

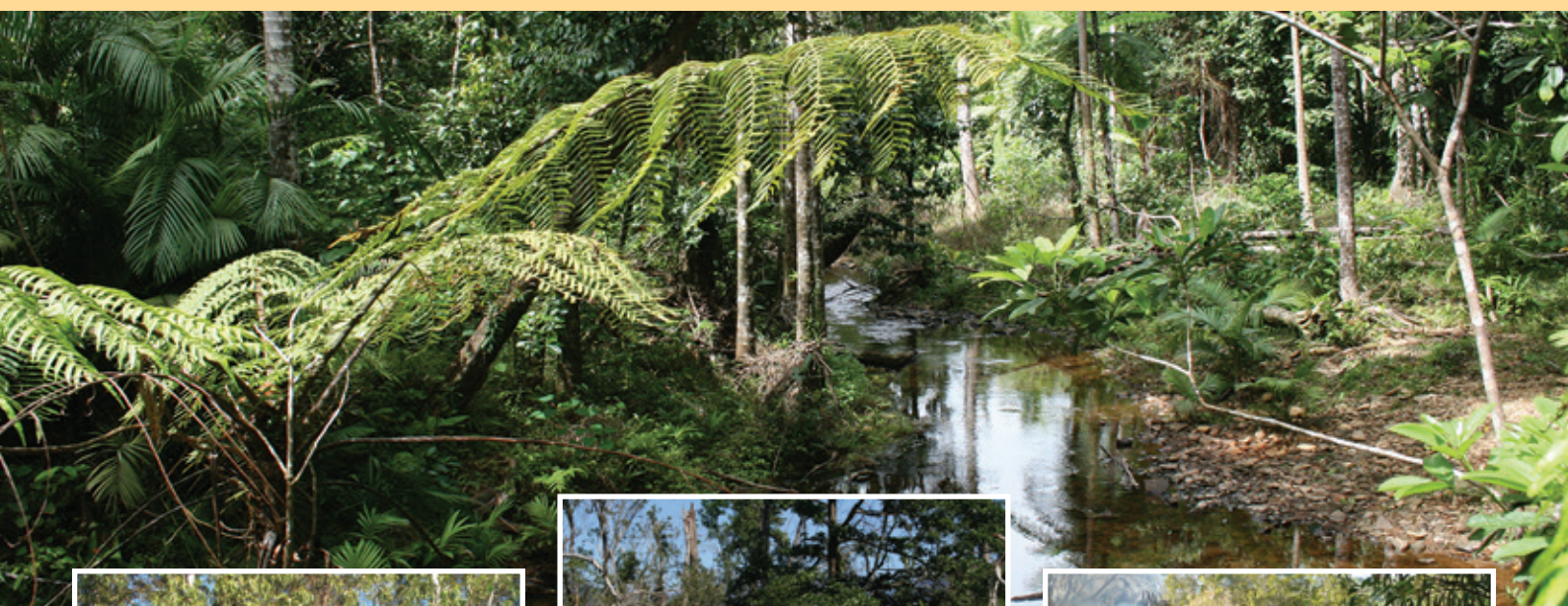


National Environmental
Research Program

TROPICAL ECOSYSTEMS *hub*

Technical Report

Framework and Institutional Analysis:
Indigenous co-management and
biodiversity protection
in the Wet Tropics



Kirsten Maclean, Rosemary Hill, Petina L. Pert, Ellie Bock, Paul Barrett, Robyn Bellaquih,
Michael Friday, Vince Mundraby, Lisa Sarago, Joann Schmider, Leah Talbot



Jabalbina



The Central Wet Tropics Institute for
Country and Culture Aboriginal Corporation



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities



AUSTRALIAN
CONSERVATION
FOUNDATION



WET TROPICS
MANAGEMENT AUTHORITY



CSIRO



Reef &
Rainforest
RESEARCH CENTRE

Framework analysis: Towards indigenous co-management and biodiversity in the Wet Tropics

Kirsten Maclean, Rosemary Hill, Petina L. Pert, Ellie Bock, Paul Barrett, Robyn Bellafquih, Michael Friday, Vince Mundraby, Lisa Sarago, Joann Schmider and Leah Talbot



Australian Government

**Department of Sustainability, Environment,
Water, Population and Communities**

Supported by the Australian Government's
National Environmental Research Program

© CSIRO

National Library of Australia Cataloguing-in-Publication entry:

978-1-921359-74-3

This report should be cited as:

Maclean, K., Hill, R., Pert, P.L., Bock, E., Barrett, P., Bellafquih, R., Friday, M., Mundraby, V., Sarago, L., Schmider, S., and L. Talbot (2012), *Framework analysis: towards Indigenous co-management and biodiversity in the Wet Tropics*. Report to the National Environmental Research Program. Published online by the Reef and Rainforest Research Centre Limited, Cairns (124pp.).

Published by the Reef and Rainforest Research Centre on behalf of the Australian Government's National Environmental Research Program (NERP) Tropical Ecosystems (TE) Hub.

The Tropical Ecosystems Hub is part of the Australian Government's Commonwealth National Environmental Research Program. The NERP TE Hub is administered in North Queensland by the Reef and Rainforest Research Centre Limited (RRRC). The NERP Tropical Ecosystem Hub addresses issues of concern for the management, conservation and sustainable use of the World Heritage listed Great Barrier Reef (GBR) and its catchments, tropical rainforests including the Wet Tropics World Heritage Area (WTWHA), and the terrestrial and marine assets underpinning resilient communities in the Torres Strait, through the generation and transfer of world-class research and shared knowledge.

This publication is copyright. The Copyright Act 1968 permits fair dealing for study, research, information or educational purposes subject to inclusion of a sufficient acknowledgement of the source.

The views and opinions expressed in this publication are those of the authors and do not necessarily reflect the Australian Government, the Minister for Sustainability, Environment, Water, Population and Communities, or any of the project partners and supporters whose valuable contributions are acknowledged on page vi.

While reasonable effort has been made to ensure that the contents of this publication are factually correct, the Commonwealth does not accept responsibility for the accuracy or completeness of the contents, and shall not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance on, the contents of this publication.

Cover photographs: J. Carmody (main); R. Hill, K. Maclean, Jabalbina Yalanji Aboriginal Corporation. Reproduced with the permission of the Traditional Owners.

This report is available for download from the NERP Tropical Ecosystems Hub website:
<http://www.nerptropical.edu.au/research>

December 2012

Contents

Contents	i
List of Tables	iii
List of Figures	iv
Acronyms & Abbreviations	v
Acknowledgements	vi
Author Contributions	vi
Executive Summary	vii
Report Introduction and Co-research Design	1
Part I: Options for a Testable Framework with Thresholds	4
Introduction to the framework analysis	5
Why use a framework in co-research?	5
How to develop a framework?	5
Our approach to development of the working framework	8
What is in a framework?	9
Frameworks for Indigenous co-management and biodiversity protection: a brief review	9
Options for Frameworks for this Co-research	13
Option one: Linked indicators for ecosystem change	13
Option two: Empowering bio-cultural diversity	14
Option three: Joint management of parks in the Northern Territory	14
Option four: Miriuwung Gajerrong Cultural Planning Framework	16
Option five: Typology of Indigenous engagement in environmental management	17
Option six: Modified Drivers-Pressures-State-Impact-Response	18
Conclusion	18
Part II: Institutional Analysis	20
Introduction to the Institutional Analysis	21
INTERNATIONAL GOVERNANCE SCALE	31
World Heritage Convention, 1972	31
Convention on Biological Diversity, 1992	32
Rio Declaration on Environment and Development, 1992	33
Declaration on the Rights of Indigenous Peoples, 2007	33
International Covenant on Economic, Social and Cultural Rights	35
International Convention on the Elimination of All Forms of Racial Discrimination	36
NATIONAL GOVERNANCE SCALE	37
Environmental Protection and Biodiversity Conservation Act (Cwth), 1999	37
National Heritage List	38
Native Title Act, 1993 (Cwlth)	39
Racial Discrimination Act 1975	47
Australian Human Rights Commission Act 1986	47
Aboriginal and Torres Strait Islander Heritage Protection Act 1984	48
Australia's Biological Conservation Strategy, 2010-2030	48
QUEENSLAND STATE GOVERNANCE SCALE	49
Aboriginal Cultural Heritage Act (QLD), 2003	49
Nature Conservation Act 1992 (QLD)	50
Sustainable Planning Act 2009	53

Vegetation Management Act, 1999	53
Wild Rivers Act 2005	54
Cape York Cultural Heritage Act 2007	55
Aboriginal Land Act 1991	57
Native Title (Qld) Act 1993	57
Fisheries Act 1994 (QLD)	58
North Stradbroke Island Protection and Sustainability Act, 2011	58
Anti-Discrimination Act 1991	59
Building Nature's Resilience: A Biodiversity Strategy for Queensland	60
WET TROPICS REGIONAL GOVERNANCE SCALE	60
Far North Queensland Regional Plan 2031	60
The Regional Agreement 2005	62
Sustaining the Wet Tropics, a regional plan for resource management 2004- 2008 (Terrain NRM)	63
Aboriginal Cultural and Natural Resource Management Plan (Aboriginal Plan) 2004-2008	65
A Caring for Country Plan, Burdekin Dry Tropics Board	66
Wet Tropics World Heritage Protection and Management Act 1993	68
Wet Tropics of Queensland World Heritage Area Conservation Act 1994	68
Wet Tropics Management Plan 1998	69
Wet Tropics Management Authority Strategic Plan 2008-2013	69
Queensland Parks and Wildlife Services Operational Plan - Indigenous partnerships in management of protected areas	69
Wet Tropics Management Authority's Rainforest Aboriginal Advisory Committee (RAAC)	72
Wet Tropics Management Authority Board of Directors	73
Rainforest Aboriginal Peoples' Alliance (RAPA)	73
Central Wet Tropics Institute of Country and Culture	74
Girringun Aboriginal Corporation CNRM Plan	74
Jabalbina Aboriginal Corporation Strategic Plan	76
LOCAL AND SITE BASED GOVERNANCE SCALE	78
Queensland Parks and Wildlife Service Park Management Plans	78
Mandimalbay Yidinji Country Strategic Plan	78
Eastern Kuku Yalanji Indigenous Protected Area Management Plan	79
Girringun Region Indigenous Protected Areas Management Plan	80
Conclusion	81
Part III: Spatial data for an Atlas of Indigenous Engagement	82
Introduction	83
Geospatial Land and Sea Management Datasets	83
Temporal Analysis of National Aboriginal Lands	93
Conclusion	98
References	99

List of Tables

Table 1:	Multilevel biodiversity governance and Indigenous rights, culture and roles in management in the Wet Tropics.....	x
Table 2:	Best practice standards for structures in co-management (Source: Hill, 2011)	10
Table 3:	Best practice standards for functions in co-management (Source: Hill, 2011)	10
Table 4:	Key lessons about critical factors in poverty alleviation through biodiversity conservation (Source: United Nations Development Program, 2006)	11
Table 5:	Summary of poverty reduction evidence for biodiversity conservation mechanisms (Source: Secretariat of the Convention on Biological Diversity, 2010)	12
Table 6:	Example of regional scale indicators and the categories with which they align (Source: Cullen-Unsworth <i>et al.</i> , 2012)	13
Table 7:	Joint management evaluation criteria and indicators for Flora River Nature Park (Source: Izurieta <i>et al.</i> , 2011a)	15
Table 8:	Framework of engagement differences in relation to Indigenous engagement in environmental management (Source: Hill <i>et al.</i> , 2012)	17
Table 9:	Modified DPSIR framework	18
Table 10:	Differences between the six framework options in relation to research questions and some of the co-operative research determinants of success.....	19
Table 11:	Summary of analysis of formal institutions (regulatory and non-regulatory types) relevant to Indigenous co-management and biodiversity protection in the Wet Tropics region.....	22
Table 12:	Active Native Title claims in the Wet Tropics (Source: National Native Title Tribunal, 2012)*	41
Table 13:	Active and registered Indigenous Land Use Agreements in the Wet Tropics (Source: National Native Title Tribunal, 2012)*	43
Table 14:	Indigenous Protected Area co-management projects, Indigenous Ranger groups and relevant ILUA in the Wet Tropics.....	70
Table 15:	Summary of Indigenous Protected Area declaration status for Far North Queensland	71
Table 16:	Multilevel biodiversity governance and Indigenous rights, culture and roles in management in the Wet Tropics.....	81
Table 17:	Summary of geospatial datasets pertaining to indigenous land and sea management.....	83
Table 18:	Queensland DCDB tenure abbreviations (Source: DERM)	89
Table 19:	Local Government Areas in study areas	90
Table 20:	Pre 1998 National Aboriginal Lands (Source: Geoscience Australia)	93
Table 21:	Australian Land Use 2005-06 – Area managed for traditional indigenous use (Source: ABARES-BRS)	93

List of Figures

Figure 1: Indigenous co-management as a process of emergent path-generation towards a new equitable relationship	viii
Figure 2: Indigenous co-management as a process of Indigenous societies' strategic leadership and rights and responsibility-based engagement	ix
Figure 3: Indigenous governance, social learning and co-research.....	2
Figure 4: A social learning approach to monitoring and evaluation (Source: Cundill <i>et al.</i> , 2009)	7
Figure 5: Co-operative research leads to the development of linked biophysical and cultural indicators in the Wet Tropics World Heritage Area as an example. Double-headed arrows represent two-way learning and knowledge transfer (Cullen-Unsworth <i>et al.</i> , 2011)	8
Figure 6: Evidence base, poverty reduction benefits and importance to biodiversity for specific conservation mechanisms (Source: Secretariat of the Convention on Biological Diversity, 2010)	11
Figure 7: Parallel processes of recognition of rights, cultural values and roles in environmental management (Source: Hill <i>et al.</i> , 2011a)	14
Figure 8: Practitioner's model of design concepts in planning for equitable Indigenous co-management of protected areas (Source: Hill, 2011).....	16
Figure 9: Key legislation for Indigenous Land and Sea Management in Far North Queensland, Australia.	30
Figure 10: Distribution of Native Title application scheduled in Far North Queensland (Source: National Native Title Tribunal, 2012)	42
Figure 11: Distribution of Indigenous Land Use Agreements in Far North Queensland (Source: National Native Title Tribunal, 2012)	46
Figure 12: Map of Cape York Region under the CYPAL Act (Source: Queensland Government, 2007).....	56
Figure 13: Distribution of Indigenous Protected Areas and projects in Far North Queensland (Source: National Native Title Tribunal, 2012)	72
Figure 14: Eastern Yalanji ILUA implementation area	77
Figure 15: Location of ranger groups, registered native title body corporate organisations and Working on Country projects.	91
Figure 16: Indigenous land use agreements, native title applications and indigenous protected areas and consultation projects in Far North Queensland	92
Figure 17: Aboriginal lands pre-1998.....	94
Figure 18: Comparison of national Aboriginal Land Tenure 1993 and Land Use Australia v4 2005-06 - area managed for traditional indigenous use	95
Figure 19: Local Government Areas and NRM regions	96
Figure 20: Current land tenure for Far North Queensland (Source: DERM).	97

Acronyms & Abbreviations

ABARES	Australian Bureau of Agricultural and Resource Economics and Sciences
AC	Aboriginal Corporation
ACLUMP	Australian Collaborative Land Use Management Program
ALUM	Australian Land Use and Management (Classification)
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
ARC	Aboriginal Rainforest Council
BRS	Bureau of Rural Sciences
CAPAD	Collaborative Australian Protected Areas Database
CBD	Convention on Biological Diversity
CESCR	Committee on Economic, Social and Cultural Rights
CLO	Community Liaison Officer
CPR	Common Pool Resource
CSIRO	Commonwealth Scientific and Industrial Research Organisation
CYP	Cape York Peninsula
DERM	Department of Environment and Resource Management (QLD)
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities
DLGP	Department of Local Government and Planning
DOGIT	Deed of Grant in Trust
DPSIR	Drivers-Pressure-State-Impact-Response
EPBC	Environment Protection and Biodiversity Conservation (Act)
ERIN	Environmental Resources Information Network
GBRMPA	Great Barrier Reef Marine Park Authority
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICSU	International Council for Science
IEK	Indigenous Ecological Knowledge
ILM	Indigenous Land Management
IPA	Indigenous Protected Area
IUCN	International Union for Conservation of Nature
JCU	James Cook University
MOU	Memorandum of Understanding
MYAC	Mandingalbay Yidinji Aboriginal Corporation
NERP	National Environmental Research Program
NNTT	National Native Title Tribunal
NRM	Natural Resource Management
PBC	Prescribed Body Corporate
PME	Participatory monitoring and evaluation
QLUMP	Queensland Land Use Mapping Program
QPI&F	Queensland Primary Industries & Fisheries
RAPA	Rainforest Aboriginal Peoples' Alliance
RNTBC	Registered Native Title Body Corporate
TO	Traditional Owner
TEH	Tropical Ecosystems Hub
UNESCO	United Nations Educational Scientific and Cultural Organisation
WHC	World Heritage Convention
WTMA	Wet Tropics Management Authority
WTRA	Wet Tropics Regional Agreement
WTWHA	Wet Tropics World Heritage Area
WTWHPMA	Wet Tropics World Heritage Protection and Management Act
WWF	World Wildlife Fund

Acknowledgements

This research was conducted with the support of funding from the Australian Government's National Environmental Research Program, Tropical Ecosystems Hub and co-investment from the CSIRO Building Resilient Australian Biodiversity Assets Theme. We would like to acknowledge and thank the Rainforest Aboriginal Peoples' Alliance for their important role as the regional leadership group in advancing the regional priorities of Rainforest Aboriginal peoples within the Wet Tropics region. We would also like to acknowledge the invaluable co-investment and support from our co-research partners: the Rainforest Aboriginal Peoples' Alliance (including Jabalbina Yalanji Aboriginal Corporation (AC); The Central Wet Tropics Institute for Country and Culture AC; and Girringun AC); Mandingalbay Yidinji AC and their Djunbunji Land and Sea Program; Wet Tropics Management Authority; Terrain NRM; the Australian Conservation Foundation; the Indigenous Protected Area and Working on Country programs of the Australian Government's Department of Sustainability, Environment, Water, Population and Communities. We would also like to acknowledge and thank the Australian Institute for Aboriginal and Torres Strait Islander Studies for the reciprocal partnership with their Native Title and Joint Management research project led by Toni Bauman. We thank Dr Fay Falco-Mammone, Mr Andrew Maclean and these partners for useful comments on an earlier draft of this report.

Required permissions for published figures and tables cited in this document (i.e. not the original work of the authors) have been obtained. These tables and figures are credited in the table and figure citations and are also referenced in the Reference section.

Author Contributions

Vince Mundraby, Ellie Bock, Leah Talbot, Lisa Sarago, Joann Schmider and Rosemary Hill designed the draft framework and co-research governance arrangements presented in Figures 1, 2 and 3. Paul Barrett, Michael Friday and Robyn Bellafquih reviewed and revised earlier drafts of these figures.

Kirsten Maclean undertook the institutional analysis, wrote Part II and synthesised the first draft of the report.

Rosemary Hill undertook the framework analysis, wrote the Executive Summary, Report Introduction and Co-research Design, and Part I, synthesised the institutional analysis into Table 1 and edited the final version of the report. Rosemary produced Figures 1, 2 and 3 from rough diagrams.

Petina Pert undertook the spatial data analysis, created all maps and wrote Part III.

Kirsten, Rosemary and Petina all contributed to the design of the institutional analysis, framework analysis and the spatial data analysis.

Ellie Bock contributed written material to Part II.

Other: Shaun Barclay provided insightful comment during the deliberations that produced Figures 1, 2 and 3.

Executive Summary

Our draft framework for Indigenous co-management in the Wet Tropics, derived through stakeholder input and problem co-framing, recognises it as an emergent path-generation process towards equitable relationships between Indigenous and non-Indigenous societies about country. Eight attributes are necessary to represent this process: focus on the parts that make up effective Indigenous co-management; demonstration of linkages between the parts; ability to show change over time and space; includes thresholds; includes Indigenous-generation of key concepts; shows capacity to address dynamic scaled complexity; and is relevant to the wet tropics problem-framing. Our literature review identified six existing frameworks potentially relevant for this representation: linked cultural-biophysical indicators (Cullen *et al.* 2008); empowering biocultural diversity in the Wet Tropics (Hill *et al.* 2011a); participatory evaluation of joint management in the Northern Territory (Izurieta *et al.* 2011a); Miriung-Gajerrong cultural planning framework (Hill 2011); typology of Indigenous engagement in environmental management (Hill *et al.* 2012); and a modified DPSIR (Drivers-Pressure-State-Impact-Response) Indigenous land management framework (Hill *et al.* in prep. 2012). Our assessment found none of the existing frameworks were capable of representing all attributes. We therefore adopt as a working draft the three part framework depicted in Figures 1 and 2 which represents: path generation towards equitable relationships; Indigenous societies' strategic leadership; and rights, responsibility and relationship-based engagement.

This report also presents an institutional analysis of the existing multi-level biodiversity governance regime in relation to Indigenous co-management, reflecting the arrangements in place in May 2012¹. We interrogated how formal institutions (both regulatory and non-regulatory) responded to the recognition of Indigenous peoples' native title rights, their cultural values and their roles in biodiversity management (Table 1). The greatest institutional barriers to effective Indigenous co-management in biodiversity domain appear at the State (Queensland) level. Regulatory instruments prevail at this level; while all instruments recognised native title rights, around half did not recognise either cultural values or roles in Indigenous management. Queensland human rights institutions do not include protection for cultural, social and economic rights that are recognised internationally. At the Australian nation-state level, instruments that protect these rights interact with the biodiversity protection instruments, and serve to ensure that biodiversity institutions take account of human rights to land, culture and engagement in land management practices. The annual Native Title and Social Justice Reports of the Aboriginal and Torres Strait Islander Social Justice Commission, for example, provide guidance about recognition of Indigenous roles in matters including water management and climate change adaptation. The lack of similar human rights regimes in the Queensland state jurisdiction appears to be a legacy of the processes of federation whereby Queensland retained its colonial constitution and rights to land management without obligations to protect human rights.

¹ Many changes to the institutional arrangements were made by the newly elected Queensland Liberal National Party government in the latter part of 2012, but these have not been factored into this report. A supplementary analysis is underway.

