can be established in a way that will meet the community's expectations.

Planning at the early stages of the native title process helps identify the resources that will be necessary to achieve the PBC's goals. This may include collaboration and partnerships with other organisations and communities that will enable the PBC to establish a Ranger Program or manage an IPA. This planning can also provide the foundation for the development of joint management plans over National Parks and Reserves.

Land and sea management regimes following land rights and native title claims

There are numerous examples around Australia where Aboriginal and Torres Strait Islander people have built on the recognition of their rights under land rights claims and native title claims. This recognition has assisted them to establish and build land and sea management arrangements that have enabled them to care for country and culture in more effective and comprehensive ways that provide meaningful livelihoods and significant social and economic benefits for their communities.

The Balanggarra Aboriginal Corporation experience

The Balanggarra Aboriginal Corporation RNTBC administers land on behalf of the Balanggarra People. Balanggarra people's Country is over approximately 26,025 square kilometres of land and sea in the northern

Kimberley region of Western Australia.

Further Information

Australian Government information about Indigenous Protected Areas can be found on the Department of Environment and Energy's [website](#), including information about the New Indigenous Protected Areas Program and the next funding round in 2018.

Australian Government information about funding for Indigenous Rangers and Land and Sea Management can be found on the Department of Prime Minister and Cabinet's [website](#), and information about funding under the Indigenous Advancement Strategy and National Partnership Agreements can be found [here](#).

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