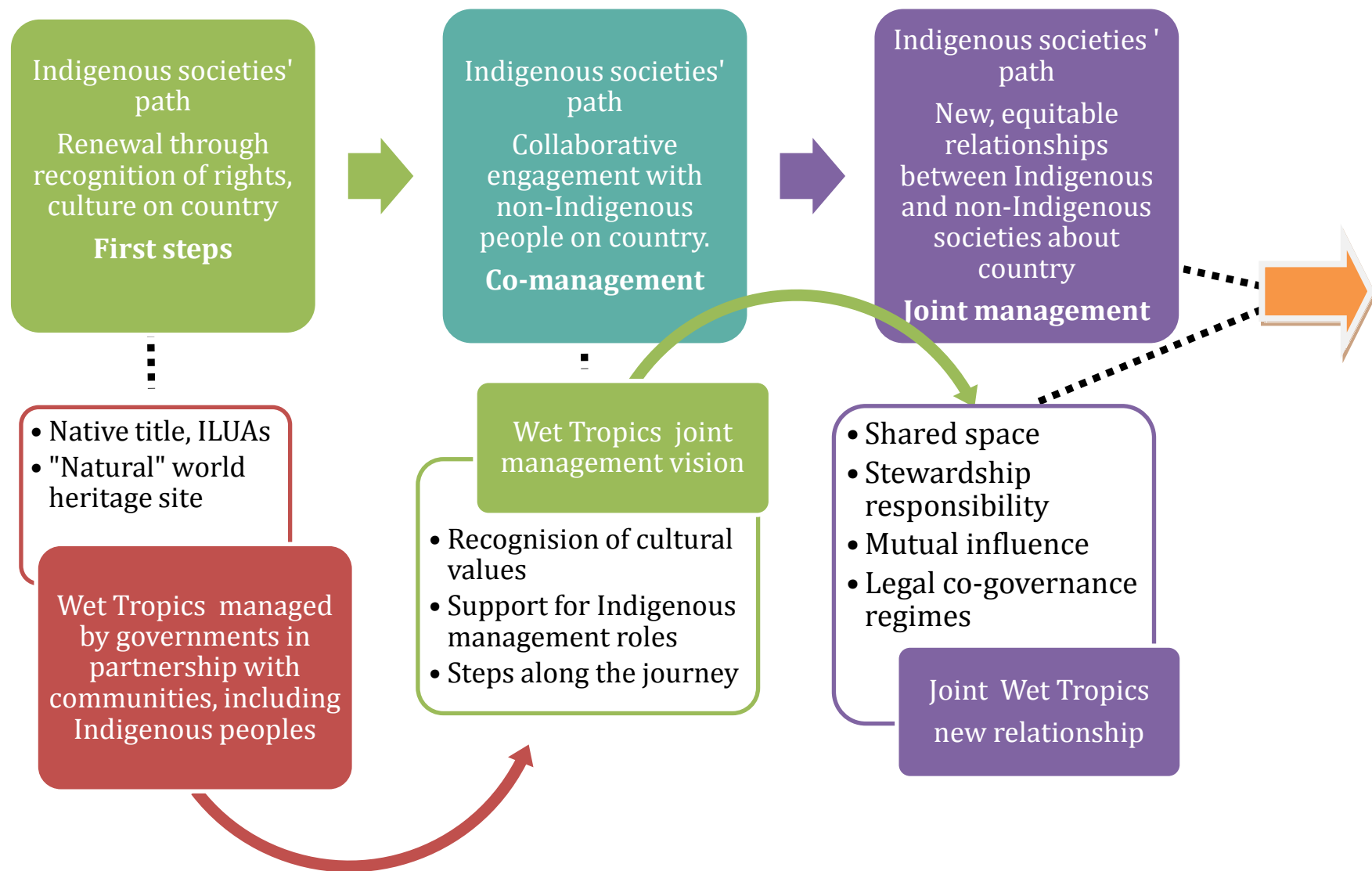


Figure 1: Indigenous co-management as a process of emergent path-generation towards a new equitable relationship

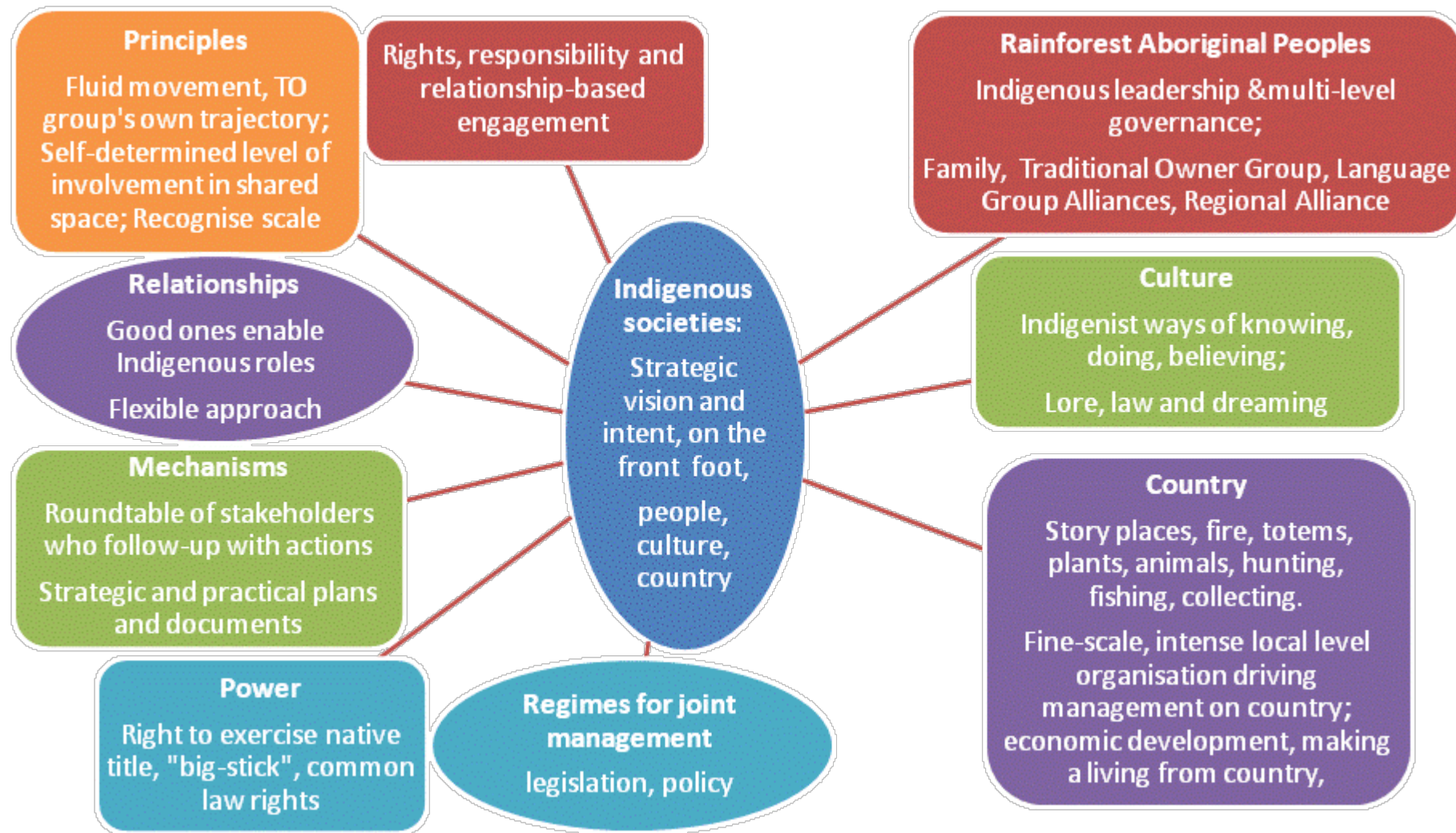


Figure 2: Indigenous co-management as a process of Indigenous societies' strategic leadership and rights and responsibility-based engagement

Table 1: Multilevel biodiversity governance and Indigenous rights, culture and roles in management in the Wet Tropics

Level	Regulatory/ Non-regulatory	Organisations	Rights (Native Title)	Cultural Values	Roles Biodiversity Management in
Global	1 regulatory 5 non-regulatory	4 UN organisations	2 no, 4 yes	6 yes	1 no, 5 yes
National	3 regulatory, 1 non-regulatory	3 Australian Government organisations	4 yes	4 yes	2 yes, 2 no
State	11 regulatory 1 non-regulatory	Multiple State agencies	12 yes	8 yes, 3 no, 1 unclear	6 yes, 4 no, 2 unclear
Regional	5 regulatory 11 non-regulatory	Diverse govt, NGO, Indigenous	14 yes, 1 no, 1 unclear	14 yes, 2 no (both regulatory)	15 yes, 1 no (regulatory)
Local	2 regulatory, 3 non-regulatory	Diverse govt, NGO, Indigenous	5 yes	4 yes, 1 site- specific	4 yes, 1 site specific

In order to address the necessary spatial component of our framework for Indigenous co-management in the Wet Tropics, we have assessed relevant spatial data. This assessment identified datasets from the National Native Title Tribunal, the Australian Department of Sustainability, Environment, Water, Population, and Communities (DSEWPaC), the former Queensland Department of Environment and Resource Management (DERM), the Wet Tropics Management Authority WTMA), the Australian Bureau of Agriculture and Resource Economic Sciences (ABARES), Geosciences Australia, the former Queensland Department of Infrastructure and Planning and CSIRO which could be utilised in the development of a level of protection and Indigenous engagement model in Phase 2 of the project Table 17. The next steps will involve downloading and acquiring the most recent datasets, clipping to study area boundaries, and coding initial levels of protection and Indigenous engagement. Because many of these base datasets polygons overlap further GIS processing is necessary. The co-research team (comprised of representatives from each of the four Aboriginal corporations with whom the team will work, and WTMA, Terrain NRM and ACF) will work together to further develop a level of protection and Indigenous engagement model and associated weightings.

Report Introduction and Co-research Design

This technical report contributes to the June 2012 Milestone for the National Environmental Research Program (NERP) Tropical Ecosystem Hub (TEH) Project 12.1 Indigenous co-management and biodiversity protection. The overall goal of the co-research is to interrogate the capability of Indigenous Protected Areas (IPAs), and other collaborative planning models and mechanisms, to provide the means for effective engagement of Indigenous knowledge and co-management for biodiversity and cultural protection in the region; and joint management of the Wet Tropics World Heritage Area between governments and Rainforest Aboriginal people, in partnership with communities.

The first stage of our co-research (September 2011 to March 2012) involved establishing co-research partnerships. Eighteen meetings were held between the CSIRO researchers and Indigenous, government (State and National) and non-government organisations and partnerships. We participated in three multi-stakeholder workshops about Indigenous co-management: the IPA workshop at the Queensland Coastal Conference in October; the IPA Co-management workshop hosted by the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) in March; and the National Joint Management and Native Title workshop hosted by the Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) in April. As a result of these meetings and discussions, our co-research design now includes:

1. A core co-research team of key people from the Rainforest Aboriginal Peoples' Alliance (including Girringun Aboriginal Corporation (AC), The Central Wet Tropics Institute for Country and Culture AC and Jabalbina Yalanji AC); Djunbunji Land and Sea Program (Mandingalbay Yidinji AC); the Wet Tropics Management Authority (WTMA); the Australian Conservation Foundation; Terrain NRM; and the Department of DSEWPaC.
2. A set of processes to adhere to Guidelines on Ethical Research in Indigenous Studies (AIATSIS 2011). This includes a set of Collaboration Agreements with Rainforest Aboriginal peoples' organisations currently under negotiation and an Application to the CSIRO Social Science Human Research Ethics Committee. This Application sets our approach to meeting (for the period July 2012-December 2014) the fourteen principles of the Guidelines on Ethical Research in Indigenous Studies (GERIS). The establishment phase of this research is covered by Ethics Approval 06/10 from the CSIRO Social Science Human Research Ethics Committee.

We held our first co-research team meeting on 4 May 2012 and focused on documenting our approaches within the team, which build on the cooperative method of Cullen *et al.* (2011):

- Five principles: equity; trust; partnerships; mutual benefit; and Indigenous ecological knowledge and science equally valued.
- Seven determinants of success: cooperative problem framing; strong Indigenous governance; relationship building; agreed data collection and management systems; considerations of scale; agreed dissemination of results; and participatory evaluation.
- Social learning.
- Collaboration, not negotiation, although it may lead to negotiation, or assist with negotiation.
- Transdisciplinary research methodology, pathway to impact from the beginning to end of research



Figure 3: Indigenous governance, social learning and co-research

Our co-research design proposes that the overall goal be delivered through three phases:

- **Phase one** (by December 2012): participatory development of a testable framework with thresholds to analyse progress towards Indigenous co-management and biodiversity protection in the Wet Tropics, including through an Atlas of Indigenous Co-management.

This phase seeks to answer three questions:

- o What are all the parts that make up effective Indigenous co-management and biodiversity protection in the Wet Tropics, and how are they linked?
 - o How do these parts change over time and space in movement towards Indigenous co-management?
 - o At what point have we arrived at joint management (thresholds)?
- **Phase two** (by December 2013): participatory evaluation of the current status of Indigenous co-management in the Wet Tropics using the framework and desktop evaluation of Cape York Peninsula. This phase seeks to answer the following question:
 - o Where are we in a change pathway towards Indigenous co-management in the Wet Tropics? How does our pathway compare with that in Cape York Peninsula and other places?
 - **Phase three** (by December 2014): identification of gaps and policy options to bridge the gaps, and provide for recognition of Indigenous knowledge and co- management for biodiversity protection in the Wet Tropics.
 - o What policies will help movement along the path towards effective Indigenous joint management?

This milestone report contributes to phase one of our co-research. Part I of the report presents options for a testable framework with thresholds. These options will be further developed through the co-research team involving critically reflexive review (Creswell & Miller 2000), and two participatory workshops.

Part II presents an Institutional analysis. This analysis considers the extent to which relevant regulatory and non-regulatory international, national, Queensland, regional (Wet Tropics) and local scale conventions, strategies, policy and plans recognise the rights, cultural values and roles of Aboriginal people in environmental management in the Wet Tropics.

Part III presents a set of maps and a list of datasets that encapsulate the spatial dimensions of these questions, and will contribute to an Atlas of Indigenous Engagement.

PART I: OPTIONS FOR A TESTABLE FRAMEWORK WITH THRESHOLDS

Introduction to the framework analysis

We consider a number of options for a testable framework with thresholds, drawing on a review of relevant literature. These options will be further considered and developed through the co-research team and participatory workshops. We begin by considering why a framework is a necessary part of this co-research process; we then explore how such a framework can be developed; and finally identify standards and criteria that may be useful to establishment of thresholds to guide the evaluation planned for future years of this co-research.

Why use a framework in co-research?

The characterisation of our research design as “co-research” signals our intention to situate our approach as collaborative and empowering, and as one that promotes social learning, responding to critiques of the diversity within the participatory action research field (Nelson & Pettit 2004; Kesby *et al.* 2007; Pert *et al.* 2010). A framework in co-research is a useful means of facilitating dialogue and bringing together the knowledge of actors in the co-research team with knowledge from multiple similar experiences throughout the world recorded in both the peer reviewed international scientific literature and the “grey” practice literature. A framework can help relate practice to theory, and thereby build both explanatory and comprehensive theory (Hill *et al.* 2011b).

A framework can also be used as the basis of common problem framing. Cullen-Unsworth *et al.* (2011) identifies cooperative problem framing as one of the most important of seven determinants of success in Indigenous co-research; and argues that by starting the process with this task, co-research can assist the equitable convergence of Indigenous Ecological Knowledge (IEK) and contemporary natural resource management, thereby potentially enhancing social-ecological system resilience and sustainability. Their other determinants of success are: strong Indigenous governance; relationship building; data collection and management; considerations of scale; agreed dissemination of results; and evaluation. Five stakeholder-derived principles underpin their co-research approach: equality; trust; partnerships; mutual benefit; and Indigenous ecological knowledge and science equally valued. Indigenous governance has been identified as a critical factor in empowering equity in co-management relations and supporting the integration of Indigenous ecological knowledge and science (Hill *et al.* 2011a; Hill *et al.* 2012).

Our research design requires that the framework be testable and help support participatory evaluation of the current status of Indigenous co-management in the Wet Tropics. We are therefore developing a *participatory evaluation framework* for Indigenous co-management, recognising the multiple contributions a framework can make to success in our co-research endeavour.

How to develop a framework?

Three main approaches to participatory evaluation frameworks are evident from the literature: stakeholder-derived; externally derived through expert advice drawn from international peer-reviewed and “grey” literature; and an amalgam of the two (Reed *et al.* 2008; Cundill & Fabricius 2009; Cundill & Fabricius 2010). Stakeholder-derived frameworks are usually built through a process where the parts (categories, components, criteria, indicators) that comprise the monitoring and evaluation system are identified in workshops, small focus groups and interviews, with frameworks from the peer-reviewed scientific literature used for subsequent classification and standardisation (Hill 2011; Izurieta *et al.* 2011a). Using scientifically derived analytical frameworks to guide the development of the evaluation approach can create barriers to the equitable contribution of all parties sought through participatory approaches.

Nevertheless, evaluation of Indigenous co-management and biodiversity protection involves gaining a better understanding of a complex social-ecological system, with multiple dynamics in space and time, characterised by uncertainty and both cyclical and stochastic changes (Dawson *et al.* 2010). Cundill and Fabricus' (2009) literature review of participatory monitoring and evaluation (PME) identified that approaches that emphasise stakeholders' roles and promotion of equitable contribution of all parties have tended to be relatively simplistic and often ignore important variables and issues of temporal and geographical scale. On the other hand, ME frameworks that are externally-derived through expert advice drawn from international peer-reviewed and "grey" literature have tended to be heavily theoretical and exclude local resource users. Their review identified four "what" criteria and a further four "how" criteria for effective approaches to PME:

- *What* criteria include:
 1. Recognise complexity and non-linearity and therefore seek to integrate variables at more than one spatial and temporal scale.
 2. Integrate both social and ecological variables.
 3. Be predictive, and seek surrogates for resilience that help to identify approaching thresholds.
 4. Monitor both the outcomes (performance) of natural resource management systems, and the process of implementation.
- *How* criteria include:
 1. Be reflexive and encourage on-going reflection on the learning that has taken place
 2. Involve decision makers directly in indicator selection, monitoring and analysis through a collaborative process that encourages input from multiple knowledge systems.
 3. Effective learning is about practice, and monitoring should therefore feed directly into decision-making and encourage experimentation and action.
 4. Encourage participants to work toward an ideal, or best practice, and encourage visioning about 'what could be' alongside 'what is currently possible' through a process of collective sense-making.

Drawing on these criteria and considerations of social learning, Cundill and Fabricus (2009) developed a model for a "social learning approach to monitoring" (Figure 4). Their model sets out to draw on the strengths of participation to enable equitable contributions, and recognises that issues such as complexity and dynamism will require externally-derived expert knowledge to develop components such as definition of the system and the institutional arrangements. The subsequent application of this model in four South African case studies (Cundill & Fabricius 2010) led to the identification of four key system variables for evaluating and monitoring collaborative governance in natural resource management: social capital; adaptive capacity; self-organisation; and pre-conditions for adaptive governance.

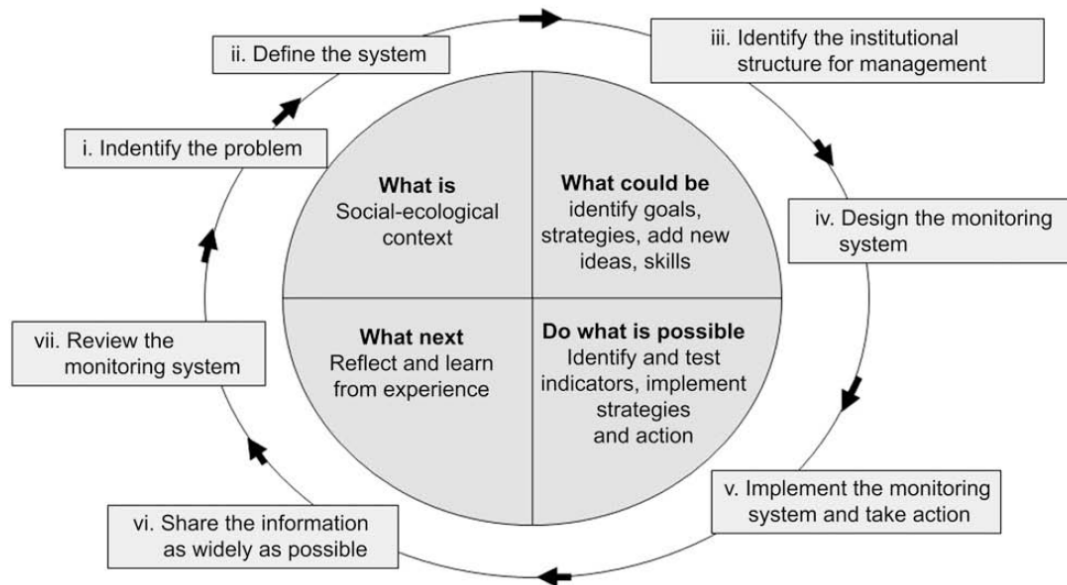


Figure 4: A social learning approach to monitoring and evaluation (Source: Cundill *et al.*, 2009)

In contrast, Izurieta *et al.*'s (2011a) stakeholder-derived approach led to the identification of five "outcome" areas for monitoring and evaluating joint management with the Wardaman people in Australia's Northern Territory: (1) keeps Wardaman culture strong; (2) real benefits accrue to the Wardaman from joint management; (3) good dreaming among partners involved in joint management; (4) good park management; and (5) effective participation by Wardaman in decision-making in the park. Their more generic model presented in the guidebook resulting from the research, identified four common themes for monitoring and evaluating joint management: governance; managing country (cultural and natural heritage); business operations; and managing visitors (Izurieta *et al.* 2011b).

Comparatively, Cullen-Unsworth's *et al.* (2012) application of their cooperative research framework to three local and one regional case study of developing indicators for monitoring and evaluation in the Wet Tropics resulted in six categories: (1) recognition of rights and interests; (2) participation in management; (3) socioeconomic benefits; (4) heritage and spiritual values; (5) understanding history; and (6) climate change (see Figure 5). While the Cundill *et al.* (2010) categories and associated criteria and indicators undoubtedly ensure measurement of challenging attributes of dynamic complex systems, the terms and concepts used are highly technical and will be unfamiliar to many Australian Aboriginal people. It is not clear that their process of focus-group discussion truly enabled the equitable contribution of the stakeholders. The Izurieta *et al.* (2011) categories on the other hand clearly reflect substantial stakeholder input in terms like "good dreaming". Nevertheless, they capture a relatively simplified view of complex system dynamics. The Cullen-Unsworth *et al.* (2012) categories appear a more fruitful amalgam, with a broader reach into dynamic complexity, while maintaining simple language and concepts. Figure 5 presents their model of the co-research approach to develop these categories.

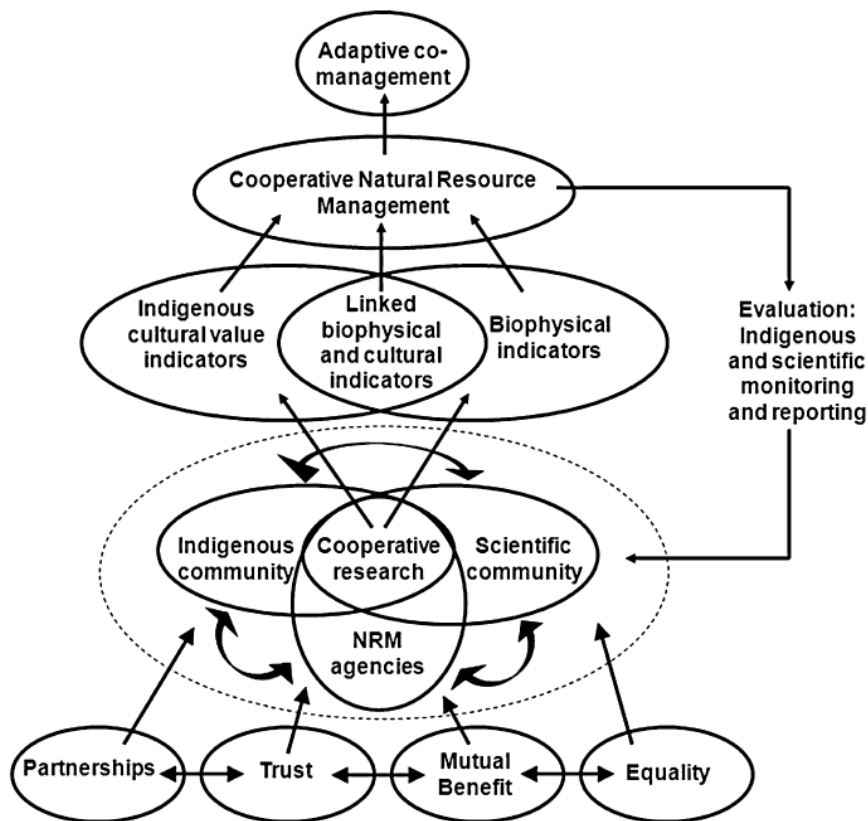


Figure 5: Co-operative research leads to the development of linked biophysical and cultural indicators in the Wet Tropics World Heritage Area as an example. Double-headed arrows represent two-way learning and knowledge transfer (Cullen-Unsworth *et al.*, 2011)

Our approach to development of the working framework

Our co-research team met on 4 May 2012 and produced the working three part framework depicted in Figures 1 and 2 which represents: path generation towards equitable relationships; Indigenous societies' strategic leadership; and rights and responsibility-based engagement. We subsequently reviewed and revised the framework on 1 June 2012. This working framework responds to the questions outlined in phase one of the co-research:

- What are all the parts make up effective Indigenous co-management and biodiversity protection in the Wet Tropics, and how are they linked?
- How do these parts change over time and space in movement towards Indigenous co-management?
- At what point have we arrived at joint management (thresholds)?

We will also review and revise the framework through three subsequent processes: (1) critical appraisal against the frameworks from the literature review in the next section, and further review of path-generation models; (2) participatory stakeholder workshops in October 2012 and April 2013; and (3) broader feedback and review of the Draft Participatory Evaluation Framework emerging from the first workshop.

What is in a framework?

A framework is defined as a basic structure underlying a system, concept, or text. A structure, in turn, is something made up of a number of parts that are held or put together in a particular way². A framework therefore is primarily a set of categories, the parts that contribute to Indigenous co-management and biodiversity protection. We propose to use our framework as a reference point for participatory evaluation of progress towards Indigenous joint management in the Wet Tropics, and concurrently as a reference point for desktop evaluation of progress in Cape York Peninsula and elsewhere. As noted in the introduction, the framework needs to help us answer at least three questions:

- o What are all the parts that make up effective Indigenous co-management and biodiversity protection in the Wet Tropics, and how are they linked?
- o How do these parts change over time and space in movement towards Indigenous co-management?
- o At what point have we arrived at joint management (thresholds)?

We suggest consideration of these questions can help us select an appropriate framework. The framework will also have a spatial component – an Atlas of Indigenous Engagement.

Frameworks for Indigenous co-management and biodiversity protection: a brief review

Internationally, the term co-management refers to a diversity of arrangements for joint decision-making between (frequently multiple) state and community actors, usually requiring some institutionalized arrangements for power-sharing (Berkes 2009). Scholarly theories to define and study co-management draw attention to diverse attributes that cluster in three primary domains: participation, power-sharing and process—the forms and functions of co-management (Carlsson & Berkes 2005; Berkes 2009; Sandström 2009). While multiple best-practice standards have emerged from practitioners in the field, evaluations suggest they are more often honoured in the breach (Nepal 2002; Chapin 2004).

Best-practice standards for equitable co-management in the international protected area literature address multiple issues including human rights, free prior and informed consent and benefit-sharing with empowered and responsible social actors (Beltrán 2000; Borrini-Feyerabend *et al.* 2004a; Borrini-Feyerabend *et al.* 2004b). Three groups of standards can be discerned: those addressing *structures* for recognition of rights and interests; those addressing *functions* for equitable engagement; and those *linking* biodiversity protection to poverty alleviation and sustainable development (Winer *et al.* 2007).

The best-practice standards addressing *structures* focus on the requirements for equal partnerships, agreement-making, respect for rights, decentralisation, participation, equitable benefit-sharing, and recognition of international responsibilities (Beltrán 2000; IUCN WCPA and WWF 2000; Borrini-Feyerabend *et al.* 2004a). Best-practice standards in relation to *functions* focus on common features: diverse arenas of social engagement; multi-party and multi-level endeavours; a negotiated, joint decision-making approach; and a flexible process rather than a stable and definitive end point (Borrini-Feyerabend *et al.* 2004b). Options for action are associated with such features—including for example sophisticated intercultural engagement and productive human relationships. Bauman and Smyth's (2007) fifteen potential critical success factors identified from Australian case studies address both structures and functions. Table 2 and Table 3 present the consolidated best-practice standards for structures and functions respectively. Note that the standards for structures are underpinned by Common Pool Resource (CPR) theory in co-management, while the standards for functions are underpinned by governance theory in co-management.

² <http://www.thefreedictionary.com/>

Table 2: Best practice standards for structures in co-management (Source: Hill, 2011)

Principle	Criteria
Respect the rights of traditional owners, custodians, or users to lands, territories and resources	Indigenous land ownership Free, prior and informed consent of the Traditional Owners Legal protection for rights and interests of parties Bipartisan political approach
Respect and strengthen Indigenous peoples' institutions and customary laws	Coherent and effective Indigenous representative party with legitimacy Sufficient resources to enable Indigenous participation Conflict management
Respect and strengthen Indigenous peoples' exercising of authority and control	Commitment of Indigenous people to take up the opportunities Appropriate technical and other advice Clear understanding of Indigenous ideas about success Traditional Owners in driving role

Table 3: Best practice standards for functions in co-management (Source: Hill, 2011)

Feature	Key enabling mechanism
Arena of social engagement, encounter and experimentation	Productive working relationships Balanced community development approach Participatory approach, including on-country work Sophisticated intercultural engagement Training for all involved Innovation and research Emphasis on role of youth
Multi-party but also a multi-level and multi-disciplinary endeavour	Commitment of all parties High level leadership Diversity of partnerships including with neighbours Clearly defined responsibilities
Negotiated joint decision making approach and some degree of power-sharing, sharing of responsibilities, and distribution of benefits among all institutional actors	Sense of power-sharing Secure funding Sharing of financial and other benefits Competent and effective governance
Flexible process than a stable and definitive end point	Progressive and incremental approach to capacity building of all parties Flexibility

Studies of linking biodiversity protection to poverty alleviation and sustainable development have yet to develop widely recognised or IUCN-endorsed best-practice standards. Nevertheless, multiple case-study analysis by the United Nations Development Program (2006) identified a number of key lessons about factors that underpin successful examples of biodiversity conservation that reduces poverty (see Table 4).

Table 4: Key lessons about critical factors in poverty alleviation through biodiversity conservation (Source: United Nations Development Program, 2006)

Internal enabling conditions	Community leadership Mobilization Organisation
External enabling conditions	Access to financial, business and technical assistance services
Scaling out capacities	Strategies to build constituencies and alliances with peer organisations and advocacy groups
Scaling up capacities	Access to market and political leverage, sometimes through cross-sectoral alliances
Learning by doing and capacity-building	Self-learning Peer-to-peer learning Learning from codified lessons

The Secretariat of the Convention on Biological Diversity extended this work with a review of knowledge on the topic, and identified ten conservation mechanisms with a track record of positive impacts for poverty reduction and benefit-generation (see Figure 6 and Table 5).

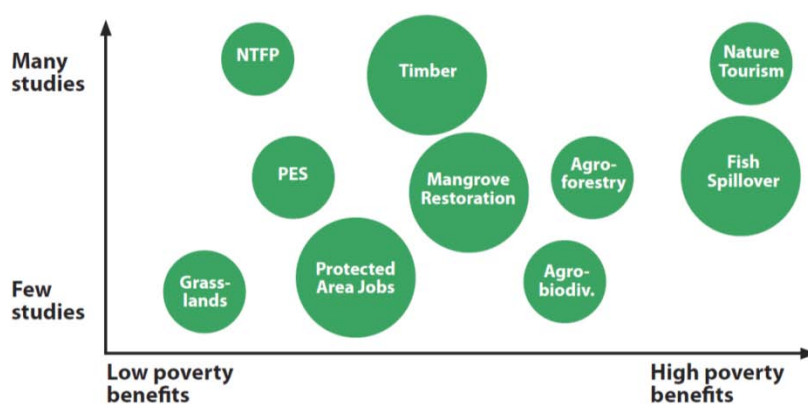


Figure 6: Evidence base, poverty reduction benefits and importance to biodiversity for specific conservation mechanisms (Source: Secretariat of the Convention on Biological Diversity, 2010)

Table 5: Summary of poverty reduction evidence for biodiversity conservation mechanisms (Source: Secretariat of the Convention on Biological Diversity, 2010)

Mechanism	Number of studies?	Poverty reduction benefits?	Which groups benefit?	Other benefits?	Is It biodiversity or biomass that is important for poverty reduction?
Non-Timber Forest Products	Many	Low	Very poor and better off	Nutritional benefits and medicinal properties	Biomass
Community Timber Enterprises	Many	Medium	Very poor, moderately poor, and better off	Stronger community organization	Biomass
PES	Moderate	Low	Landowners	Stronger property rights, capacity building, social organization	Biomass
Nature-based Tourism	Moderate	High	Moderately poor and better off	Infrastructure and social services	Biodiversity
Fish Spillover	Moderate	High	Very poor, moderately poor and better off	Stronger social cohesion	Biomass
Mangroves	Moderate	Medium	Very poor, moderately poor	Reduced coastal erosion, storm protection, and greater fish stocks	Biomass
Protected Area Jobs	Few	Low	Moderately poor and better off	Multiplier effect of local jobs	Biodiversity
Agro-forestry	Moderate	Medium	Moderately poor and better-off land-owners	Helps even-out income fluctuations	Biomass
Grasslands	Few	Low	Not enough evidence	Stronger social cohesion	Both
Agro-biodiversity	Few	Medium	Moderately poor and better-off farmers	Global benefits to agriculture	Biodiversity

Many = more than 50 studies. Moderate = 10 to 50 studies. Few = less than 10 studies.

Research is beginning to illuminate the conditions and cultural consequences that Indigenous people attain equity in protected areas (Natcher *et al.* 2005). Indigenous-controlled planning initiatives appear effective in developing more equitable power-sharing in natural resource and protected area management (Hibbard *et al.* 2008; Nursey-Bray & Rist 2009; Hill 2011). Indigenous governance assists integration of Indigenous ecological knowledge and science (Hill *et al.* 2012), and governance reforms are required to enable forests to be equitably co-managed with Indigenous peoples in Australia (Robinson *et al.* 2012).

Identification of Indigenous governance as distinct from nation-state governance is underpinned by Martinez-Cobo's (1986) working definition of Indigenous peoples as those who, "having a historical continuity with pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on parts or all of those territories" (p.3). These distinct Indigenous societies are recognised as the holders of Indigenous Ecological Knowledge (IEK), defined as a cumulative body of knowledge, practice and belief evolving by adaptive processes and handed down through generations by cultural transmission (Berkes *et al.* 2000; Berkes 2004). IEK forms part of governance and cultural systems that encompass language, naming and classification systems, resource use practices, rituals, spirituality and worldviews (ICSU 2002).

In Australia, Indigenous peoples maintain distinct forms of governance, despite their location in a postcolonial frame in which the nation-state has overarching sovereign power (Smith & Hunt 2008). Distinctive features include an emphasis on networks, nodal modes of leadership within these networks; and dispersed distribution of powers among self-defined social groups. Australian

Indigenous governance systems connect IEK with cultural rights: “Knowledge has a powerful dialectic element: it points to country and to relationships between the possessor of knowledge and the country to which it refers. Performance of knowledge (through song, dance, story, history, use of country) is a performance of ownership: it identifies the person as one with rights and responsibilities to that country” (Rose 1994) (p. 2). The concept of “biocultural diversity” is emerging as an empowering tool to describe and explain linkages between Indigenous peoples and biodiversity, of which Indigenous governance is an important facet (Loh & Harmon 2005; Hill *et al.* 2011a).

Options for Frameworks for this Co-research

We identified six frameworks with the potential to provide a good basis for this co-research: linked indicators; empowering biocultural diversity; Northern Territory (NT) joint management; Miriwung-Gajerrong cultural planning; Indigenous typology; and Indigenous NRM.

Option one: Linked indicators for ecosystem change

Cullen-Unsworth *et al.* (2012) developed this framework to underpin the development of linked cultural-natural indicators for ecosystem change (see Table 6). As noted above, the framework includes six categories: (1) recognition of rights and interests; (2) participation in management; (3) socioeconomic benefits; (4) heritage and spiritual values; (5) understanding history; and (6) climate change. The characteristic indicators cover several categories.

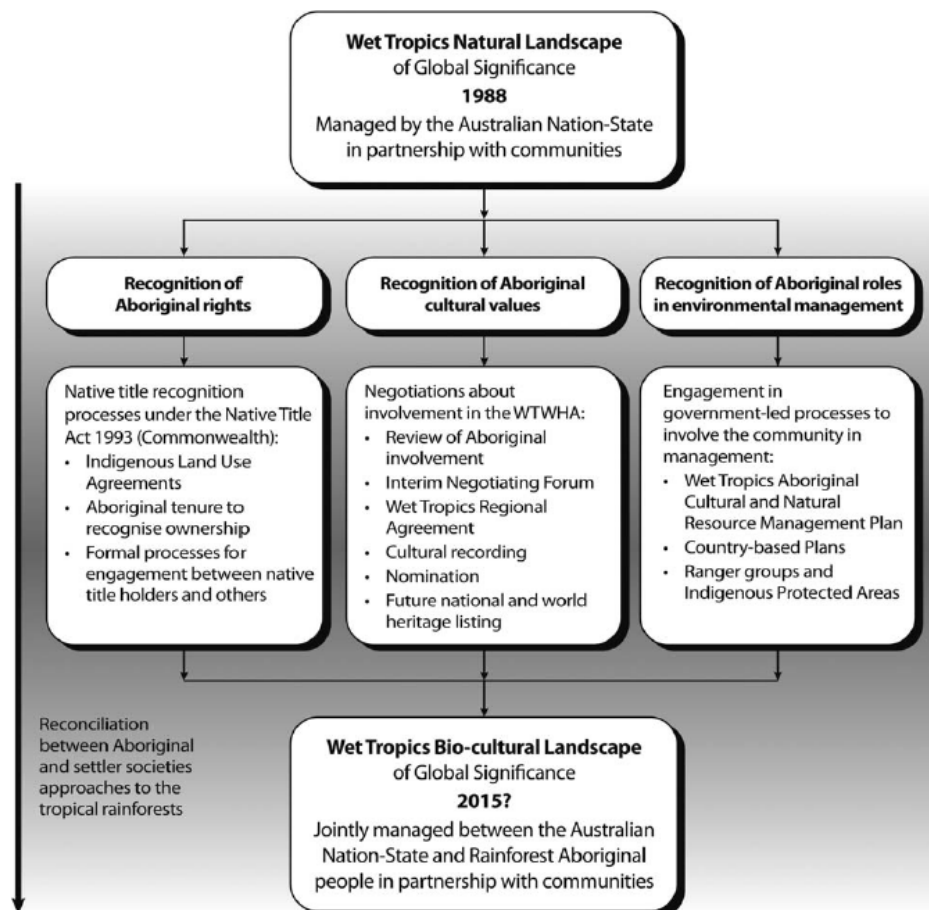
Table 6: Example of regional scale indicators and the categories with which they align (Source: Cullen-Unsworth *et al.*, 2012)

Indicator	Example of Cultural Significance	Possible Criteria for measurement	Category
Legislation	Formal acknowledgement	Policy changes to meet needs	1
Acknowledgement in practice	Formal recognition of cultural values; rights to country; show ties to country; recognition and empowerment	Formal access agreements; involvement in decision making; invited to give ‘welcome to country’; advices sought from TOs; signed cultural protocol agreements; land ownership; native title determination’ National Heritage Listing (cultural values); World Heritage Listing (cultural values)	1, 2, 3, 4, 5
Feral animals and invasive species	Impacting health of country	Presence of pigs; horses; cattle	2, 4
Tourism	Tourists go anywhere, negative impact; inappropriate behavior	Visitor impact surveys; camp use and maintenance; cultural information provision for tourists; TO input into tourism	2, 3, 4
Education	Inspiration to be on country and learn; teaching youngsters culture and language; two-way knowledge sharing; building cross-cultural respect	Invitations to accompany groups on country; cross-cultural awareness training; conference attendance as research partners/environmental practitioners; skill development opportunities	2, 3, 4, 5, 6
Acknowledgement of History	Recognition and acceptance	Memorials; NAIDOC week; Aboriginal history taught in schools	5
Habitat Fragmentation	Wildlife and story corridors; ecological and cultural consequences	Legislative boundaries imposed; physical fragmentation	1, 2, 4

Option two: Empowering bio-cultural diversity

This framework was developed through co-research in the Wet Tropics, which helped support the recent successful nomination of national heritage listing for Indigenous cultural values. The diagram (Figure 7) aims to describe the parallel processes of rights recognition, cultural values recognition and engagement in management being pursued by Rainforest Aboriginal peoples (Hill *et al.* 2011a). The ultimate goal is characterised as to transform perception and management of a natural landscape to perception and joint management of a bio-cultural landscape.

Figure 7: Parallel processes of recognition of rights, cultural values and roles in environmental management (Source: Hill *et al.*, 2011a)



Option three: Joint management of parks in the Northern Territory

Izurieta *et al.* (2011a) developed this framework for monitoring and evaluating joint management of parks in the Northern Territory (see Table 7).

Table 7: Joint management evaluation criteria and indicators for Flora River Nature Park (Source: Izurieta *et al.*, 2011a)

Joint management outcomes and criteria	Indicators
Outcome 1: Joint management keeps Wardaman culture strong	
1.1 Participation and attendance of Wardaman at on country meetings†	1.1.1 Number of on country meetings held each year 1.1.2 Level of Indigenous involvement in on country meetings 1.1.3 Satisfaction gained from attending on country meetings
1.2 Successful management of the park based on two-way learning‡	1.2.1 Parks staff demonstrate high level of cultural awareness 1.2.2 Positive attitudes toward western knowledge among the Wardaman 1.2.3 Good examples of two-way learning in the way the park is managed
1.3 High level of satisfaction among Traditional Owners about the protection of significant cultural sites§	1.3.1 Satisfaction among Traditional Owners about adherence to conditions for access to cultural sites and their protection.
Outcome 2: Real benefits accrue to the Wardaman from joint management	
2.1 Wardaman get employment from the joint management arrangements.	2.1.1 Level of employment of Traditional Owners in meaningful jobs in the park 2.1.2 Satisfaction among Wardaman about the employment benefits associated with joint management
2.2 Contracts and projects are undertaken by the Wardaman	2.2.1 Percentage allocation in the budget for Traditional Owner employment, projects and contracts 2.2.2 Level of satisfaction of both partners regarding the delivery of service contracts in the park
2.3 Feasibility for enterprise in the park is assessed and discussed	2.3.1 Satisfaction with outcomes of feasibility studies/assessments for enterprises in the park
Outcome 3: Good dreaming among partners involved in joint management¶	
3.1 Good dreaming among partners involved in joint management	3.1.1 Wardaman are satisfied with joint management relationship and processes
3.2 Good communications among partners over joint management	3.2.1 Good involvement in, and understanding of, planning procedures and money story among the Wardaman 3.2.2 Wardaman are satisfied with the amount of knowledge they hold on key aspects of park management. 3.2.3 Wardaman satisfied that their concerns are addressed during planning processes. 3.2.4 Cultural information about the park is readily available
Outcome 4: Good park management	
4.1 Good management of the park so that country is healthy ¶	4.1.1 Good biodiversity outcomes from the operational plan on fire, weeds, and feral animals 4.1.2 Good partnerships with other key stakeholders in the park, i.e., stakeholders other than Parks and Wardaman.
4.2 Strong Tourism	4.2.1 Visitors to the park are satisfied with the park. 4.2.2 Infrastructure in the park and around the camps and other areas is well maintained. 4.2.3 Partners are satisfied that messages and images of the park are consistent with the Park's values
Outcome 5: Effective participation by Wardaman in decision making in the park	
5.1 Effective participation by Wardaman in decision making in the park	5.1.1 Good attendance and participation in meetings at Parks Katherine office by Wardaman 5.1.2 Good relations between Wardaman and Parks officials 5.1.3 Clarity of roles and responsibilities among all stakeholders 5.1.4 Strong and effective joint management committee
5.2 Level of effectiveness in conducting meetings	5.2.1 Good facilitation in the meetings
†On country" refers to Aboriginal ancestral lands for which they are responsible, in this case Flora River park and phrases such as "on country" are used to refer to activities in the park.	
‡Two-way learning refers to the sharing and application of both Indigenous and western knowledge in park management.	
§Aboriginal Traditional Owners and Wardaman of Flora River park are used interchangeably.	
¶Good dreaming refers to good relationships between the partners involved in protecting the park	
¶Healthy country refers to the good condition of all aspects of the park, including sacred sites.	

Option four: Miriuwung Gajerrong Cultural Planning Framework

This framework is a practitioner-derived model of the factors that contribute to the development of an equitable intercultural space for ongoing negotiation of joint management (Figure 8). The model that was evaluated was found to meet the majority of best-practice standards based on both common-property and governance (Hill, 2011). The use of the term 'intercultural' here (and in the next option) draws on recognition of the relational dimensions of social forms that develop through the interaction of Indigenous and non-Indigenous societies, providing opportunities for innovation.

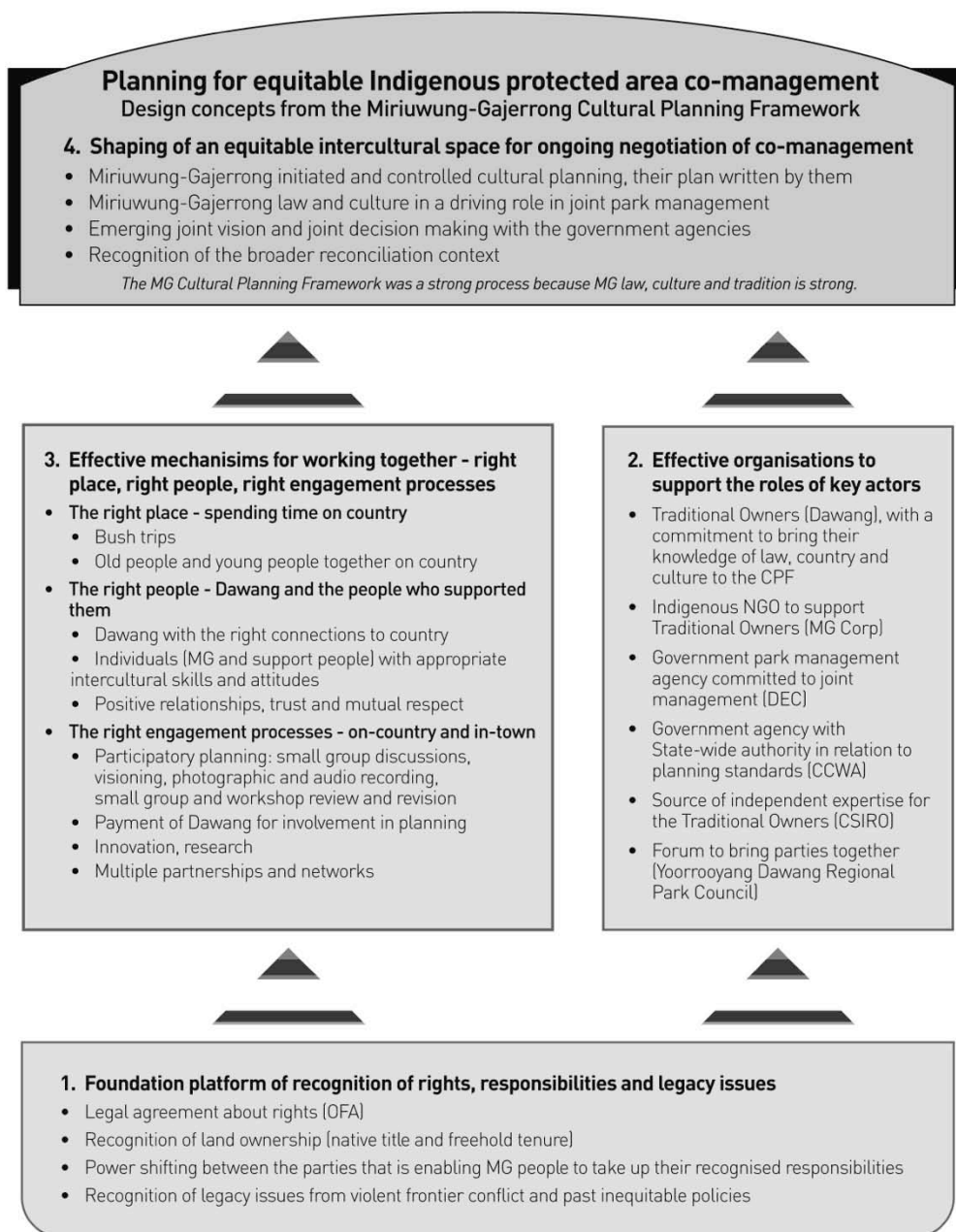


Figure 8: Practitioner's model of design concepts in planning for equitable Indigenous co-management of protected areas (Source: Hill, 2011)

Option five: Typology of Indigenous engagement in environmental management

Hill *et al.* (2012) developed this framework to underpin development of a typology to depict the diversity of Indigenous engagement in environmental management in Australia (see Table 8).

Table 8: Framework of engagement differences in relation to Indigenous engagement in environmental management (Source: Hill *et al.*, 2012)

	Indigenous-governed collaborations (IG)	Indigenous-driven co-governance (ICoG)	Agency-driven co-governance (ACoG)	Agency governance (AG)
Power sharing				
Decision making level and control	Decision making between Indigenous agencies; high Indigenous control	Decision making defined by Indigenous law and culture and partner requirements; substantial Indigenous control	Decision making by agency and Indigenous people according to agreed structures, typically committees; substantial agency control	Depends on specific project, usually agency controlled but local scale provides Indigenous input
Rules-definition	Rules defined by Indigenous organizations working together to shape contemporary Indigenous governance	Rules defined by Indigenous peoples as constrained by partner requirements	Rules defined by agency as constrained by legislative and policy recognition of Indigenous rights	Rules defined by agency constrained only by legally enforced Indigenous rights
Resource cultural values and property rights	Resources highly valued by Indigenous societies; rights may be defined/constrained but viewed as open to transformation	Resources of lesser value in industrial economy (hinterlands of first world economies); Indigenous property rights strong	Resources of contested value between industrial and Indigenous economies; Indigenous property rights defined and contained	Resources highly valued by industrial economy, e.g., water in heavily used systems; few Indigenous property rights
Participation				
Participatory processes and functions	Inclusivity that engages Indigenous people in new Indigenous institution building	Inclusivity that engages Indigenous people in new environmental institution building	Indigenous rights-based negotiation, e.g., for Native Title Acts, cultural heritage clearances	Participation through stakeholder mechanisms, e.g., committees, projects
Organizations engaged	Diverse Indigenous organizations at multiple scales	Diverse Indigenous and nonindigenous organizations at multiple scales	Government agencies and NGOs, with defined Indigenous roles, e.g., Land Councils	Government agencies and NGOs with defined environment management roles
Coordination	Cross-regional and cross-jurisdictional empowerment of Indigenous groups	Indigenous holistic place-based community empowerment	Whole-of-government coordination	“Silo”, agency accountability for specific mandate
Intercultural purpose				
Environmental management project purposes	Overall purpose of strengthening Indigenous society through environmental management	Multiple purposes, reflecting Indigenous-centred holistic community planning	Multiple purposes, reflecting outcomes of negotiated agreements	Usually single or dual purpose, managing specific threats, species or areas
Purpose of Indigenous roles	Expression of inherent rights and responsibilities	Reconciliation, long-term, lasting resolution of issues	Equity plus recognition of specifically defined rights	Equity with other stakeholders in environmental management
Purpose of Indigenous development	Indigenous modernity, people resist, accommodate, and reshape interventions	Indigenous empowerment and community development	Human capability development, sustainable livelihoods through deployment of assets	Development as modernization and technology transfer
Capacity-building	Focus on building trust and relationships between diverse Indigenous groups	Focus on Indigenous and nonindigenous functionality in both Indigenous and settler society	Focus on Indigenous functionality in settler society and cross-cultural training for nonindigenous people	Focus on training Indigenous peoples to ensure functionality in settler-society

Option six: Modified Drivers-Pressures-State-Impact-Response

This framework is under development by CSIRO as part of research aimed at assessing the scope, extent and diversity of Indigenous land management in Australia, and both barriers and success factors (Table 9).

Table 9: Modified DPSIR framework

DPSIR Analog	Question
Drivers of Indigenous land management	What are the key activities and processes triggering Indigenous land management activities? E.g. native title recognition, customary obligations
State of Indigenous land management	What is the extent, diversity and scope of ILM in relation to: Investment in ILM? Agreements about ILM? Indigenous land tenures? Indigenous land management categories (e.g. IPAs)? What are the trends since 2000?
Pressures on Indigenous land management	What are the barriers and obstacles faced by Indigenous people in responding to the triggers for Indigenous land management activities?
Management responses	What are the success factors and responses that enable Indigenous land management to be effective? (See components of effectiveness from SOE 2011 below)
Resilience and transformation	What is the capacity of ILM to retain, recover or transform in response to shocks or disturbances?
Risks	What are the key impacts of current and emerging pressures and drivers?
Outlook	Taking into account current and likely future pressures, system resilience, management effectiveness and identified risks, what is the likely future state of ILM?

Conclusion

An initial assessment of these six frameworks identifies that options two, four and five have the advantage of focusing on the content relevant to the goal of this research (Indigenous co-management) whereas options one, three and six bring in other material. However, option six could be focused onto the task at hand. Options one and two are most germane to the problem under consideration (see Table 10).

Table 10: Differences between the six framework options in relation to research questions and some of the co-operative research determinants of success

Framework shows	1. Linked indicators	2. Empowering Biocultural diversity	3. NT joint management	4. MG cultural planning	5. Indigenous typology	6. Indigenous NRM
Focus on parts that make up effective Indigenous co-management	No	Yes	Yes others plus	Yes	Yes	Yes
How parts are linked	No	Yes	No	Yes	Yes	Yes
Change over time	Potential	Yes	Yes	No	Potential	Yes
Change over space	Potential	Potential	Yes	No	No	Yes
Thresholds	No	No	No	No	No	No
Indigenous generation	Yes	Yes	Yes	Yes	Yes	No
Capacity to address dynamic complexity	Some	Some	Little	Some	Some	Some
Relevant to problem	Yes	Yes	No	No	No	No

Next steps:

We will review and revise the working framework, derived through stakeholder input and problem co-framing (Figures 1 and 2), through four subsequent processes: (1) critical appraisal against the frameworks from the literature review in the next section, and further review of path-generation models; (2) participatory stakeholder workshops in October 2012 and April 2013; and (3) broader feedback and review of the Draft Participatory Evaluation Framework emerging from the workshop.

PART II: INSTITUTIONAL ANALYSIS

Introduction to the Institutional Analysis

This Part presents an institutional analysis. Institutions can be described as the formal and informal arrangements, rules, regulations and social norms that shape behaviour. Both formal and informal institutions are integral in the participatory development of a framework for Indigenous co-management and biodiversity protection in the Wet Tropics. This analysis focuses upon the more formal institutions. For the purposes of this report, formal institutions include the rules, regulations and social norms that are formalised in conventions, strategies, policy and plans.

The need for this analysis has already been outlined in Part I. Cundill and Fabricus' (2009) model for a "social learning approach to monitoring" (presented in Figure 4) and articulates that Stage 3 should include the identification of the institutional structure for management. The analysis is informed by Hill *et al.*'s (2011a) framework (empowering bio-cultural diversity) (see Figure 7), which emphasises the importance of processes of rights recognition, cultural values recognition and engagement in management. These three aspects are considered by Rainforest Aboriginal people as essential in recognising and empowering bio-cultural diversity (Hill *et al.*, 2011a). Thus, the analysis considers the extent to which relevant regulatory and non-regulatory International, National, Queensland State, Wet Tropics Region and Local scale conventions, strategies, policy and plans recognise the rights, cultural values and role of Aboriginal people in environmental management in the Wet Tropics.

A summary table (Table 11) and diagram (Figure 9) of the formal institutions considered in this analysis are presented first. The analysis proceeds according to international, Australian National, Queensland State, Wet Tropics Regional, and local/site based governance scales, reflecting the arrangements in place in May 2012³. The extent to which each institution considers the rights, values and roles of Aboriginal people in environmental management is articulated via excerpts from the relevant text. Where appropriate and where possible, this is followed by a summary of what this means for Rainforest Aboriginal peoples in the Wet Tropics.

³ Many changes to the institutional arrangements were made by the newly elected Queensland Liberal National Party government in the latter part of 2012, but these have not been factored into this report. A supplementary analysis is under way.

Table 11: Summary of analysis of formal institutions (regulatory and non-regulatory types) relevant to Indigenous co-management and biodiversity protection in the Wet Tropics region

Institution	Type	Organisation	Role of institution	Recognises Aboriginal		
				Rights	Cult. Values	Role in env. Mgt.
International						
<i>World Heritage Convention, 1972</i>	non-reg	UNESCO	The aim of this convention is to establish “an effective system of collective protection of the cultural and natural heritages of outstanding universal value” (UNESCO, 1972:1). ‘Cultural heritage’ relates to monuments, groups of buildings and sites (works of man or the combined works of nature and man) that are considered of outstanding universal value from the point of view of art, history, science, ethnology or anthropology. ‘Natural heritage’ includes natural features, geological and physiographical formations and natural sites of outstanding universal value from point of view of science, conservation, aesthetics or natural beauty.	N	Y	N
<i>Convention on Biological Diversity, 1992</i>	Two reg, prot.	United Nations Environment Program	The objectives of this convention are “the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources” (United Nations, 1992:3).	Y	Y	Y
<i>Rio Declaration on Environment and Development, 1992</i>	non-reg	United Nations Environment Program	An international agreement to protect the integrity of the global environmental and developmental systems, and to establish a new and equitable partnership through the creation of new levels of cooperation among States, key sectors of society and people.	N	Y	Y
<i>Declaration on the Rights of Indigenous Peoples, 2007</i>	non-reg	General Assembly of the United Nations	The Declaration outlines the minimum standards for both state and non-state actors across the world in relation to Indigenous peoples	Y	Y	Y
<i>International Covenant on Economic Social & Cultural Rights</i>	Non-Reg.	UN High Commissioner for Human Rights CESCR	This Treaty is the primary international instrument for economic, social and cultural rights. Rights that are relevant to Aboriginal people include the right to self-determination; equality and non-discrimination; work; social security; culture and participation in cultural life; education; adequate standard of living. Highest attainable standard of health. Australia is not a signatory to the option Protocol, and so it is non-regulatory in Australia. Monitored by the Committee on CESCR.	Y	Y	Y

<i>International Covenant on the Elimination of all Forms of Racial Discrimination</i>	Non-reg	UN High Commissioner for Human Rights CERD	This Treaty is the primary international legal instrument relating to the protection of discrimination on the basis of race. Australia became signatory to the ICERD in 1966 and ratified it in 1975. ICERD protects rights such as equality before the law, to own property, marry, vote, have freedom of thought, religion, assembly, expression of opinion and economic, social and cultural rights, including the right to participate in cultural activities. The Committee on Elimination of Racial Discrimination (CERD) meets in Geneva twice yearly to monitor State parties' compliance. The CERD has established general comments on the indigenous peoples in relation to ICERD.	Y	Y	Y
National						
<i>Environmental Protection and Biodiversity Conservation Act, 1999</i>	Reg	Australian Government Department	Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places - 'matters of national environmental significance' (world heritage sites, national heritage places, wetlands of international importance, nationally threatened species/ecological communities, migratory species, marine areas, GBR). The Indigenous Advisory Committee is established under the Act. Indigenous cultural heritage values do not provide a trigger under the Act.	Y	Y	Y
<i>National Heritage List</i>	Reg	Australian Heritage Council	The EPBC Act establishes the National Heritage List, which includes natural, indigenous and historical places of outstanding value to the nation, also the Commonwealth Heritage List for same on Commonwealth lands.	Y	Y	?
<i>Native Title Act 1993 (Cwth)</i>	Reg	National Native Title Tribunal	This Act recognises and protects native title. It provides that native title cannot be extinguished contrary to the Act.	Y	Y	?
<i>Racial Discrimination Act 1975</i>	Reg.	Australian Government	The RDA aims to ensure that Australians of all backgrounds are treated equally. The RDA makes it illegal to discriminate on the grounds of race, colour, descent, national or ethnic origin and immigration status.	Y	Y	?
<i>Australian Human Rights Commission Act</i>	Non-Reg	Human Rights and Equal Opportunity Commission	The AHRC establishes the Aboriginal and Torres Strait Islander Social Justice Commissioner (ATSISJR) whose primary role is to report each year on the enjoyment and exercise of human rights by ATSI peoples. The ATSISJR also reports each year on the enjoyment and exercise of native title rights, as required under the NTA.	Y	Y	Y
<i>Aboriginal & Torres Strait Islander Heritage Protection Act 1984</i>	Reg.	Australian Government Department	The Act enables the Australian Government to respond to requests to protect traditionally important areas and objects that are under threat, if it appears that state or territory laws have not provided effective protection.	Y	Y	N
<i>Australia's Biological Conservation Strategy, 2010-</i>	non-reg	Australian Government Department	Australia's Biodiversity Conservation Strategy 2010–2030 (referred to as 'the Strategy') is a guiding framework for conserving our nation's biodiversity over the coming decades. "our efforts to conserve biodiversity must acknowledge and respect the culture, values, innovations, practices and knowledge of indigenous peoples" (p16)	Y	Y	Y

2030.						
Queensland State						
<i>Aboriginal Cultural Heritage Act 2003</i>	Reg	QLD state govt	Act provides effective recognition, protection and conservation of Aboriginal Cultural heritage and establishes a duty of care for activities that may harm aboriginal cultural heritage.	Y	Y	Y
<i>Nature Conservation Act, 1992</i>	Reg	QLD state govt	The object of this Act is the conservation of nature (through dedication and management of protected areas; protection of wildlife and habitat; ecologically sustainable use of wildlife areas; recognition of interests, rights of Indigenous and involvement in management; co-op involvement of landholders).	Y	Y	Y
<i>Sustainable Planning Act 2009</i>	Reg	QLD state govt	Seeks sustainable planning outcomes through managing the process by which development takes place, managing the effects of development on the environment, continuing the coordination and integration of local, regional, state planning.	Y	Y	N
<i>Vegetation Management Act, 1999</i>	Reg	QLD state govt	Act regulates the clearing of vegetation to conserve remnant vegetation (endangered, an of concern or a least concern regional ecosystem) and veg in declared areas, ensures clearing does not cause land degradation, prevents the loss of biodiversity, maintains ecological processes, manages environmental effects of land clearing (part 1, 3)	Y	N	N
<i>Wild Rivers Act, 2005</i>	Reg	QLD state govt	Act preserves the natural values of rivers that have not been significantly affected by development (have all or almost all natural values intact). Regulates new development within a declared wild river and catchment area, and the taking of natural resources. Establishes a framework that includes the declaration of high preservation, preservation, floodplain management, and sub artesian management areas.	Y	N	Y
<i>Cape York Cultural Heritage Act, 2007</i>	Reg	QLD state govt	Act provides for the identification of the significant natural and cultural values of CYP, and the co-operative and ecologically sustainable management of CYP.	Y	Y	Y
<i>Aboriginal Land Act 1991</i>	Reg	QLD state govt	An Act providing for the grant, and the claim and grant of land as aboriginal land and for other purposes [Aboriginal land is transferred land or granted land; transferrable lands include: DOGIT lands, Aboriginal reserve land, Aurukun Shire land, Mornington Shire land, available state land declared to be transferrable; claimable land is available state land declared to be claimable for this Act; Aboriginal land that is transferred land and became transferred land before 22 Dec 2006]	Y	?	?

<i>Native Title (Qld) Act 1993</i>	Reg	QLD state govt	The Commonwealth Government provides a national scheme for the recognition and protection of native title and for its coexistence with the existing land management systems; It is the intention of the Parliament that Queensland should participate in the national scheme proposed by the Commonwealth Government.	Y	Y	?
<i>Fisheries Act 1994 (QLD)</i>	Reg	QPI&F	An Act for the management, use, development and protection of fisheries resources and fish habitats, aquaculture activities, to prevent shark attacks.	Y	Y	N
<i>North Stradbroke Island Protection and Sustainability Act, 2011</i>	Reg	QLD state govt	An act to provide for the ending of mining in the North Stradbroke Island Region (by end of 2019) to protect and restore environmental values of the region and to facilitate under other Acts, the staged creation of areas to be jointly managed by the State and the traditional owners of the region.	Y	Y	Y
<i>Anti-Discrimination Act, 1991</i>	Reg	QLD Civil and Administrative Tribunal	This act makes it illegal to discriminate on the basis of sex, relationship status, pregnancy, parental status, age, lawful sexual activity, impairment, religious belief or activity, political belief or activity, trade union activity, breastfeeding, race, gender identity, sexuality, family responsibility, your associations or on the grounds of having made a complaint. The act recognises several of the international human rights instruments in its preamble.	Y	N	N
<i>Biodiversity Strategy for Queensland</i>	Non-reg	QLD Govt Department	The Strategy has the dual goals of reversing the decline in biodiversity, and increasing the resilience of species, ecosystems and ecological processes. The contribution of Aboriginal and Torres Strait Islander Traditional Owners and communities to biodiversity protection and management is supported. The outcomes from Cape York tenure resolutions processes are noted as making a significant contribution.	Y	Y	Y
Wet Tropics Region						
<i>Far North Queensland Regional plan, 2031</i>	Reg	DI&PW collaborate with other QLD govt agencies, LG and stakeholders to implement plan	Plan establishes desired regional outcomes, objectives, policies and aligned strategies to guide development of FNQ. Establishes a regional co-ordination committee to advise the regional planning minister on regional issues; ensure State and Local Government planning and development assessment processes reflect regional plan.	Y	Y	Y
<i>The Regional Agreement, 2005</i>	non-reg	Between WTMA, then DEH (now DSEWPaC) and Rainforest Aboriginal People	The agreement provides for the co-operative management of the Wet Tropics of Queensland WHA by Rainforest Aboriginal people (18 TO groups), the Australian and Queensland governments	Y	Y	Y

<i>Sustaining the Wet Tropics, A regional plan for resource management 2004-2008 (Terrain NRM)</i>	non-reg	Terrain NRM	The purpose of the plan is to develop actions, mechanisms, partnerships to manage natural resources and their associated cultural values sustainably in the Wet Tropics Region.	Y	Y	Y
<i>Aboriginal cultural and natural resource management Plan (Aboriginal Plan), 2004-2008</i>	non-reg	Terrain NRM, Aboriginal people from the Wet Tropics	The Aboriginal plan was put together by TOs, Rainforest CRC, and Terrain NRM, as well as representatives from State and Commonwealth government agencies. It highlights the natural and cultural resource management issues and aspirations of TOs for their country and culture. It identifies a range of strategies and actions to address these issues	Y	Y	Y
<i>Caring for country</i>	Non-reg.	Burdekin Dry Tropics, Aboriginal peoples	An Aboriginal plan put together by Traditional Owners in the Burdekin Dry Tropics, including the southern parts of the Wet Tropics.	Y	Y	Y
<i>Wet Tropics World Heritage Protection and Management Act 1993</i>	Reg	WTMA	Act provides for the protection and management of the WTWHA (under the World Convention on World Heritage)	Y	Y	Y
<i>Wet Tropics of Queensland World Heritage Area Conservation Act 1994</i>	Reg	WTMA	Act which facilitates the implementation of international duty for the protection, conservation, presentation, rehabilitation and transmission of WTWHA to future generations	N	N	Y
<i>Wet Tropics Management Plan, 1998</i>	Reg	WTMA	Management direction for different zones of the World Heritage Area	Y	N	N
<i>Wet Tropics Management Authority Strategic Plan,</i>	Non-reg	WTMA	Plan sets out the WTMA 5 year management direction (2008-2013)	Y	Y	Y

2008-2013						
<i>QPWS operational plan - Indigenous partnerships in mgt of protected areas</i>	non-reg	QPWS	Policy gives guidance to QPWS to select best form of partnership to meaningfully involve TOs in management of parks. Requires liaison with TOs to consider rights and interests (planning, NRM, nature-based tourism, native title claims, cultural heritage management - working groups, management plan, employment ops, living areas/hunting areas may be considered, indigenous naming of parks may be considered)	? Access	Y	Y
<i>WTMA's rainforest aboriginal advisory committee (no longer functioning)</i>	Non-reg	WTMA	The Rainforest Aboriginal Advisory Committee (RAAC) is a committee appointed by the Wet Tropics Management Authority Board. Members represent all 18 tribal groups in the Wet Tropics. The RAAC was a "statutory committee" within the meaning of the Wet Tropics Regional Agreement.	Y	Y	Y
<i>Wet Tropics Management Authority Board</i>	Reg	WTMA	The Board (consists of seven directors, including two designated Aboriginal directors) that implement programs to meet Australia's international obligations for the WTWHA under the World Heritage Convention.	Y	Y	Y
<i>Rainforest Aboriginal Peoples Alliance Strategic Plan</i>	non-reg	RAPA	The Rainforest Aboriginal Peoples' Alliance is the regional leadership group across Rainforest Aboriginal Peoples (RAP) within the Wet Tropics region, from near Rollingstone in the south to near Cooktown in the north.	Y	Y	Y
<i>Central Wet Tropics Institute for Country and Culture strategic plan</i>	non-reg	Central Wet Tropics Institute for Country and Culture	The Central Wet Tropics Institute for Country and Culture Aboriginal Corporation (CWTICCAC 2010) was formed to promote and assist seven Traditional Owner Groups of the Wet Tropics (country between Jabalbina and Girringun including Mamu, Ngadjon Jii, Tablelands Yidinji, Dulgubara Yidinji, Koko Muluridji, Djabugay, Yirriganydji, Gimuy Walubara Yidinji, Dulabed Malanbara Yidinji and Wanyurr Majay Yidinji) to promote their cultural, social and economic well being through connection to and equitable engagement and participation in cultural and natural resource management.	Y	Y	Y

<i>Girringun Aboriginal Corporation and Natural Resource Management (CNRM) Plan</i>	non-reg	Girringun Aboriginal Corporation	Completed in June 2007 as a compilation (at regional scale) of Traditional Owner land and sea country planning undertaken by Girringun Ac on behalf of its Traditional Owner member groups: Bandjin, Djiru, Girramay, Gugu Badhun, Gulnay, Jirrbal, Nywaigi, Warrgamay and Warungnu peoples. This 2007 CNRM planning project also initiated 4 country-based CRNM plan for 3 Girringun-affiliated Traditional Owner groups and for 1 area of returned lands held by 3 other Girringun-affiliated Traditional Owner groups. One further Girringun-affiliated Traditional Owner group subsequently developed a CNRM plan for their country.	Y	Y	Y
<i>Jabalbina Aboriginal Corporation strategic plan</i>	non-reg	Jabalbina Aboriginal Corporation	Jabalbina is an Aboriginal Land Trust with responsibility for admin and management and leasing arrangements for Freehold land granted to Eastern Kuku Yalanji (EKY) people by QLD govt (ALA, 1991). Jabalbina negotiates activity guidelines with DERM on how EKY can exercise their rights in the parks, agreements, land use and business development guidelines are also in negotiation for Aboriginal freehold land.	Y	Y	Y
Local/Site based						
<i>Indigenous Land Use Agreements</i>	Reg	Site specific Aboriginal Corporations	Voluntary agreements entered into between native title claimants and other land managers. They are about the use and management of an area of land or waters where native title exists or might exist. The agreement is made between one or more native title groups, and other stakeholder groups.	Y	Y	Y
<i>Queensland Parks & Wildlife Service park manag.plans</i>	Reg	QPWS	<i>Nature Conservation Act 1992</i> requires the Minister as soon as practicable after dedication of a NP (park, conservation park, resources reserve, nature refuge, co-ordinated conservation area, or wilderness area) to prepare a management plan.	Park specific		
<i>Mandingalbay Yidinji country strategic plan</i>	non-reg	Mandingalbay Yidinji Aboriginal Corporation	Plan sets out concerns and proposals regarding the use, management and governance of Mandingalbay Yidinji country with particular focus on 6 protected areas; focus is on partnerships and collaboration.	Y	Y	Y
<i>Eastern Kuku Yalanji Indigenous Protected Area Management Plan Stage 1 (Kuku Nyungkal)</i>	non-reg	Jabalbina Aboriginal Corporation	This Draft Indigenous Protected Area Management Plan (Stage 1) aims to fulfil Kuku Nyungkal vision for their Bubu (country): Maintain Nyungkal culture, belief, customs and lore; Sustain, conserve, and preserve country, landscapes, waters, mountains and cultural sites; Care for KN people and their social and economic well being. informed by the Kuku Nyungkal Strategic Plan, 2009.	Y	Y	Y

<i>Eastern Kuku Yalanji Indigenous Protected Area Management Plan Stage 2 – Jalunji-Warra</i>	non-reg	Jabalbina Aboriginal Corporation	This plan (Bama Ngulkurrku Wawu Wawurrku Bundangka Bubungu Jalunbu Plan) sets out how they will keep looking after their Bubu (land) and Jalun into the future according to their culture, law/lore and custom.	y	y	Y
<i>Girringun Region Indigenous Protected Areas Management Plan</i>	non-reg	Girringun Aboriginal Corporation	This regional scale IPA Management Plan will describe collaborative management arrangements for the Girringun Region IPA as agreed between Girringun and its 9 affiliated Traditional Owner groups, and as agreed between those Traditional Owner groups via Girringun, land and sea managers with statutory interests in the Girringun region and other collaborators.	Y	Y	Y

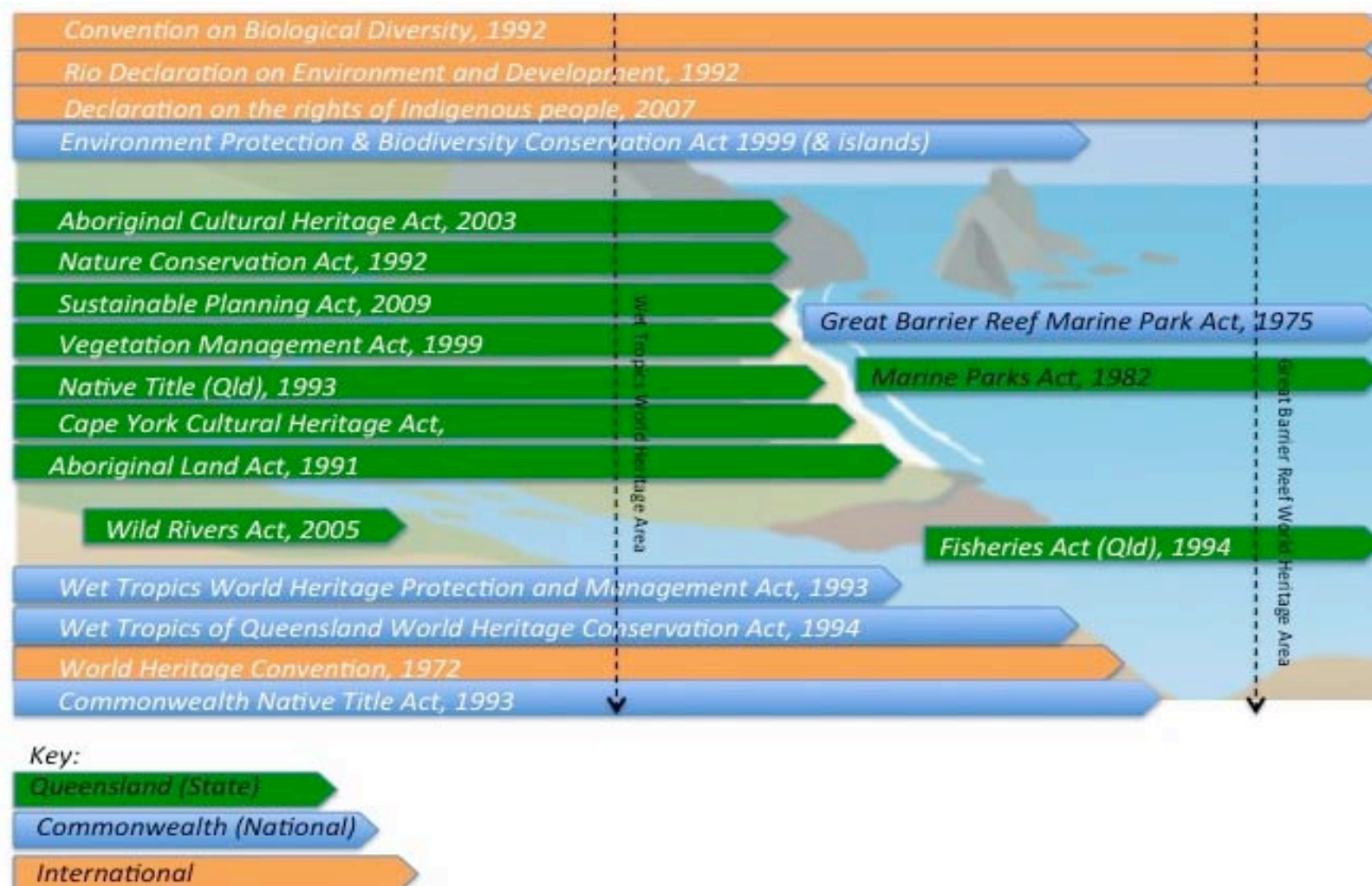


Figure 9: Key legislation for Indigenous Land and Sea Management in Far North Queensland, Australia.

INTERNATIONAL GOVERNANCE SCALE

World Heritage Convention, 1972

(see UNESCO 1972)

The World Heritage Convention (WHC) is an international framework convention declared in 1972 and signed by Australia in 1974. While framework conventions have the ability to be made more binding through the use of annexes and protocols, this has never occurred in the case of the WHC. It is administered by the United Nations Educational Scientific and Cultural Organisation (UNESCO). The aim of this convention is to establish “an effective system of collective protection of the cultural and natural heritages of outstanding universal value” (UNESCO, 1972:1). ‘Cultural heritage’ relates to monuments, groups of buildings and sites (works of man or the combined works of nature and man) that are considered of outstanding universal value from the point of view of art, history, science, ethnology or anthropology. ‘Natural heritage’ includes natural features, geological and physiographical formations and natural sites of outstanding universal value from point of view of science, conservation, aesthetics or natural beauty.

It is not within its mandate to recognise Indigenous rights to world heritage or the role of Indigenous peoples in the management of sites, but where relevant, it does recognise Indigenous cultural values (as determined by the ‘State Party’):

- Article 1: states the convention recognises ‘cultural heritage’ as “monuments... articles or structures of an archaeological nature” sites include “works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view”.
- Article 7: states that “each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention”

What this means for Aboriginal people in the Wet Tropics

The Queensland Wet Tropics World Heritage Area (WTWHA) was recognised as world heritage in 1988 (covering an area of almost 900,000 hectares). It met all four criteria for ‘natural heritage’: represents a major stage of the earth’s evolutionary history; includes outstanding examples of ongoing ecological and biological processes; contains superlative natural phenomena; contains the most important natural habitats for conservation of biological diversity) (DERM, 2012a). Protection and management of these areas (story places created during the Dreaming) is of central importance for Rainforest Aboriginal people.

The Wet Tropics Management Authority (WTMA) was established under the *Wet Tropics World Heritage Protection and Management Act 1993* (WTWHPMA) to fulfil Australia’s obligations to the *World Heritage Convention, 1972*. The WTMA administers the Queensland Government’s Wet Tropics legislation (*Wet Tropics World Heritage Protection and Management Act 1993*; *Wet Tropics Management Plan 1998*) to govern activities and land use within the WTWHA. The Rainforest Aboriginal Advisory Committee (RAAC) is an appointed by the WTMA to provide advice on matters related to management of the WTWHA (see Wet Tropics Management Authority’s Rainforest Aboriginal Advisory Committee (RAAC), in this section).

Although the WTWHA was not recognised for ‘cultural heritage’ in 1988, the WTMA (the authority established under WTWHPMA) recognises that the WTWHA is regarded as a series of complex ‘living’ cultural landscapes by local Aboriginal people and works with Rainforest Aboriginal people to inform culturally appropriate management of the region. In 2005, through the Wet Tropics Regional Agreement (WTMA 2010a), WTMA and other key Queensland and Australian government agencies agreed to support the Rainforest Aboriginal peoples’ endeavours for the listing of the WTWHA as

cultural as well as its natural world heritage site. Subsequently, in November 2012, the announcement was made for the inclusion of the Indigenous national heritage values of the Wet Tropics of Queensland in the National Heritage List.

The Environmental Protection and Biodiversity Conservation (EPBC) Act is the Australian government's legislative mechanism for protecting world heritage and fulfilling its obligations under the World Heritage Convention. It establishes the National Heritage List, which includes natural, indigenous and historical places of outstanding value to the nation, also the Commonwealth Heritage List for the same on Commonwealth lands.

Convention on Biological Diversity, 1992

(see UN 1992)

The International Convention on Biological Diversity, 1992 is an international framework convention ratified by Australia in June 1993. The Cartagena Protocol on Biosafety (Secretariat of the Convention on Biological Diversity 2000) and the Nagoya Protocol on Access to Genetic Resources (Secretariat of the Convention on Biological Diversity 2011) are binding regulatory instruments under the *CBD*. The objectives of this convention are "the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources" (UN, 1992:3). Although the convention does not recognise the rights of Indigenous people in the management of biological diversity, it does recognise Indigenous cultural values of biodiversity and the role of Indigenous involvement in management of this biodiversity.

It specifies States must recognise Indigenous cultural values relating to biological diversity:

- The Preamble says that States will recognise "the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components."
- Article 8: of the Convention goes on to say that "Subject to its national legislation [States will] respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices".

The Convention also recognises the role of Indigenous technologies (and the training of personnel) in management of biological diversity:

- Article 18: states "The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts".

What this means for Aboriginal people in the Wet Tropics

In response to this convention, the Australian government developed the *National Strategy for the Conservation of Australia's Biological Diversity, 1996* and, more recently *Australia's Biological Conservation Strategy, 2010-2030*. This strategy specifies priorities for action that include: engaging all Australians in biodiversity conservation (including increasing indigenous engagement), building ecosystem resilience in a changing climate and getting measureable results (including through the improvement of knowledge sharing). See next section for detail on what this strategy means for Rainforest Aboriginal people.

Rio Declaration on Environment and Development, 1992

(see UNEP 1992)

The Rio Declaration on Environment and Development, 1992, was signed by all partner nations at the Rio de Janeiro Earth Summit June 1992. The Australian government was an active participant in this process. The aim of the Declaration is an international agreement to protect the integrity of the global environmental and developmental systems, and to establish a new and equitable partnership through the creation of new levels of cooperation among States, key sectors of society and people. Although there is no specific recognition of the rights of Indigenous people to land, the Declaration does stipulate States to recognise Indigenous cultural values to land, and to their role in environmental management. The latter two are both covered under Principle 22, which articulates:

- Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development (Principle 22).

What this means for Aboriginal people in the Wet Tropics

In response to this Declaration, the Australian Government developed the *National Strategy for Ecologically Sustainable Development*, adopted by all levels of government in 1992. This Strategy provides broad strategic directions and framework for governments to direct policy and decision-making. The strategy facilitates a coordinated and co-operative approach to ecologically sustainable development and encourages long-term benefits for Australia over short-term gains. Australia's *Environment Protection and Biodiversity Conservation Act 1999* was also developed. This promotes ecologically sustainable development through the conservation and ecologically sustainable use of natural resources. See next section for what this means for Rainforest Aboriginal peoples.

Declaration on the Rights of Indigenous Peoples, 2007

(see UN 2007)

The United Nations Declaration on the Rights of Indigenous Peoples, 2007, was signed by the UN General Assembly, 13 September 2007 and was formally endorsed by the Australian government on 3 April 2009. Although this Declaration is not legally binding, the principles and minimum standards need to be considered by the Australian government when implementing any future policies and programs. The Declaration outlines the minimum standards for both state and non-state actors across the world in relation to Indigenous peoples. It recognises Indigenous rights to land, Indigenous cultural values, and the role that Indigenous people have in the management of their lands.

Recognition of Indigenous rights to land:

- Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.
- Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
- Article 31(1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures,

designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions. 2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Recognition of Indigenous cultural values to land:

- Article 11(1). Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
- Article 11(2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
- Article 12: Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

Recognition of Indigenous role in environmental management of their land:

- Article 18: Indigenous peoples have the right to participate in decision-making in matters, which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
- Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
- Article 29 (2): States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
- Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

What this means for Aboriginal people in the Wet Tropics

This Declaration forms part of the United Nations system of institutions for the protection of human rights, which includes nine international treaties, some of which have optional protocols (see [Office of the United Nations High Commission for Human Rights](#)). Declarations have no binding legal effect, but such instruments have an undeniable moral force and provide practical guidance to (nation-) States in their conduct. The formal endorsement of the Declaration by the Australian Government means that Rainforest Aboriginal peoples can point to the Declaration as providing guidance to their government partners about appropriate recognition of rights, culture, and engagement in environmental management.

International Covenant on Economic, Social and Cultural Rights

The [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR) is one of the nine international human rights treaties. This Treaty is the primary international instrument for economic, social and cultural rights. Rights that are relevant to Aboriginal people include the right to self-determination, equality and non-discrimination; work; social security; culture and participation in cultural life; education; adequate standard of living and the highest attainable standard of health. Australia became a signatory to the ICESCR in 1972 and ratified it in 1975. The Committee on Economic, Social and Cultural Rights (CESCR) is the body of independent experts that monitors implementation of the ICESCR by its States parties. The Committee meets twice a year in Geneva to discuss and perform its monitoring functions, and also produces its interpretation of ICESCR provisions, known as General Comments. The Secretariat for the committee sits within the office of the United Nations High Commissioner on Human Rights.

The CESCR provided General Comments interpreting the meaning of articles 11 and 12 in relation to the right to water (CESCR 2002); this includes:

- Paragraph 16 (d): Indigenous peoples' access to water resources on their ancestral lands is protected from encroachment and unlawful pollution. States should provide resources for indigenous peoples to design, deliver and control their access to water.

While the Treaty provides for complaints to be made to the CESCR about violations of human rights by State Parties under the Treaty, complaints can only be brought against States parties who have recognized the competence of the Committee to receive and consider communications under the Optional Protocol. Australia is not party to the Optional Protocol, and has not recognized the competence of the Committee to receive and consider complaints from individuals or groups within its jurisdiction (see [Indigenous Human Rights Network of Australia](#)):

- Article 1 (2): All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

The Committee visited Australia in 2009 and made some Concluding Observations about Australia's compliance with the Treaty, particularly expressing concern about the Northern Territory intervention.

What this means for Aboriginal people in the Wet Tropics

The ICESCR is a treaty that forms part of the United Nations system of institutions for the protection of human rights, which includes eight other international treaties, some of which also have optional protocols (see [Office of the United Nations High Commission for Human Rights](#) and [Indigenous Human Rights Network of Australia](#)). The ICESCR provides the force of moral suasion for Australia, as a party to the treaty, to comply with its provisions. Rainforest Aboriginal peoples can point to the ICESCR as providing guidance to their government partners about appropriate recognition of rights, culture, and engagement in management of resources that are vital to their subsistence and customary economies.

International Convention on the Elimination of All Forms of Racial Discrimination

[The International Convention on the Elimination of All Forms of Racial Discrimination](#) is the primary international legal instrument relating to the protection of discrimination on the basis of race. Australia became signatory to the ICERD in 1966 and ratified it in 1975. ICERD protects rights such as equality before the law, to own property, marry, vote, have freedom of thought, religion, assembly, expression of opinion and economic, social and cultural rights, including the right to participate in cultural activities. The Committee on Elimination of Racial Discrimination (CERD) meets in Geneva twice yearly to monitor State parties' compliance. The CERD recognises that measures to overcome the consequences of past discrimination ('special measures') are not discriminatory (see [Indigenous Human Rights Network Australia](#)).

- Article 1 (4): Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

The CERD has established General Comments on the indigenous peoples in relation to ICERD (CERD 1997). Paragraphs 4 and 5 are particularly relevant:

4. The Committee calls in particular upon States parties to:
 - (a) Recognize and respect indigenous distinct culture, history, language and way of life as an enrichment of the State's cultural identity and to promote its preservation;
 - (b) Ensure that members of indigenous peoples are free and equal in dignity and rights and free from any discrimination, in particular that based on indigenous origin or identity;
 - (c) Provide indigenous peoples with conditions allowing for a sustainable economic and social development compatible with their cultural characteristics;
 - (d) Ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent;
 - (e) Ensure that indigenous communities can exercise their rights to practise and revitalize their cultural traditions and customs and to preserve and to practise their languages.
5. The Committee especially calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories. Only when this is for factual reasons not possible, the right to restitution should be substituted by the right to just, fair and prompt compensation. Such compensation should as far as possible take the form of lands and territories.

General Comments 21 provide more detailed advice on the right to self-determination without outside interference.

What this means for Aboriginal people in the Wet Tropics

The ICERD is a treaty that forms part of the United Nations system of institutions for the protection of human rights, which includes eight other international treaties, some of which have optional protocols (see [Office of the United Nations High Commission for Human Rights](#) and [Indigenous Human Rights Network of Australia](#)). There are no protocols under CERD. The ICERD provides the force of moral suasion for Australia, as a party to the treaty, to comply with its provisions. Rainforest Aboriginal peoples can point to the ICESCR as providing guidance to their government partners about appropriate recognition of rights, culture, history, language, way of life and to ensure management of their lands and territories.

NATIONAL GOVERNANCE SCALE

Environmental Protection and Biodiversity Conservation Act (CWTH), 1999

(see DSEWPaC 2012)

The *EPBC Act 1999*, is a national Act that provides a legal framework (regulatory) to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places, defined in the Act as 'matters of national environmental significance' (world heritage sites, national heritage places, wetlands of international importance, nationally threatened species/ecological communities, migratory species, marine areas, GBR).

Although the Act does not specifically speak to Indigenous rights, cultural values or recognise Indigenous role in environmental management, it does aim to enhance the protection and management of important natural and cultural places. Further, as the Act promotes a co-operative approach to the protection and management of the environment, it uses advisory committees to work with government, the community, landholders and indigenous peoples (see DSEWPaC, 2011a). The role of the Indigenous Advisory Committee is to advise the Minister for Sustainability, Environment, Water, Population and Communities on the operation of the *EPBC Act, 1999*, in relation to how it takes into account the significance of Indigenous people's knowledge of the management of land and the conservation and sustainable use of biodiversity. This relates to areas in Commonwealth areas and activities affecting the matters of national Environmental Significance that the *EPBC Act, 1999*, covers (World Heritage properties, National Heritage listed places, Ramsar wetlands, nationally threatened species and ecological communities, migratory species, Commonwealth marine areas, and nuclear actions, including uranium mining). In relation to the *EPBC Act, 1999*, the terms of reference for the committee include:

- To work with peak Indigenous bodies, experts, communities, and other stakeholders to ensure the views of Indigenous peoples are incorporated in the implementation and development of the Act and work being undertaken by the department as it relates to environment and heritage outcomes.
- To establish a working relationship with Divisions of the Department to seek and provide advice and make recommendations to the Minister and the Department on Indigenous issues that are relevant to achieving the objects of the *EPBC Act, 1999* and the role of the department.
- To monitor the implementation of Bilateral Agreements within the States and Territories and advise the Minister of their impact on Indigenous interests.
- To provide the Minister with a communiqué following each meeting reporting on Indigenous issues under the *EPBC Act, 1999*, and matters of interest to the Department.
- To respond to any issues of urgency that arises during the implementation of the *EPBC Act, 1999*, or Department that requires a response from the Committee.

Also, as the *EPBC Act, 1999*, affects any group or individual (including companies) whose actions may have a significant impact on a matter of national environmental significance, Indigenous Australians can call on it if necessary. An aspect of the *EPBC Act, 1999*, is the preparation of conservation advice and/or national recovery plans and wildlife plans for listed species; the identification of key threatening processes and the related threat abatement plans; the development of voluntary conservation agreements which may cover environmentally significant private land, including indigenous land; and the protection and management of world heritage, commonwealth heritage places, Ramsar Wetlands and Commonwealth reserves.

What this means for Aboriginal people in the Wet Tropics

Rainforest Aboriginal people, like all Australians can call on the *EPBC Act, 1999*, if they believe that another's actions may have a significant impact on a matter of national environmental significance. They can also be involved in the delivery of specified recovery plans, threat abatement plans, they can enter into voluntary conservation agreements, and work to improve management of heritage places, Ramsar Wetlands and Commonwealth Reserves. As membership on the *EPBC Act's* Indigenous Advisory Committee is based on expertise (land management, conservation, cultural heritage management), representatives from the Rainforest Aboriginal people may one day be selected to join the committee. In the interim, Rainforest Aboriginal people can contact the Indigenous Advisory Committee for advice and input.

National Heritage List

(see DSEWPaC 2011b; Australian Heritage Council 2009)

The *EPBC Act, 1999*, establishes the National Heritage List, which includes natural, indigenous and historical places of outstanding value to the nation, also the Commonwealth Heritage List for same on Commonwealth lands. When a place is nominated that may have Indigenous heritage values, the Heritage Council must identify the relevant Indigenous people with rights and interests and invite their views. The Minister takes those submissions into account when making a decision (DSEWPaC, 2011b). Anyone can nominate a place with outstanding heritage values to the National Heritage List. The nomination process is open and consultative and the Australian Heritage Council assesses whether the nominated place has heritage values against a set of relevant criteria. All relevant Indigenous people with rights or interests in that place must be consulted. The criteria (see Australian Heritage Council, 2009) include:

- the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history;
- the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history;
- the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history;
- the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:
 - o a class of Australia's natural or cultural places; or
 - o a class of Australia's natural or cultural environments;
- the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
- the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period;
- the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history;
- the place has outstanding heritage value to the nation because of the place's importance as part of Indigenous tradition.

What this means for Aboriginal people in the Wet Tropics

The Wet Tropics of Queensland was included on the National Heritage List on 21 May 2007 (again for its ecological values and not including cultural values). Rainforest Aboriginal people have renominated the Wet Tropics for recognition of its cultural values on the National Heritage List. The Australian Heritage Council has made its recommendations to the Minister. Subsequently a decision was

announced in November 2012 recognising the Indigenous heritage values of the Wet Tropics of Queensland and for the inclusion in the National Heritage List.

Many Aboriginal groups from the Wet Tropics have been involved in collecting, protecting and storing their cultural heritage, which is regarded by WTMA as a key component of land management. This important work includes:

- The Girringun Aboriginal Corporation cultural heritage database.
- The Cultural Heritage Mapping Project (groups record, manage and apply their cultural heritage knowledge at a local country based level, and provides data as the basis for the nomination of the WTWHA for its cultural values), involved: Kuku Nyungkal, Ngadjon-Jii, Kuku Yalanji and Jirrabal pilot studies.
- Development of an indigenous intellectual property protocol.

Native Title Act, 1993 (Cwlth)

(see National Native Title Tribunal 2011)

The *Native title Act, 1993 (Cwlth)* was enacted as a result of the decision made by the High Court of Australia in *Mabo v Queensland (No. 2)* 1992. This act has been reviewed and amended by Federal Parliament in 1998, 2007, 2009, 2010. The Federal Court of Australia is responsible for the management of all applications made under the Act for a determination of native title, for compensation for the loss or impairment of native title. This Act recognises and protects native title. It provides that native title cannot be extinguished contrary to the Act. Its main objects are to:

- to provide for the recognition and protection of native title;
- to establish ways in which future dealings affecting native title may proceed and to set standards for those dealings;
- to establish a mechanism for determining claims to native title;
- to provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of native title.

Indigenous Land Use Agreements (ILUAs) are voluntary agreements entered into between native title claimants and other land managers. They are about the use and management of an area of land or waters where native title exists or might exist. The agreement is made between one or more native title groups, and other stakeholder groups.

What this means for Aboriginal people in the Wet Tropics

There are some 'active' native title claims in the Wet Tropics (see

Table 12 and Figure 10) and registered and 'active' Indigenous Land Use Agreements in the Wet Tropics (see Table 13 and Figure 11).

Table 12: Active Native Title claims in the Wet Tropics (Source: National Native Title Tribunal, 2012)*

Claimant's name	Date Lodged	Status	Registration Status	Rep body	Area (SQKM)
Muluridji People ¹	7/08/1998	Active	Accepted	NQ Land Council AC	66.081
Tableland Yidinji People	10/25/1999	Active	Accepted	NQ Land Council AC	164.183
Combined Mandingalbay Yidinji – Gunggandji ²	12/03/1999	Active	Accepted	NQ Land Council AC	83.393
Mandingalbay Yidinji People 2	8/10/2000	Active	Accepted	HWL Ebsworth Solicitors	5.991
Mamu People	4/06/2001	Active	Accepted	NQ Land Council AC	1595.688
Claimant's name	Date Lodged	Status	Registration Status	Rep body	Area (SQKM)
Bar-Barrum People 2	4/27/2001	Active	Accepted	NQ Land Council AC	28.731
Bar-Barrum People 3	4/27/2001	Active	Accepted	NQ Land Council AC	694.172
Bar-Barrum People 4	9/28/2001	Active	Accepted	NQ Land Council AC	1917.35
Bar-Barrum People 5	9/28/2001	Active	Accepted	NQ Land Council AC	85.404
Bar-Barrum People 7	9/28/2001	Active	Accepted	NQ Land Council AC	57.151
Warrungu People 2	6/30/2004	Active	Accepted	NQ Land Council Rep Body AC	2663.973
Tableland Yidinji People 3	10/14/2004	Active	Accepted	NQ Land Council AC	272.884
Gugu Badhun People 2 ³	3/22/2005	Active	Accepted	NQ Land Council AC	9469.866

¹ Outcome – Native Title exists in the entire determination area, 16/03/2012.

² Outcome – Native Title exists in the entire determination area, 21/9/2012.

³ Outcome – Native Title exists in parts of the determination area, 1/8/2012.

**The Registrar, the National Native Title Tribunal and its staff, members and agents and the Commonwealth (collectively the Commonwealth), accept no liability and give no undertakings, guarantees or warranties concerning the accuracy, completeness or fitness for purpose of the information provided. In return for you receiving this information you agree to release and indemnify the Commonwealth and third party data suppliers in respect of all claims, expenses, losses, damages and costs arising directly or indirectly from your use of the information and the use of the information you obtained by any third party.*

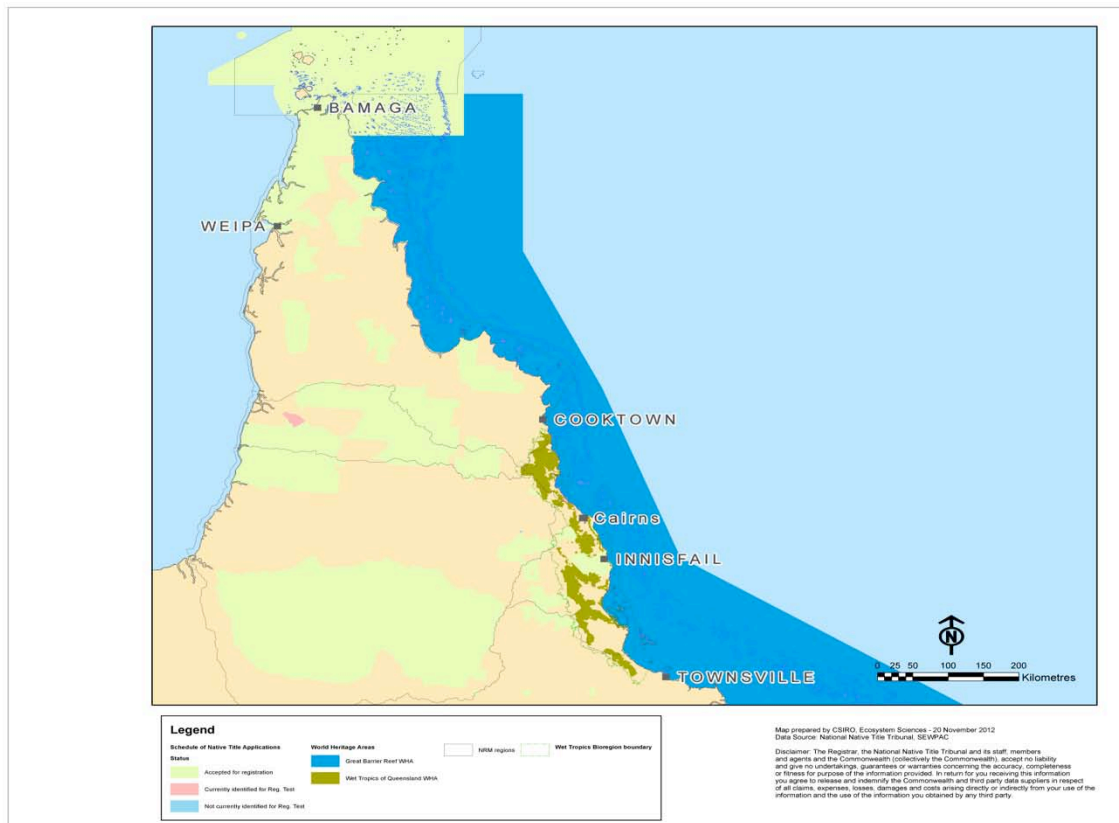


Figure 10: Distribution of Native Title application scheduled in Far North Queensland (Source: National Native Title Tribunal, 2012)

Table 13: Active and registered Indigenous Land Use Agreements in the Wet Tropics (Source: National Native Title Tribunal, 2012)*

ILUA Name	Date Lodged	Status	Applicant	Area (km ²)
Cairns Esplanade Project Agreement	2/25/2000	Registered	Cairns City Council	1.15
Bar-Barrum and Telstra ILUA	8/30/2001	Registered	Telstra Corporation Ltd	317.755
Bar-Barrum Fossicking ILUA	10/08/2001	Registered	State of Queensland	317.755
Bar-Barrum and Mareeba Shire Council ILUA	11/09/2001	Registered	Mareeba Shire Council	317.755
Bar-Barrum and Herberton Shire Council	7/05/2002	Registered	Bar-Barrum Aboriginal Corporation	317.755
Bar-Barrum and Ergon Energy	11/06/2002	Registered	Ergon Energy Corporation Limited	317.755
Telstra Mandingalbay Yidinji People ILUA	5/04/2006	Registered	Telstra Corporation Limited	41.707
Mandingalbay Yidinji People and Ergon Energy Corp	1/04/2006	Registered	Ergon Energy Corp	41.707
Mandingalbay Yidinji People and Cairns City	1/03/2006	Registered	Cairns City Council	41.707
Barron Gorge National Park	12/22/2004	Registered	State of Queensland	27.588
Bar Barrum Small Mining ILUA	9/11/2006	Registered	State of Queensland	4593.906
State and Ngadjon-Jii ILUA	12/06/2007	Registered	Department Natural Resources and Water	136.885
Eastern Kuku Yalanji and Ergon	5/02/2007	Registered	Ergon Energy Corporation	2305.779
Eastern Kuku Yalanji, the State of Queensland & We	4/24/2007	Registered	State of Queensland	2305.779
Eastern Kuku Yalanji and Telstra	4/26/2007	Registered	Mike Hall	2305.819
Eastern Kuku Yalanji Qld and Cook Shire	4/24/2007	Registered	State of Queensland	603.360
Eastern Kuku Yalanji Qld and Douglas Shire	4/24/2007	Registered	State of Queensland	1702.404
Eastern Kuku Yalanji Qld and Harlow	4/24/2007	Registered	State of Queensland	102.021
Eastern Kuku Yalanji Qld and Wujal Wujal	4/24/2007	Registered	State of Queensland	60.31
Eastern Kuku Yalanji Qld and Burungu	4/24/2007	Registered	State of Queensland	57.737
Eastern Kuku Yalanji Qld and Bana Mindilji	4/24/2007	Registered	State of Queensland	44.899
Mandingalbay Yidinji State of Queensland	4/07/2006	Registered	State of Queensland	40.225
Eastern Kuku Yalanji and Douglas Shire Council	4/10/2007	Registered	Douglas Shire Council	1702.404
Eastern Kuku Yalanji and Cook Shire Council	4/10/2007	Registered	Cook Shire Council	603.36
Eastern Kuku Yalanji Qld and Qld WTMA	4/24/2007	Registered	State of Queensland	1594.686

ILUA Name	Date Lodged	Status	Applicant	Area (km ²)
Muluridji People Small Scale Mining and Exploration	9/27/2006	Registered	State of Queensland	1023.123
Ma:Mu Canopy Walk ILUA	11/09/2007	Registered	State of Queensland as represented by the EPA	0.863
Small Scale Mining & Exploration Activities - Waka	11/18/2007	Registered	State of Queensland	13817.187
Jirrbal Herberton Project ILUA	2/20/2008	Registered	North Queensland Metals	28.035
Bar Barrum Herberton Project ILUA	2/20/2008	Registered	North Queensland Metals	400.591
Joint Bar-Barrum Jirrbal Herberton Project ILUA	2/20/2008	Registered	North Queensland Metals	115.379
Yarrabah Health Care Centre Agreement	4/17/2008	Registered	State of Queensland	0.014
Ngadjon Jii & Beaven	6/05/2008	Registered	State of Queensland	0.012
Combined Dulabed and Malanbarra Yidinji and Ergon	12/09/2009	Registered	Ergon Energy Corporation Limited	167.12
Cairns Regional Council - Combined Dulabed and Mal	12/03/2009	Registered	Cairns Regional Council	47.11
Djiru Cassowary Coast Regional Council	11/25/2009	Registered	Cassowary Coast Regional Council	100.971
Girramay Cassowary Coast Regional Council Area ILU	11/26/2009	Registered	Cassowary Coast Regional Council	13.906
Ergon Energy and Girramay ILUA	12/03/2009	Registered	Ergon Energy Corporation Ltd	13.958
Girramay People and State of QLD and Brazier ILUA	12/03/2009	Registered	State of Queensland	0.006
Abraham Muriata on his own behalf and on behalf of Girramay People	12/03/2009	Registered	State of Queensland	13.906
Combined Dulabed and Malanbarra Yidinji - Tableland	12/15/2009	Registered	Tablelands Regional Council	120.017
Wooroonooran ILUA	1/18/2010	Registered	State of Queensland	167.128
Ma:Mu Cassowary Coast Regional Council ILUA	6/02/2010	Registered	Cassowary Coast Regional Council	1266.319
Ma:Mu Tablelands Regional Council Area ILUA	6/04/2010	Registered	Tablelands Regional Council	294.514
Tableland Yidinji People and Tablelands Regional Council	7/13/2010	Registered	Tablelands Regional Council	422.753
Jirrbal People and Tablelands Regional Council	8/25/2010	Registered	Tablelands Regional Council	750.012
Jirrbal People and QLACCA ILUA	8/27/2010	Registered	Queensland Lapidary and Allied Crafts Clubs Assoc	0.638
Jirrbal People and Ergon Energy ILUA	8/30/2010	Registered	Ergon Energy Corporation Limited	982.961
Jirrbal People Protected Area ILUA	9/10/2010	Registered	State of Queensland	443.483

ILUA Name	Date Lodged	Status	Applicant	Area (km ²)
Wanyurr majay Protected Areas ILUA	2/18/2011	Registered	State of Queensland	196.987
Djiru People Tenure Resolution ILUA	3/04/2011	Registered	State of Queensland	1.831
Djiru People Protected Areas ILUA	3/04/2011	Registered	State of Queensland	94.329
Djiru People & Ergon Energy ILUA	3/14/2011	Registered	Ergon Energy Corporation Limited	272.046
Herberton Tin Fields ILUA	4/14/2011	Registered	Consolidated Tin Mines Limited	3243.473
Yarrabah Blockholders ILUA	4/21/2011	Registered	State of Queensland	75.083
Yarrabah DOGIT Transfer ILUA	4/21/2011	Registered	State of Queensland	75.259
Yarrabah Towers ILUA	4/21/2011	Registered	State of Queensland	0.083
Combined Gunggandji and Yarrabah Aboriginal Shire	4/27/2011	Registered	Yarrabah Aboriginal Shire Council	75.858
Combined Gunggandji People and Ergon Energy ILUA	4/28/2011	Registered	Ergon Energy Corporation Limited	87.344
Yarrabah Protected Areas ILUA	5/10/2011	Registered	State of Queensland	5.455
Cairns Regional Council & Wanyurr Majay People ILU	7/05/2011	Registered	Cairns Regional Council	198.830
Muluridji People and Ergon Energy ILUA	8/08/2011	In notification	Ergon Energy Corporation Limited	1047.779
Combined Gunggandji and Cairns Regional Council IL	8/29/2011	Registered	Cairns Regional Council	10.922
Combined Mandingalbay Yidinji Gunggandji Blockhold	9/19/2011	In notification	State of Queensland	82.493
Combined Mandingalbay Yidinji-Gunggandji Yarrabah	9/19/2011	In notification	State of Queensland	82.503
Combined Mandingalbay Yidinji Gunggandji and Yarra	10/06/2011	In notification	Yarrabah Aboriginal Shire Council	82.565
Muluridji People and Tablelands Regional Council I	10/21/2011	In notification	Tablelands Regional Council	1047.642
Combined Mandingalbay Yidinji Gunggandji Yarrabah	11/01/2011	In notification	State of Queensland	0.001
Combined Mandingalbay Yidinji-Gunggandji People an	11/07/2011	In notification	Ergon Energy Corporation Limited	83.393
Combined Mandingalbay Yidinji-Gunggandji People	11/14/2011	In notification	Mandingalbay Yidinji Gunggandji People	83.393

**The Registrar, the National Native Title Tribunal and its staff, members and agents and the Commonwealth (collectively the Commonwealth), accept no liability and give no undertakings, guarantees or warranties concerning the accuracy, completeness or fitness for purpose of the information provided. In return for you receiving this information you agree to release and indemnify the Commonwealth and third party data suppliers in respect of all claims, expenses, losses, damages and costs arising directly or indirectly from your use of the information and the use of the information you obtained by any third party.*

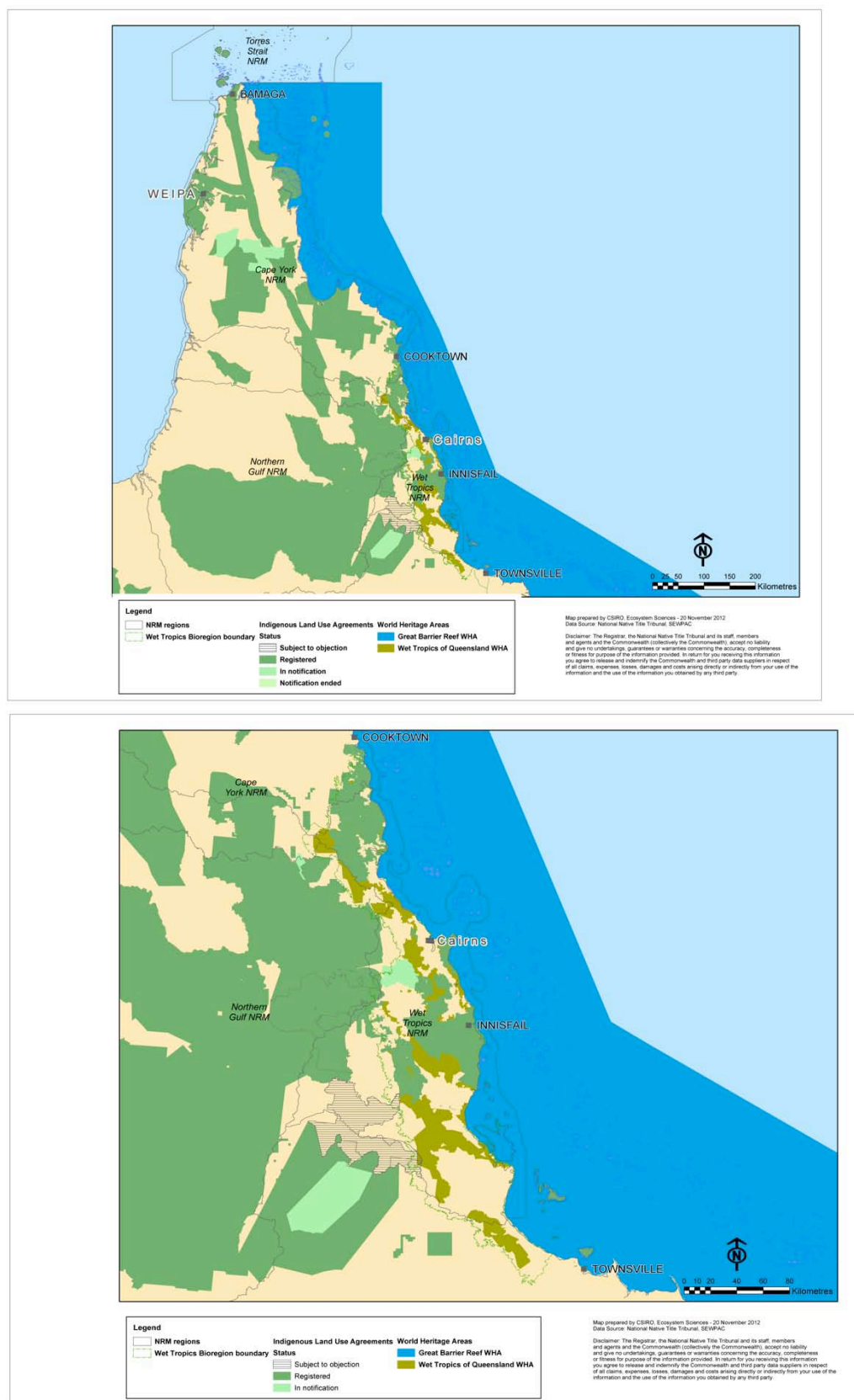


Figure 11: Distribution of Indigenous Land Use Agreements in Far North Queensland (Source: National Native Title Tribunal, 2012)

Racial Discrimination Act 1975

The Racial Discrimination Act 1975 aims to ensure that Australians of all backgrounds are treated equally. The RDA makes it illegal to discriminate on the grounds of race, colour, descent, national or ethnic origin and immigration status. The RDA together with the *Racial Hatred Act 1995* incorporates the International Convention on the Elimination of All Forms of Racial Discrimination into domestic law and the ICERD forms a schedule to the Act. While the RDA does not include the word culture, it recognises that it gives protection to all the matters in article 5 of the ICERD, which includes the right to participate in cultural activities. A more detailed legal analysis would be necessary to determine whether it gives protection to the right to engage in the management of traditional lands.

The RDA has historic significance for Aboriginal people in Queensland (Piccone 2011). In 1976, John Koowarta convinced the Aboriginal Land Fund Commission to purchase a lease of land in Northern Queensland. The lease was to enable an Aboriginal community to start a cattle property. Permission to lease the land was refused by the Queensland government on the basis that they were opposed to Aborigines owning land. The Koowarta group took the case to the High Court, arguing that the Queensland government's decision breached the *Commonwealth 1975 Racial Discrimination Act*. The Queensland government argued that the Act should be declared invalid on the grounds that it extended the Commonwealth's external affairs power beyond that intended by the Constitution. Indeed, the Commonwealth did not have the Constitutional authority to legislate on racial discrimination in the States. In 1982 the High Court ruled, by the narrowest of margins (4-3), that the *Racial Discrimination Act* was valid and that it could override State laws using the external affairs powers under section 51 (xxix) of the Commonwealth Constitution.

The Queensland government then made the lease into the Archer Bend National Park, so that it could not be sold to Koowarta. Other pastoral leases were subsequently added to create the Rokeby-Croll National Park. In 2011, the Queensland Government revoked 75,854 ha of this national park to enable its return to Traditional Owners. The remaining 380,500 hectares have been declared as the Aboriginal-owned Munkan Kandju (Cape York Aboriginal Land) Aboriginal land and are jointly managed between the Queensland government and traditional owners (Piccone 2011).

The Australian Government appointed Dr Helen Szoke as the Race Discrimination Commissioner in 2011. The Commissioner has overall responsibility for the Act as specific in s20.

What this means for Aboriginal people in the Wet Tropics

The RDA protects the rights of Rainforest Aboriginal people to practice their culture and to hold their land without discrimination. Legal action can be taken against persons or organisations who practice discrimination.

Australian Human Rights Commission Act 1986

The *Australian Human Rights Commission Act 1986* establishes the [Australian Human Rights Commission](#) (HRC). The Aboriginal and Torres Strait Islander Social Justice Commissioner (ATSISJR) whose primary role is to report each year on the enjoyment and exercise of human rights by ATSI peoples. The ATSISJR also reports each year on the enjoyment and exercise of native title rights, as required under the NTA.

There reports have covered a number of topics of particular interest to Indigenous co-management and biodiversity protection.

The Social Justice Report 2011 included material on lateral violence, and the Native Title Report 2011 reviewed this issue in relationship to Indigenous lands, territories and resources. This material is of particular interest to those wishing to resolve and understand intra-Indigenous disputes in relation to these issues (ATSISJC 2012b; ATSISJC 2012a).

The Native Title Report 2010 addressed particularly the issues of agreement-making, prior informed consent, and of what constitutes effective engagement with Indigenous peoples (ATSISJC 2011). The Native Title Report 2009 review Indigenous land tenure around Australia, and made recommendations regarding land tenure reform (ATSISJC 2010). The Native Title Report 2008 addressed the issues of Indigenous peoples and water, and of Indigenous peoples and climate change (ATSISJC 2009). The Native Title Report 2007 includes a case study of the Western Arnhem Land fire management, and of fishing rights (ATSISJC 2008).

What this means for Aboriginal people in the Wet Tropics

The [Native Title Reports](#) and the [Social Justice Reports](#) are valuable sources of information on many issues relevant to Indigenous co-management and biodiversity protection. Rainforest Aboriginal Peoples and the WTMA may wish to consider asking the Aboriginal and Torres Strait Islander Social Justice Commissioner to address the issue of Indigenous co-management and biodiversity protection.

Aboriginal and Torres Strait Islander Heritage Protection Act 1984

The *ATSHP Act* aims to preserve and protect places, areas and objects of particular significance to Aboriginal and Torres Strait Islander peoples. The *Act* enables the Australian Government to respond to requests to protect traditionally important areas and objects that are under threat, if it appears that state or territory laws have not provided effective protection. The government does this through special orders, called declarations, to protect significant Aboriginal areas, objects and classes of objects from threats of injury or desecration. The government cannot make a declaration unless an Aboriginal or Torres Strait Islander has requested it and shown that Indigenous heritage of significance is under threat of injury or desecration. The power to make declarations is meant to be used as a last resort, after the relevant processes of the state or territory have been exhausted.

What this means for Aboriginal people in the Wet Tropics

Rainforest Aboriginal peoples can request action to protect their heritage under *the Aboriginal and Torres Strait Islander Heritage Protection Act 1984* as a last resort, after all the relevant process of the state have been exhausted.

Australia's Biological Conservation Strategy, 2010-2030

(see Natural Resource Management Ministerial Council 2010)

The Biological Conservation Strategy is a non-regulatory strategy that evolved from the *National Strategy for the Conservation of Australia's biological diversity, 1992*. It is a guiding framework for conserving Australia's biodiversity over the coming decades. The strategy recognises Aboriginal rights, cultural values and role in environmental management: "efforts to conserve biodiversity must acknowledge and respect the culture, values, innovations, practices and knowledge of indigenous peoples" (Natural Resource Management Ministerial Council, 2010:16):

- Priority 1: engaging all Australians in biological diversity conservation through increasing Indigenous engagement.
- Priority 3: getting measurable results through improving and sharing knowledge.
- National Target 21: by 2012 achieve a 25% increase in employment and participation of Indigenous peoples in biodiversity conservation.

- o 1.2.1 increase in employment and participation of indigenous peoples in biological diversity conservation activities; 1.2.2 increase in the use of IK in BD conservation decision making
- 1.2.3 increase in the extent of land managed by Indigenous people for biological diversity conservation

What this means for Aboriginal people in the Wet Tropics

This strategy places obligations on the Australian Government to deliver the targets in relation to increased engagement of Indigenous peoples, and will guide the design of national programs to invest in biodiversity conservation. Rainforest Aboriginal peoples will have ongoing and increasing opportunities to access these benefits. The Australian Government is also required to report on its progress against the Aichi 2020 targets, as it has done on previous targets (Australian Government 2009)

QUEENSLAND STATE GOVERNANCE SCALE

Aboriginal Cultural Heritage Act (QLD), 2003

(see Queensland State Government 2003)

The *Aboriginal Cultural Heritage Act (QLD), 2003* is a regulatory tool that can be used by the State of Queensland "to provide effective recognition, protection and conservation of Aboriginal Cultural heritage and establishes a duty of care for activities that may harm aboriginal cultural heritage" (Division 2, 6d). It is administered by DERM. This Act enables "powers of protection, investigation and enforcement" (Division 2, 6e). The Act recognises Aboriginal rights and values to cultural heritage, and Aboriginal role in the management of cultural heritage (that appears to include environmental heritage).

Recognition of Aboriginal Rights:

- The Act recognises that "Aboriginal people should be recognised as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage;" (Division 5, 5B).

Recognition of Aboriginal cultural values, the Act states that:

- "the recognition, protection and conservation of Aboriginal cultural heritage should be based on respect for Aboriginal knowledge, culture and traditional practices" (Division 2, 5A);
- "it is important to respect, preserve and maintain knowledge, innovations and practices of Aboriginal communities and to promote understanding of Aboriginal cultural heritage" (Division 2, 5C);
- "ensures a process for comprehensive study of Aboriginal CH" (Division 2, 6h).

In recognition of Aboriginal role in management of cultural heritage, the Act:

- recognises that "activities involved in recognition, protection and conservation of Aboriginal cultural heritage are important because they allow Aboriginal people to reaffirm their obligations to 'law and country'" (Division 2, 5D);
- "ensures Aboriginal people are involved in processes for managing recognition, protection, conservation of Aboriginal Cultural heritage" (Division 2, 6G).

What this means for Aboriginal people in the Wet Tropics

A cultural heritage management plan is required where an Environmental Impact Statement (EIS) is required under other legislation or 'the sponsor' (a land user) may develop a plan voluntarily. This is due according to the 'duty of care' requirement of the legislation. The plan is a state-approved agreement between 'the sponsor' and an Aboriginal party about how to avoid harm to the cultural heritage in relation to land use activities of the sponsor. The plan must comply with the statutory

process (outlined in Part 7 of the legislation) (maximum penalty for breaching the duty of care is AU\$1million for a corporation, AU\$100,000 for an individual) (see DERM, 2011).

Some Aboriginal corporations in the Wet Tropics are recognised as cultural heritage organisations. This includes Girringun Aboriginal Corporation who manage their own cultural heritage database; other corporations are building their capacity to develop similar cultural heritage databases into the future.

Nature Conservation Act 1992 (QLD)

(see Queensland State Government 1992; Queensland State Government 2001)

The *Nature Conservation Act, 1992* is a regulatory instrument used by the State for the conservation of nature. It is administered by DERM. It does this through dedication and management of protected areas; protection of wildlife and habitat; ecologically sustainable use of wildlife areas; recognition of interests, rights of Indigenous and involvement in management; co-op involvement of landholders. This Act recognises Aboriginal rights, their cultural values and their important role in conservation management of nature in Queensland.

It recognises:

- that Aboriginal land can be declared by the Traditional Owners as a conservation reserve.
- the interest of Aborigines and Torres Strait Islanders in nature and their cooperative involvement in conservation (interests in protected areas and native wildlife) (s5).

The Act also supports the role of Aboriginal people in the management of dedicated protected areas:

- it supports the co-operative involvement of Indigenous in conservation of nature (S5): "a national park, or a part of a national park, that is also an indigenous joint management area is to be managed, as far as practicable, in a way that is consistent with any Aboriginal tradition applicable to the area, including any tradition relating to activities in the area" (S17).
- it states that Subject to subsection (1), a national park (Aboriginal land and Cape York Peninsula Aboriginal Land) is to be managed, as far as practicable, in a way that is consistent with any Aboriginal tradition applicable to the area, including any tradition relating to activities in the area" (s18, 19).
- conservation parks, resource reserves; management principles for protection of wildlife - ensure traditional Indigenous use is ecologically sustainable (s73).

The Queensland Parks Master Plan, developed to guide park management, states that QPWS welcomes the involvement of Rainforest Aboriginal peoples through a range of negotiated agreements. One aim of this plan is to conserve natural and cultural heritage (see Queensland State Government, 2001):

Principle 1: "The Queensland parks system will be protected vigorously into the future. The parks system will be comprehensive, adequate and representative of Queensland's biological and landscape diversity, will include outstanding examples of natural and cultural heritage values, and will maintain the values of World Heritage areas as key elements of the parks system".

Principle 2: "The natural integrity of parks will be conserved, with their values protected and presented, and parks will be integrated with good land management across the landscape. Maintaining natural integrity, cultural values and natural landscapes across time is the highest priority of national park management".

Principle 3: "The cultural heritage values of parks will be identified, protected and presented within a state wide framework of cultural heritage conservation".

Principle 4: “Responsibilities, interests and aspirations of Indigenous peoples will be respected in relation to their lands, and their roles in park management will be supported. The parks system will be managed by partnership between Indigenous peoples and QPWS in a manner appropriate to Indigenous cultural heritage and the protection of natural and cultural values”.

In relation to Principle 3 (cultural heritage values of Parks) The Parks Master Plan stipulates the following strategic actions:

Protect cultural integrity:

3.1 *Prepare a strategy for conserving cultural heritage on Queensland parks* (approach to cultural heritage identification, assessment and management; criteria for the preparation of cultural integrity statements for individual parks, which will recognise cultural values and threatening processes such as inappropriate visitor management at gender specific places; detailed guidelines on protocols and procedures; identify strategies to minimise the effect of threatening processes and to maximise the culture sustaining role of the park in the surrounding landscape).

3.2 *Introduce and trial this strategy throughout the state*, and complete cultural integrity statements for selected key parks in the short term (longer term: every park to have cultural integrity statements and action plans for the maintenance of cultural integrity). The strategy will identify the roles Indigenous and non-Indigenous communities can play in management processes.

3.3 *Achieve a substantially higher standard of cultural heritage management on parks*. Evaluate this standard through a regular monitoring and auditing program outlined in the cultural integrity statements.

3.4 *Develop and implement a comprehensive set of policies and practices* relating to cultural heritage management.

Indigenous heritage:

3.5 *Consult and negotiate with traditional owners* in relation to any proposed park management action which may affect their cultural heritage.

3.6 Develop and implement agreements to recognise the right of Indigenous peoples to conserve and manage their heritage, to protect their privacy, and to present or permit the presentation of cultural heritage. Implement state wide park management policies recognising Indigenous rights, including intellectual property rights, and responsibilities for cultural heritage management and presentation.

Heritage management planning:

3.7 *Identify cultural values and consider cultural management for protected areas in conjunction with community interests*. Identify both Indigenous and non-Indigenous cultural places (subject to privacy concerns), assess their significance and outline their management requirements. Establish procedures for managing information, involving traditional owners and other interest groups in the process.

3.8 *Record oral histories of parks*, especially in relation to prior use and management of parks, respecting intellectual property rights where appropriate

Heritage place and object conservation:

3.9 *Raise the level of protection of types of cultural heritage places* so that Indigenous places, storylines and landscapes that exist in parks are managed in accordance with the requirements of Indigenous people, and comprehensive, adequate and representative examples of places and landscapes of historic cultural heritage significance are identified and conserved in protected areas.

3.10 *Develop and implement a standard procedure for cultural heritage and social impact assessments*, which will be carried out before any development works are initiated. Assessment will involve consultation with traditional owners and/or stakeholders.

Increased capacity in cultural resource management:

3.11 *Train all relevant staff in cross-cultural awareness and in awareness of cultural values*, and develop a workforce better able to adequately address cultural heritage issues in conjunction with traditional owners and communities.

Cultural resource information:

3.12 *Implement a program to obtain basic cultural heritage resource information for all parks.* This information will incorporate baseline inventory data of archaeological, built and other cultural places; traditional Indigenous ecological and natural resource information; oral histories; historic photographic collections; and place specific and contextual research sufficient to assess historic places for nomination to the Queensland Heritage Register. This information will be stored to agreed archival standards while recognising intellectual property issues.

3.13 *Develop expertise in heritage conservation in order to facilitate the management of built heritage.*

3.14 *Establish long-term monitoring programs* to assess the effects of human and natural processes on the full range of cultural resources. Monitoring programs will be developed and implemented within two years of the gazettal of new parks.

In relation to Principle 4 (interests, values of Traditional owners will be respected) the Parks Master Plan stipulates the following actions:

Basis of partnerships:

4.1 *Negotiate agreements to form active partnerships* between traditional owners, Indigenous land and sea resource management agencies and QPWS to provide for the management, protection and presentation of the parks system. Management arrangements will foster direct participation in the management of individual parks or groups of parks by traditional owners who have an interest in those parks.

4.2 *Implement strategies for involving Indigenous people in all aspects of parks management.* The strategies will establish functional systems to involve Indigenous peoples in parks decision making. Links to the natural integrity, cultural heritage, visitor and community engagement strategies will be made.

Opportunities for reconciliation and increased community awareness and education will be promoted:

4.3 *Inform the wider community of native title rights* and the positive contribution that goodwill, partnerships and agreements with Indigenous peoples will provide to parks system management.

4.4 *Establish with Indigenous groups the strategic policies, principles and procedures* to apply between the QPWS and Indigenous interests concerning parks management.

4.5 *Consult with Indigenous peoples at district or park level to:* advise on park management issues; coordinate approaches to park-specific issues; facilitate consultation on specific issues; and advise and assist where necessary in resolving regional and local issues.

Agreements:

4.6 *Seek consultation and negotiation with traditional owners in relation to any proposed park management action* which may affect their interests. These matters may be specified in Indigenous Land Use Agreements (ILUAs).

4.7 *Effect local and regional agreements such as partnership agreements* and ILUAs with appropriate communities in relation to cultural heritage management on parks.

Employment, training and economic opportunities:

4.8 *Use a range of programs to provide employment for Indigenous people* in all aspects of conservation management. Ensure that appropriate training is provided and that employment opportunities are expanded over time to include long-term employment.

4.9 *Support Indigenous people wishing to establish businesses* linked with park management and visitation, within relevant policies and guidelines.

What this means for Aboriginal people in the Wet Tropics

This Act requires each different kind of park/reserve to be managed according to certain principles. A variety of parks are to be managed in a way that is consistent with Aboriginal tradition, in a way that protects for the park's natural and cultural resources and values. These parks include:

- National parks (scientific, recovery, on Aboriginal land, on Cape York Peninsula Aboriginal Land);
- Jointly managed national parks;
- Conservation parks;
- Resource reserves; and
- Wilderness areas.

Sustainable Planning Act 2009

(see Queensland State Government 2009)

The *Sustainable Planning Act, 2009*, is a State Regulation administered by the Department of Local Government and Planning. It seeks sustainable planning outcomes through the management of the development: it attempts to manage the effects of development on the environment, to coordinate and integrate relevant local, regional and state planning instruments. As such it does not have any jurisdiction over the recognition of Aboriginal rights to land, or the role of Aboriginal people in environmental management. However, it does state that it ensures that local government's planning schemes recognise Aboriginal cultural values to land.

Recognition of Aboriginal cultural values to land:

- The Act states that a local government and the Minister must be satisfied the local government's planning scheme coordinates and integrates matters dealt with by the planning scheme - this includes 'core matter's which includes 'valuable features' including areas or places of indigenous cultural heritage significance (Division 3, 88, 89)

What this means for Aboriginal people in the Wet Tropics

All developments must take into account Indigenous cultural heritage in their planning scheme. The Far North Queensland Regional Plan 2031 (FNQ 2031) provides guidelines for local governments to ensure that companies respect Indigenous cultural heritage (see section on Far North Queensland Regional Plan 2031 following).

Vegetation Management Act, 1999

(see Queensland State Government 1999)

The *Vegetation Management Act, 1999* or VMA is administered by the Queensland State government, to regulate the clearing of vegetation in a way that conserves remnant vegetation ('endangered', 'of concern'; and 'least of concern') regional ecosystems and vegetation in declared areas. The Act ensures clearing does not cause land degradation, and prevents the loss of biodiversity, maintains ecological processes and manages environmental effects of land clearing (part 1, 3). This Act does not

recognise Aboriginal cultural values. However it does recognise Aboriginal rights to land, and Aboriginal role in environmental management, in so far that:

- Division 4A, 19N: the Minister may prepare and make code for the clearing of veg for development that is deemed for a special Indigenous purpose (under the CYPH Act) before making the code the Minister must consult with relevant landholders and the CYP regional advisory committee;
- Section 67A: The clearing of vegetation on land in contravention of a veg clearing provision is taken to have been done by an occupier of the land (for indigenous land - the holder of title to the land).

What this means for Aboriginal people in the Wet Tropics

As in other parts of Queensland, clearing of native vegetation is regulated on all lands. Rainforest Aboriginal peoples wishing to clear vegetation must comply with the provisions of this Act.

Wild Rivers Act 2005

(see Queensland State Government 2005)

The *Wild Rivers Act, 2005* regulates new development within a declared wild river catchment area. It is administered by the Department of Environment and Resource Management (DERM). The purpose is to preserve the natural values of rivers that have not been significantly affected by development (rivers that have all or almost all natural values intact). It does this by regulating new development within a declared wild river and catchment area, and regulating the taking of natural resources, establishes a framework that includes the declaration of areas that may include a high preservation area, preservation area, floodplain management area, sub artesian management area. This Act does recognise Aboriginal rights and the role that Aboriginal people have in environmental management, however it does not recognise specific Aboriginal cultural values to land (Indigenous Reference Groups info).

In recognition of Aboriginal Rights, the Act states that:

- in preparing a wild river declaration (and amendment) the minister must consider to include the results of a community consultation on the declaration, advice from the indigenous reference groups for the proposed river (S13, S25); and
- the minister may establish an advisory Indigenous Reference group to advise the minister on matters relating to a wild river area, or proposal to declare a wild river (a ref group consists of Minister appointed members, and members who represent the interests of Indigenous people of that area); the minister must give the reference group written notice of the declaration as soon as possible after it is made. (Division 1, 47 A and B).

In recognition of Aboriginal role in environmental management, the Act sets up the Wild Rivers Ranger program. This program contributes to the preservation of natural values of rivers in wild rivers areas and the development of a resource management economy in these areas (Division 2, S47C-E).

What this means for Aboriginal people in the Wet Tropics

To date only one river has been declared a Wild River in the Wet Tropics, i.e. the Hinchinbrook River on Hinchinbrook Island. Local Aboriginal People (affiliated with Girringun Aboriginal Corporation) benefit from funding for Wild River Rangers. The Wild Rivers Ranger program aims to improve Indigenous participation in the management of land and sea country, and at the same time the program actively contributes to the building of local economic opportunities for local people. Ranger activities are tailored to meet local needs and may include: management of weeds and feral animals, fuel reduction (ecological burning), data collection about local species and habitats, recording of traditional stories, support to disaster recovery actions, and management of visitor activity. Girringun

first received funding for two Wild River Rangers in 2010. Rangers work to look after wildlife (conduct surveys, sea and river patrols with QPWS, coastal rehabilitation, protection of cultural sites), fire management, biodiversity protection (weed management and control, pest management plan) and cultural site management.

Cape York Cultural Heritage Act 2007

(see DERM 2012a)

The *Cape York Heritage Act, 2007* was passed by the Queensland government as a regulatory instrument to establish a process for identifying and declaring areas of international conservation significance that could be considered for world heritage nomination. The Act aims to provide for the identification of the significant natural and cultural values of Cape York Peninsula (CYP), and the cooperative and ecologically sustainable management of the Cape York Peninsula. This regulation that originates from the Cape York Heads of Agreement, 1996, recognises Aboriginal rights, Aboriginal cultural values and the role that Aboriginal people have in environmental management of the Cape.

In recognition of Aboriginal rights:

- One of four objects of Act is to recognise the economic, social, cultural needs and aspirations of indigenous communities in relation to land use in CYP region (Division 1, Objects of Act 3).
- This is to be achieved through the declaration of indigenous community use areas in which indigenous communities may undertake appropriate economic activities (Division 1, S4).

In relation to the declaration of Indigenous community use areas (on aboriginal land, Aurukun shire lease land or Deed of Grant in Trust (DOGIT) land):

- The vegetation management Minister must consult with the regional advisory committee and scientific and cultural advisory committee about proposed declaration; land must be able to have potential to support agricultural, animal husbandry, aqua cultural or grazing activities (Division 2).
- Land can be cleared but only for special indigenous purpose under the *Vegetation Management Act* as long as it doesn't involve clearing of protected ecosystems (Division 2, 18).
- Special provision about water reserve: Water Resource plans for WR declaration must provide a reserve of water for the purpose of helping indigenous communities to achieve their economic and social aspirations (and must be done in consideration of the *Water Act, 2000*) (Part 6 S 27).

In recognition of Aboriginal cultural values:

- The Cape York Peninsula region scientific and cultural advisory panel is set up to advise ministers about matters relating to natural and cultural values of land proposed to be in an indigenous community use area and has international conservation significance; membership includes one person who has relevant expertise in matters relating to cultural heritage (Division 2).

In recognition of Aboriginal role in environmental management:

- Indigenous management agreements about the management of land state the land will be managed as national park in perpetuity and how the land will be managed, according to the state responsibilities of the Environment Minister and Chief Executive under the *Nature Conservation Act 1992* (Part 5B Division 1, 83G).

What this means for Aboriginal people in the Wet Tropics

Depending upon the boundaries used to designate the 'Wet Tropics', certain Rainforest Aboriginal people may be subject to this Act (see Figure 12). This relates in particular to groups whose traditional country is north of the Daintree River: the Kuku Nyungkal, Jalan-warra, other Kuku Yalanji people. Certain individuals may be members of the advisory panel. Jabalbina Yalanji AC and the Queensland

government agencies have begun discussions about the mechanism from this Act that may operate in their region.

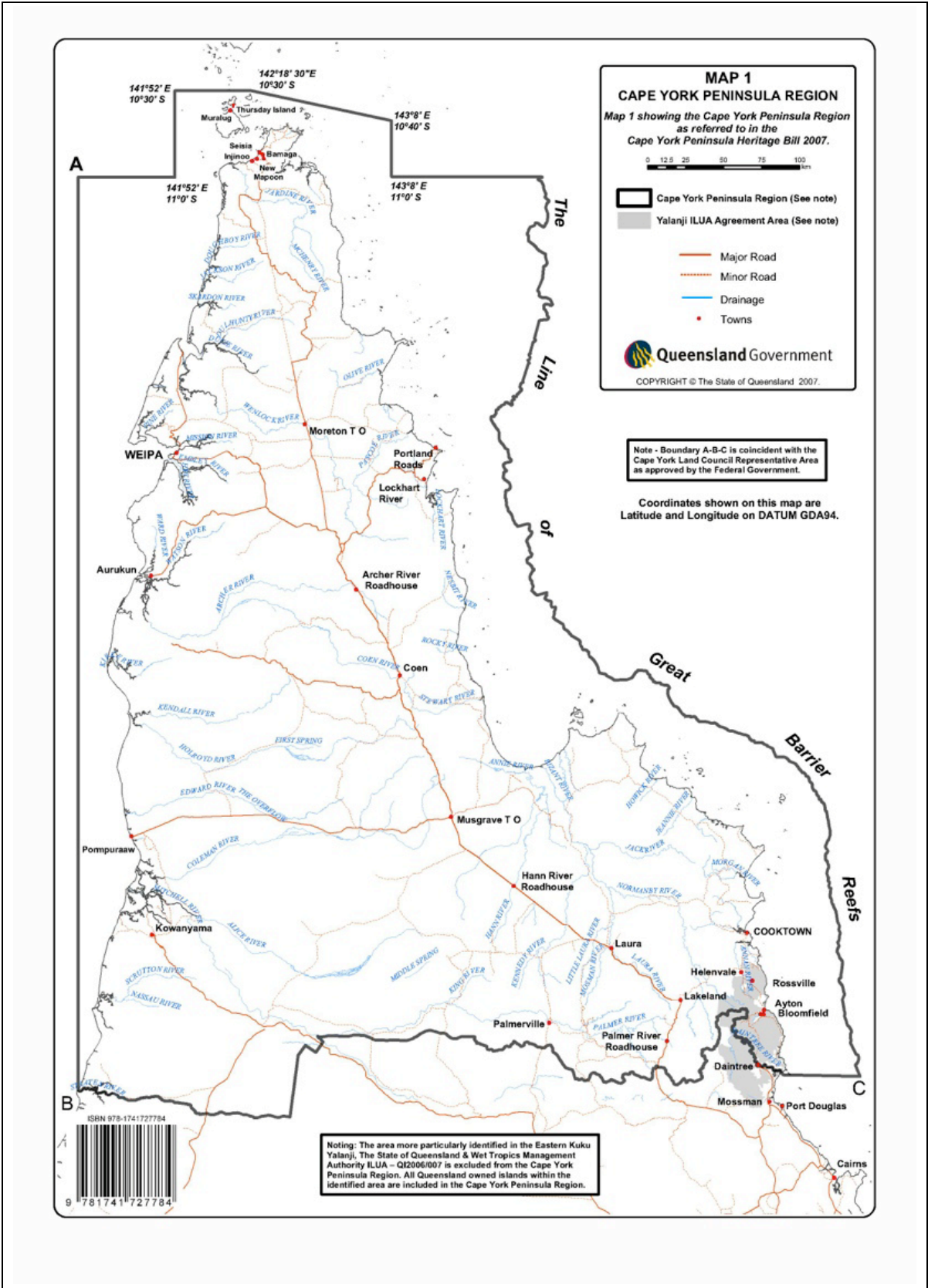


Figure 12: Map of Cape York Region under the CYPAL Act (Source: Queensland Government, 2007)

Aboriginal Land Act 1991

(see Queensland State Government 1991)

This Queensland State Act provides for the grant, and the claim and grant of land as Aboriginal land and for other purposes. Aboriginal land is transferred land or granted land; where transferrable lands include: DOGIT lands, Aboriginal reserve land, Aurukun Shire land, Mornington Shire land, available state land declared to be transferrable; and claimable land is available state land declared to be claimable for this Act; Aboriginal land that is transferred land and became transferred land before 22 Dec 2006. As such the entire act recognises Aboriginal rights to land, and their cultural values.

What this means for Aboriginal people in the Wet Tropics

Several parcels of land have been returned to Rainforest Aboriginal peoples as Aboriginal freehold land under this Act, these include agreements.

Native Title (Qld) Act 1993

(see Queensland State Government 1993a)

The Commonwealth Government has proposed legislation to provide a national scheme for the recognition and protection of native title and for its coexistence with the existing land management systems. It is the intention of the Parliament that Queensland should participate in the national scheme proposed by the Commonwealth Government. As such, in accordance with the Commonwealth Native Title Act, the objects of this Act are to:

- to validate past acts, and intermediate period acts, invalidated because of the existence of native title and to confirm certain rights; and
- to ensure that Queensland law is consistent with standards set by the Commonwealth Native Title Act for future dealings affecting native title.

What this means for Aboriginal people in the Wet Tropics

The native title claims (and ILUAs) for the Wet Tropics were previously detailed in

Table 12 and Table 13.

Fisheries Act 1994 (QLD)

(see Queensland State Government 1994)

The *Fisheries Act, 1994* is a regulatory tool used by the Department of Planning, Infrastructure and Fisheries to manage, use, develop and protect fisheries resources and fish habitats, the management of aquaculture activities and helping to prevent shark attacks, and for related purposes. Although the Act does recognise Aboriginal rights (fishing rights) and cultural values (use of fish resources for traditional and island custom), it does not recognise Aboriginal role in environmental management (however, Girringun is working with QPI&F to develop an MOU that supports Girringun Rangers to work with QPI&F to manage fisheries habitat areas located in the proposed Girringun IPA).

The Act recognises Aboriginal rights to fish:

- The Act will provide for: management and protection of fish habitats, the management of commercial, recreational and indigenous fishing (3a).
- One function of Chief Executive (who is responsible to the State for this Act) is to ensure the fair division of access to fisheries resources for commercial, recreational and indigenous use (S20.2a).

The Act recognises Aboriginal cultural values by allowing Aboriginal people to use fisheries resources (or habitats) for traditional purposes (custom) or non-commercial communal needs.

- Defence for Aborigines and TSI for particular offences - defence in a proceeding against a person for an offense against this act relating to taking, using or keeping of fisheries resources or using of fish habitats if the person is a) an aborigine who at the time of offense was acting under Aboriginal tradition or Island custom; b) taking was for purpose of non-commercial communal need of Aboriginal or Torres Strait Islander people (S14. 1).

What this means for Aboriginal people in the Wet Tropics

In addition to management of indigenous fisheries areas and use of such areas for traditional purposes, some groups of Rainforest Aboriginal people are in negotiations to develop MOUs with QPI&F to develop programs for the joint management of identified fish habitat areas on their traditional country. For example, Girringun Aboriginal Corporation is developing a MOU as part of their Indigenous Protected Area co-management project.

North Stradbroke Island Protection and Sustainability Act, 2011

(see Queensland State Government 2011)

The *North Stradbroke Island Protection and Sustainability Act, 2011* is a regulatory Act administered by the Queensland Government to provide for the ending of mining in the North Stradbroke Island Region (by end of 2019) to protect and restore environmental values of the region and to facilitate under other Acts, the staged creation of areas to be jointly managed by the State and the traditional owners of the region. It recognises Aboriginal rights to land and biodiversity, cultural values and role in environmental management through the amendment of the *Aboriginal Land Act, 1991* and the *Nature Conservation Act, 1992*.

- *Division 1 - amendment of the Aboriginal Land Act, 1991* – s24: the Act amends the Aboriginal Land Act, 1991 and acknowledges 12 lots of land as 'transferrable lands' (to Indigenous owners, to be managed under 'indigenous management agreements');
- *Division 3 - Protected areas in North Stradbroke Island region* – 83KA: requirement about grant of prescribed protected areas in N. Stradbroke Island region (applies to transferrable land if the land is part of a prescribed protected area - national park, conservation park, resources reserve), before land can be granted under this Act, the trustee must enter into an indigenous management

agreement with the State. Grant of the land is subject to the condition that the land must become an indigenous joint management area (declared under the *Nature conservation Act, 1991*).

- *Division 2 Amendment to Nature conservation Act, 1992 – s32-26:* each park that is also an indigenous joint management area is to be managed as far as practical, in a way that is consistent with any Aboriginal traditional applicable to that area, including any tradition relating to activities in the area.
- *Subdivision 3 - indigenous joint management areas (to provide for the declaration of prescribed protected areas situation on N. Stradbroke Island region as indigenous joint management areas).*
 - o 42AH-AJ declaration of land as Indigenous joint management area.
 - o 42AJ if land becomes Aboriginal land it must become a prescribed protected area and an Indigenous joint management area.
 - o 42AK this land can be revoked as protected area or IJMA only if the land has been surrendered to the State.
 - o 42AN leases over land in IJMA: a lease, agreement, permit may be granted only by the Chief Executive with the consent of the Indigenous landholder for the land, it must be consistent with the management plan for the area; or ILUA, or management agreement for the land.
 - o 42AP authorities for new national park or national park (recovery) that is an IJMA: CE and Indigenous landholder may grant an authority for the land to allow the previous use to continue (occupation permit, stock grazing permit, sales permit for taking of plant parts, under *Forestry Act 1959*; lease under the *Land Act, 1994*).

What this means for Aboriginal people in the Wet Tropics

This Act and related approach can provide insights for Rainforest Aboriginal people in relation to how Aboriginal rights and cultural heritage can co-exist with parks and conservation. In the Stradbroke island case, much of the area is covered by mining leases, but the new park will cover 50% of the island which means that nature conservation is the focus but there is some area still available for mining. The new Act will phase out mining over a 14-year period but in the meantime the park and the mines will co-exist. This means that the ensuing process will provide a time for Aboriginal people to build capacity, to develop new governance structures, to develop arrangements for high level policy engagement and on-ground work. Rainforest Aboriginal people may be able to learn from the experiences of Quandamooka (Stradbroke Island) people.

Anti-Discrimination Act 1991

This act makes it illegal to discriminate on the basis of sex, relationship status, pregnancy, parental status, age, lawful sexual activity, impairment, religious belief or activity, political belief or activity, trade union activity, breastfeeding, race, gender identity, sexuality, family responsibility, your associations or on the grounds of having made a complaint. The act recognises several of the international human rights instruments in its preamble:

- the International Convention on the Elimination of All Forms of Racial Discrimination
- the Convention on the Elimination of All Forms of Discrimination Against Women the International Labour Organisation Convention No. 111—Discrimination (Employment and Occupation)
- the International Labour Organisation Convention No. 156—Workers with Family Responsibilities
- the International Covenant on Civil and Political Rights
- the Convention on the Rights of the Child
- the Declaration on the Rights of Mentally Retarded Persons
- the Declaration on the Rights of Disabled Persons.

The Act does not recognise the *International Covenant on Economic Social & Cultural Rights* or the *Declaration on the Rights of Indigenous Peoples*.

What this means for Aboriginal people in the Wet Tropics

Aboriginal people can make a complaint and seek redress if they have discriminated against on the basis of any of the matters identified e.g. racial discrimination.

Building Nature's Resilience: A Biodiversity Strategy for Queensland

The Strategy (DERM 2011) has the dual goals of reversing the decline in biodiversity, and increasing the resilience of species, ecosystems and ecological processes. The contribution of Aboriginal and Torres Strait Islander Traditional Owners and communities to biodiversity protection and management is supported. The outcomes from Cape York tenure resolutions processes are noted as making a significant contribution.

What this means for Aboriginal people in the Wet Tropics

Rainforest Aboriginal peoples and others can point to this Strategy as a means to argue for support for the roles of Traditional Owners and Indigenous communities in co-management and biodiversity protection.

WET TROPICS REGIONAL GOVERNANCE SCALE

Far North Queensland Regional Plan 2031

(see DLGP 2012)

The Department of Infrastructure and Planning works in collaboration with other Queensland government agencies, Local Government and other stakeholders to co-ordinate the implementation of this plan. This plan establishes a range of desired regional outcomes, objectives, policies and aligned strategies to guide development of FNQ. It is a statutory instrument under the *Statutory Instrument Act 1992*. It will establish a regional co-ordination committee to advise the regional planning minister on regional issues; ensure LG planning scheme reflect regional plan; ensure State and LG take account of the regional plan when preparing or amending policy/plan, code; ensure development assessment processes address matters covered in the regional plan; enable regulatory provisions to be prepared to implement aspects of the reg plan; and to establish processes for amending the regional plan. The Plan recognises Aboriginal rights, Aboriginal cultural values and Aboriginal role in environmental management.

Recognises Aboriginal rights to land via aspirations to:

- *3.8 Strengthening indigenous communities:* IPA planning schemes are prepared for Wujal Wujal and Yarrabah local government areas (3.8.1).
- the special requirements of Indigenous people wishing to live on land held in trust is considered as part of the development of local land use planning frameworks (3.8.2).
- *5.1 Economic growth and diversification:* opportunities for economic development in indigenous communities are investigated and provided (5.1.A).

Recognises Aboriginal cultural values via aspirations to:

- *3.5 Sense of community, place and identity:* Indigenous peoples' strong connection to land and sea is recognised and respected when planning for development of regional activity centres, rural towns, Greenfield developments and infill areas (3.5.5).
- *3.7 Cultural heritage (natural or built):* QLD heritage places and local heritage places are ID in LG planning schemes (3.7.1); development in or adjacent to QLD heritage places and local heritage places does not compromise the cultural heritage significance of those places (3.7.2). Indigenous cultural heritage in the form of landscapes, places and objects is protected, managed, and

conserved through LG planning instruments (3.7.3). Where knowledge is available, and it is culturally appropriate, places of significance are added to the Aboriginal cultural heritage register (3.7A); LGs are encouraged to ID local heritage places of cultural heritage significance through a heritage survey utilising key historical themes for FNQ (3.7.B).

- *5.4 Primary Industries:* Strategically and historically important fishing grounds are ID and maintained for current and future fish harvesting commensurate with ecological sustainability (5.4.F).

Recognises Aboriginal roles in environmental management via aspirations to:

- *3.4 Community engagement and capacity building:* Traditional owners are recognised as stakeholders in land use planning processes and their relationship with the land, sea and natural resources is respected (3.4A). The special interests of indigenous people are taken into account in the management and development of the region (3.4B).

The Regional Agreement 2005

(see WTMA 2010a)

The Wet Tropics Regional Agreement (WTRA) between Rainforest Aboriginal People and *between* Rainforest Aboriginal people *and the* Wet Tropics Management Authority, Environmental Protection Agency/Queensland Parks and Wildlife Service, Department of Natural Resources and Mines, (Queensland Government) *and the* Department of the Environment and Heritage (Australian Government) was signed by 18 Traditional Owner groups, the Queensland Minister for Local Government, Planning and Environment, the Queensland Minister for Natural Resources and Mines and the Australian Parliamentary Secretary to the Minister for Environment and Heritage representing the Minister (WTMA 2010a). The agreement is not statutory. It provides for the co-operative management of the Wet Tropics of Queensland WHA by Rainforest Aboriginal people (18 TO groups), the Australian and Queensland governments. The Agreement is built upon the recognition of Aboriginal rights, cultural values to land and biodiversity in the WTWHA. It also recognises the important role that Rainforest Aboriginal people play in environmental management.

- Preface: The Australian and Queensland Governments acknowledge Rainforest Aboriginal peoples' aspirations, cultural values, spiritual links and obligations to the land and the waters of the Wet Tropics area.

The Rainforest Aboriginal people acknowledge that World Heritage management agencies have statutory responsibilities to plan and manage the Wet Tropics area in accord with Australia's international obligations. This Agreement recognises the significant contribution Rainforest Aboriginal people make to the management of the region's cultural and natural heritage values of the Wet Tropics area. In recognition of their respective responsibilities, rights and interests in the region, all parties commit to the mechanisms for cooperative management of the Wet Tropics of Queensland World Heritage Area as outlined in the Regional Agreement.

4.1 Involvement of Rainforest Aboriginal People in Management of the WTWHA

- *Recognition of Cultural Values* through the support for listing the WTWHA on the new National Heritage List for cultural and natural values, which may potentially lead to the nomination of cultural values for World Heritage Listing (map cultural values of WTWHA; involvement with 'Aboriginal plan' of NRM bodies).
- *Participation in Decision Making* through the agreement to include a second Rainforest Aboriginal person on the WTMA Board of Directors, the principal decision making body on WTWHA matters (also adequate resourcing to represent views of RA people).
- *Establishment of an Aboriginal Rainforest Council (ARC)* to broadly represent all Rainforest Aboriginal people (and other Aboriginal people particularly concerned with the land) in dealing with the World Heritage management agencies of the WTWHA. The ARC will also be a statutory advisory committee recognised under s.40 of the *Wet Tropics World Heritage Protection and Management Act 1993*, subject to meeting certain criteria (now disbanded).
- *Participation in Policy, Planning, Permitting and Management through* the agreement to principles/guidelines and a number of protocols outlining arrangements for Rainforest Aboriginal people's participation in policy, planning, permitting and management. These principles/guidelines and protocols will reflect the principles of cooperative management including active, informed and appropriate participation within a partnership arrangement.
- *Aboriginal employment and community liaison officers:* The EPA/QPWS have developed an Aboriginal and Torres Strait Islander Employment and Development Strategy that also guides the WTMA in the recruitment and employment of Aboriginal people. A Procedural Guide, "Defining the Indigenous Liaison Role of QPWS Ranger Staff", has also been developed. Between the agencies there are a number of "Indigenous Identified" and "Indigenous Specified" positions and there is agreement to monitor the employment of Aboriginal people in accordance with this guiding strategy. An annual review and evaluation of progress with respect to the WTWHA will be

carried out in partnership with the ARC. The WTMA employs Community Liaison Officers (CLOs) on a contract basis to facilitate effective communication and engagement between Rainforest Aboriginal communities and the WTMA.

- *Education and training of Aboriginal people and government agencies:* Aboriginal people employed by the WTMA, the EPA/QPWS and the DNR&M have the same access as all public sector employees to personal development and training opportunities through further education and 'in house' training as do all public sector employees; The WTMA, the EPA/QPWS and the DNR&M will work with the ARC to look at further development of external training opportunities for Aboriginal people that would better meet the specific needs of World Heritage management agencies within the WTWHA; The WTMA, the EPA/QPWS and the DNR&M will work with the ARC to investigate the opportunities for development of a local mentoring program for Aboriginal people employed within government agencies or working extensively with the World Heritage management agencies; The parties will cooperatively prepare and implement Aboriginal cross cultural programs designed to meet the needs of Aboriginal people and the World Heritage management agencies.
- *Rainforest Aboriginal Involvement in Research:* The Rainforest Cooperative Research Centre (RCRC) undertakes the majority of research in the Wet Tropics region. The RCRC have adopted the Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) Guidelines for Ethical Research in Indigenous Studies (2000). The RCRC have established the Rainforest Aboriginal Consultative Committee (RACC), which provides advice to the RCRC Governing Board. Within its program structure, the RCRC operates an Indigenous Research Program (Program 7) that undertakes research of direct interest and relevance to Rainforest Aboriginal people, and which also participates in the Program Support Groups that assist other research programs; Research commissioned by the parties within the WTWHA will require researchers to undertake the project in conformity with the AIATSIS Guidelines or any other guidelines that may replace those in the future.
- *Intellectual and Cultural Property:* Culturally sensitive material and Rainforest Aboriginal Intellectual Property created by Rainforest Aboriginal people remains vested in Rainforest Aboriginal people.
- *Funding:* The parties to the Regional Agreement will use their best endeavours to identify and provide funding to support the implementation of the Regional Agreement. There are Protocols for Effective Consultation and Involvement (consultation, operational management, policy development and strategic planning, park planning, integrated aboriginal engagement, scientific and educational permitting, commercial activity permitting, rainforest aboriginal cultural heritage management and mapping, environmental impact assessment, monitoring and reporting on regional agreement implementation).

What this means for Aboriginal people in the Wet Tropics

The Agreement provides guidance about mechanisms for engagement of Rainforest Aboriginal peoples in the Wet Tropics. The non-binding status of the Agreement is recognised in 1.1 which states 'The parties agree to abide by its spirit and intention, although the parties recognise that the Regional Agreement is not intended to create legal relations between them'. Rainforest Aboriginal peoples and the WTMA are currently discussing processes for a review of progress with the WTRA. Rainforest Aboriginal peoples have expressed concern that little real progress has been made towards its effective implementation (Rainforest Aboriginal Peoples 2010). In terms of its institutional status, the statement within the WTRA that it has no binding legal effect places it in a similar category to international declarations— providing moral force and practical guidance to signatories in their conduct.

Sustaining the Wet Tropics, a regional plan for resource management 2004- 2008 (Terrain NRM)

(see Terrain, NRM 2009)

The regional plan for resource management in the Wet Tropics builds on past plans and frameworks (including the Wet Tropics Regional Strategy for NRM, and the FNQ Regional Plan). It was developed

by FNQ NRM Ltd (now Terrain NRM) in conjunction with the Rainforest CRC, in consultation with Traditional Owners from the region, State, Commonwealth and local government, interests groups and the wider regional community. The purpose of the plan was to develop actions, mechanisms, partnerships to manage natural resources and their associated cultural values sustainably in the Wet Tropics Region. Review of the Plan will commence in 2012, with anticipated completion by 2014-15 (Steve McDermott, pers. Communication, 02/04/2012).

It is not within the mandate of the plan to recognise Aboriginal rights to land/biodiversity, however it does recognise Aboriginal cultural values and the important role that Aboriginal have for environmental management in the region. Further, the plan complements the *Aboriginal cultural and natural resource management Plan (Aboriginal Plan), 2004-2008* (see below).

Recognises Aboriginal cultural values via recognition of 'assets' of importance to Aboriginal people:

- Cultural landscapes, places and materials (places - story, ceremony, birth and burial, historical and occupation, arts and resource uses sites; waterways; tracks and campsites; artefacts and objects; ancestral remains; documentation of heritage);
- knowledge of country (biodiversity, land and sea management, hunting and gathering medicinal plants, language, spiritual and cultural);
- cultural practices (customary management of country, religious, ceremonial practices; hunting, gathering, fishing; music, dance, art, oral culture);
- cultural and natural resources (flora and fauna, waterways, geological features);
- peoples and organisations (elders, youth, organisations)

The plan recognises that there are Traditional Owner interests, rights and responsibilities across each of the program areas (Reversing the decline in native vegetation and threatened species; Maintaining healthy waterways and wetlands; Controlling weeds and animal pests; Using soils and water sustainably and productively; Linking natural resource management to land development and the urban environment; Improving the functionality of coastal and marine ecosystems; Meeting Aboriginal aspirations for natural and cultural resource management; and enhancing community awareness and engagement in NRM) and these interests must be recognised through appropriate and meaningful involvement of the Aboriginal community in implementation of NRM activities.

Aboriginal role in environmental management is specifically recognised via plan implementation, in particular: priority setting, priority programs and monitoring and evaluation of actions:

- *Landscape integration* using Traditional Owner knowledge and fire regimes to protect the habitat of threatened and other sclerophyll-dependent species.
- *Improving the functionality of coastal and marine ecosystems*: Protection of traditional owner sea country values and involvement of Traditional Owner groups in fisheries management.
- *Meeting Aboriginal aspirations for natural and cultural resource management*: Development of 8–10 country-based management plans for Traditional Owners; and On-ground approaches to managing country (grant scheme).
- *Enhancing community awareness and engagement in NRM*: Enhance opportunities for increased partnerships with Traditional Owners including integration of Aboriginal cultural and natural resource management; and support for key Traditional Owner and catchment groups so they are better able to support smaller community groups.
- *Monitoring, evaluation and reporting framework*: include specific attention to the monitoring and evaluation of Aboriginal targets.

Aboriginal Cultural and Natural Resource Management Plan (Aboriginal Plan) 2004-2008

(see Terrain NRM 2009)

The Aboriginal plan was put together by the Traditional Owners of the Wet Tropics, with support from the Rainforest CRC, and Terrain NRM Ltd (then FNQ NRM Ltd), as well as representatives from State and Commonwealth government agencies. It highlights the natural and cultural resource management issues and aspirations of TOs for their country and culture. It identifies a range of strategies and actions to address these issues. It recognises Aboriginal rights, cultural values and role in environmental management.

The *objectives of the plan* are to:

- inform that Wet Tropics NRM Plan and associated Regional Investment Strategy;
- educate government and non-government organisations, the broader community about the aspirations and issues that TOs have in regards to caring for country and culture and to clearly identify the roles and responsibilities that these groups have in the implementation of the strategies and actions in the Aboriginal Plan;
- attract investment and resources for the strategies and actions identified in the plan from a range of sources (government, philanthropic, corporate sectors, industry, landholders, research institutions, conservation, community groups); and
- inform legislation, policy and management arrangements for natural and cultural resource management in the region.

Strategies are designated according to eleven identified themes:

- *Increased access and use of country* - **Strategy 1**: each TO group to have agreements with relevant stakeholders regarding access to use of country;
- *Aboriginal knowledge of country* - **S2**: Develop mechanisms for the protection of Aboriginal intellectual and cultural property; **S3**: Develop and implement programs and projects that document knowledge and facilitate the transmission of cultural knowledge and practices.
- *Places of cultural significance* - **S4**: increase involvement of Aboriginal people in managing places of cultural significance; **S5**: ensure protection of Aboriginal cultural landscapes and culturally significant places in policy, planning and management arrangements; **S6**: Re-list the WTWHA as a World Heritage cultural landscape.
- *Aboriginal material culture* - **S7**: Repatriate and appropriately manage Aboriginal material culture.
- *Aboriginal languages* - **S8**: Determine the current state of Aboriginal languages in the region; **S9**: Develop and implement Aboriginal language programs; **S10**: increase awareness of Aboriginal languages.
- *Plants and animals* - **S11**: Document traditional knowledge of plants and animals (in culturally appropriate ways); **S12**: increase the level of involvement of Aboriginal people in the management of weeds and feral animals; **S13**: increase involvement in research, policy, planning, management for biodiversity; **S14**: increase employment opportunities.
- *Hunting, gathering, cultural maintenance* - **S15**: increase awareness of NRM stakeholders and broader community; **S16**: TO resource use values, priorities ID and protected.
- *Water resources* - **S17**: increase recognition and protection of TO values for waterways; **S18**: increased involvement in research, planning, management of waterways.
- *Forestry* - **S19**: increase capacity to develop and implement successful forestry initiatives; **S20**: protect TOs traditional knowledge of plants, technologies, access.
- *Tourism* - **S21**: increased involvement in industry; **S22**: resource and support TO business; **S23**: recognise intellectual and cultural property rights in tourism industry.
- *Fisheries and aquaculture* - **S24**: increased involvement in commercial fishing and aquaculture; **S25**: Develop Aboriginal enterprises.

- *Making the Aboriginal plan work* - S26: ensure all groups have strong and effective governance structures for land and sea management; S27: 10% Aboriginal staffing in NRM and cultural heritage management; S28: develop and implement country based plans for TO groups; S29: develop cultural mapping program at local and regional scales; S30: Develop and implement cultural education programs for NRM stakeholders; S31: develop and implement culturally appropriate mechanisms to ensure TO values, priorities, interests incorporated into planning, policy, management; S32: culturally appropriate training packages for Aboriginal people in cultural and NRM; S33: attract funding and resources for implementation of the plan; S34: develop and implement M&E strategy for the plan.

A Caring for Country Plan, Burdekin Dry Tropics Board

(see Traditional Custodians of Country in the Burdekin Dry Tropics Region and Burdekin Dry Tropics Board 2005)

The development of this CNRM plan for country works towards the achievement of issues on country and their prioritisation, bearing the four main themes identified during consultations for the Caring for Country Plan (2005:40) in mind:

1. Traditional Owner representative structures and organisations;
2. Access to country;
3. Management of cultural resources; and
4. Management of natural resources.

During consultations for the Caring for Country Plan, Traditional Owners from the Burdekin Dry Tropics region identified a prioritisation of these themes.

Management of cultural resources includes:

- languages
- cultural heritage plans
- outstations
- employment
- traditional practices
- young people
- protection of sites
- rangers
- material culture

Management of natural resources includes:

- pest weeds
- pest animals
- mining impacts
- fisheries
- environmental flows
- access to water
- water use
- water quality
- erosion

Key Strategies

Access to Country

- AC1 - Develop and implement access and use agreements with landholders and others where appropriate.
- AC2 - Develop education and awareness programs to better inform landholders about Traditional Owner interests on country, including access.
- AC3 - Wherever possible support Traditional Owners in the purchase of land, through such organisations as the Indigenous Land Corporation.

Management of Cultural Resources

- CR2 - Increase awareness of Aboriginal languages throughout the region.
- CR3 - Capacity building and training for Traditional Owner to negotiate and undertake Cultural Heritage Management Plans.

Looking after our creeks

- CR4 - Protocols and guidelines developed for the use of Aboriginal cultural and intellectual property, including the location and description of sites (where appropriate).
- CR5 - Identify high priority areas where sites of cultural significance are under potential threat.
- CR6 - Negotiate access to high priority areas and commence mapping and documentation of culturally significant sites.
- CR7 - Traditional Owner representative structures to negotiate with landholders for the return of Aboriginal material culture.
- CR9 - Identify opportunities (and negotiate with partner agencies) to resource the development of outstations on country.
- CR10 - Identify and establish partnerships for Traditional Owner training for cultural and natural resource management.
- CR11 -Develop collaborate arrangements to fund and implement ranger programs.
- CR13 -Partnerships to identify and promotes opportunities for the active involvement of young people in the management of country.

Management of Natural Resources

- NR2 - Traditional Owners are actively consulted when management actions that may impact on country are being delivered through the Burdekin Dry Tropics Region NRM Plan.
- NR3 - Traditional Owners should be consulted and actively involved in the management and eradication of weeds including activities, which seek to implement “mainstream” management action targets.
- NR4 -Traditional Owners to be consulted in relation to the use of traditional knowledge and management practices in the eradication of weeds.
- NR5 -Traditional Owners to be consulted and actively involved in the management and eradication of pest animals including activities which seek to implement “mainstream” management action targets.
- NR7 -Traditional Owners to be involved in research projects on feral animals.
- NR8 -Traditional Owners to be involved in the development and regular review of Pest Management Plans at all levels.
- NR9 -develop and implement training programs for Traditional Owners on water quality monitoring.
- NR10 -increase awareness through the provision of information of water quality issues amongst Traditional Owners including the causes and impacts of changes in water quality.

Identify pests on country

- NR14 -build the capacity of Traditional Owners to monitor and manage their own fisheries resources.
- NR15 -support the management of fish stocks in a manner, which identifies Traditional Owner subsistence fishing as a priority use.
- NR16 - ensure the involvement of Traditional Owners in the management and monitoring of mining impacts through appropriate representative structures.

What this means for Aboriginal people in the Wet Tropics

The two Aboriginal-specific NRM plans in the wet tropic regions establish guidance about practical mechanisms to realise Aboriginal roles in environmental management, and can be used to guide investment and prioritisation of resources, in consultation with Traditional Owners.

Wet Tropics World Heritage Protection and Management Act 1993

(see Queensland State Government 1993b)

This Act is administered by the Wet Tropics Management Authority to provide for the protection and management of the Wet Tropics of Queensland World Heritage area and for related purposes (under the World Convention on World Heritage). As such it recognises Aboriginal land rights, Aboriginal cultural values and Aboriginal role in environmental management.

Recognises Aboriginal rights to land via the function of the WTMA:

- The Authority functions are to: enter into, and facilitate the entering into of, cooperative management agreements (including joint management agreements) with landholders, Aboriginal people particularly concerned with land in the Wet Tropics area and other persons (S10f);
- The WTMA Board consists of 7 directors including 2 Aboriginal persons appointed on the nomination of the Ministerial council (Division 2 S14).

Recognises Aboriginal cultural values of land via the function of the WTMA:

- The Authority must perform its functions to have regard to the tradition of Aboriginal people particularly concerned with land in the Wet Tropics, and to liaise and cooperate with Aboriginal people particularly concerned with land in the Wet Tropics area (S10.5).

Recognises Aboriginal role in environmental management:

- It is the intention of the Parliament to acknowledge the significant contribution that Aboriginal people can make to the future management of cultural and natural heritage within the area particularly through joint management agreements (Pre-ambles 8).
- The Rainforest Aboriginal Advisory Committee was established under this act to advise the Wet Tropics Management Authority Board. It advises the Board about Rainforest Aboriginal issues (see WTMA's RAAC below for more details).

Wet Tropics of Queensland World Heritage Area Conservation Act 1994

(see Australian Government 1994)

The aim of this Act is to facilitate the implementation of Australia's international duty for the protection, conservation, presentation, rehabilitation and transmission to future generations of the Wet Tropics of Queensland world heritage area. It is administered by WTMA. Although there is no specific mention in the Act that recognises Aboriginal rights to land it does recognise the role of Aboriginal people (and their values) in the management of the protection of cultural and natural heritage of the WTWHA.

- The Minister must include among his or her nominees under section 5 one or more Aboriginal representatives who have appropriate knowledge of and experience in the protection of cultural and natural heritage (S6).

- The Minister must [...] ensure that any advisory committee established by the authority under Queensland Act includes among its members Aboriginal representatives who have appropriate knowledge of and experience in the protection of cultural and natural heritage (S8).

Wet Tropics Management Plan 1998

(see Queensland State Government 1998)

This operational plan provides for the management direction of different zones of the Park. There is specific mention of what this means in relation to native titleholders.

- Control of native title rights: plan applies to native title holders for land in the area but controls activities in a way that does not cause the native title holders to be in a more disadvantageous position at law than they would be if they held ordinary title to land (S23).
- A native titleholder for land in the area may carry out an allowed activity on the land so far as the native titleholder is entitled to carry out the activity under the native titleholder's native title (S29.2).
- A permit may be issued to a native title holder for land in the area to carry out a domestic activity (extracting water for domestic use, establish a garden not for commercial use, building access for vehicles to access residential land, building residence), on the land so far as the native title holder is entitled to carry out that activity under their title (S.35.2).

Wet Tropics Management Authority Strategic Plan 2008-2013

(see WTMA 2008)

This Plan sets out the Wet Tropics Management Authority's directions over the next five years (2008-2013). These recognise Aboriginal rights to land and their role in the management of that land (ILUAs) and their cultural values.

- The well-being of Rainforest Aboriginal people is supported by their active role in the management of the WT environment (support and implement the regional agreement (strategy (p19);
- Develop and implement a project in partnership with the Kuku Yalanji people, Cape York Land Council and partners in other agencies to facilitate establishment of viable sustainable communities (Goal (p19)
- Support Rainforest peoples, QLD government and DEWHA to achieve recognition of indigenous cultural heritage on the national heritage list, subsequently World Heritage List (Strategy (p19).

Queensland Parks and Wildlife Services Operational Plan - Indigenous partnerships in management of protected areas

(see DERM 2011)

This non-regulatory operational plan gives guidance to QPWS to select the best form of partnership to meaningfully involve Traditional owners in the management of parks (informed by *Nature Conservation Act, 1992*; Master Plan for QLDs Park System; *Commonwealth Native title Act, 1993*). This operational plan recognised Aboriginal rights, values and role in environmental management of Queensland Parks. Day to day management requires liaison with Traditional Owners to consider rights and interests (planning, arrangements for to NRM, nature-based tourism, native title claims, cultural heritage management - working groups, management plan, employment ops, living areas/hunting areas may be considered, indigenous naming of parks may be considered).

Recognition of Aboriginal rights:

- QPWS will endeavour to settle Native title claims over protected areas through mediation and by consent (e.g. use of ILUAs, MOU);
- Claimable National Parks under the *Aboriginal Land Act 1991*: State land (national park land) that may be declared to be claimable land - the dedication of a NP (aboriginal land) equates to a leaseback arrangement (once land is claimed). In Queensland no dedications have been made as claimants have not agreed to leaseback arrangements. National Parks declared to be claimable will be managed under the NCA management principles.
- National Parks (CY Peninsula Aboriginal Land): CYCHA provided new innovative model for tenure resolution on CY - new class of protected area. Traditional owners (a land trust) recognised as owners of the land, provided they agree to it being managed as NP in perpetuity under NCA.
- Joint Management arrangements between land trusts and QPWS will be established through development of an Indigenous Management Agreement attached as a schedule to an ILUA.

Recognition of Aboriginal cultural values:

- Cultural heritage assessment should be undertaken as part of capital works planning for any new projects on protected areas - may give rise for need for cultural heritage management plan (*Cultural Heritage Act 2003*). QPWS seek to protect heritage places on protected areas in accordance with their policy - management of Cultural heritage places on protected areas; two protocols for consultation and negotiation with Aboriginal people should be used for acknowledgement of Traditional Owners for a definition of Aboriginality.

Recognition of Aboriginal role in environmental management:

- *IPA*: QPWS prefers tripartite agreements with IPAs between the Australian Government, the State Government and Indigenous landholders to ensure the land is formally protected by law and management for conservation in perpetuity.
- *Indigenous rangers* funded under IPA program, employed by indigenous orgs, can be appointed as conservation officers under the NCA following successful completion of appropriate training.

What this means for Aboriginal people in the Wet Tropics

Several Rainforest Aboriginal groups are in negotiation to develop Indigenous protected areas on their traditional country. Many of these groups also have funded Aboriginal Ranger programs (Tables 14, 15 and Figure 13).

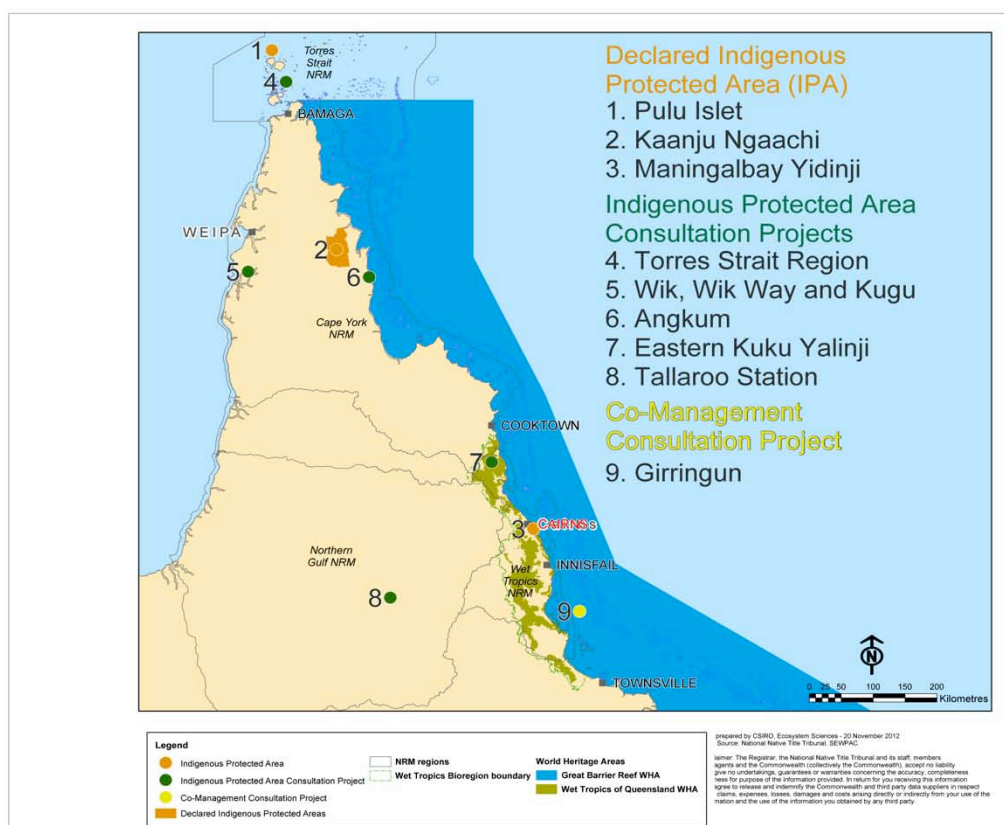
Table 14: Indigenous Protected Area co-management projects, Indigenous Ranger groups and relevant ILUA in the Wet Tropics

Rainforest Aboriginal Group	IPA co-management project	Ranger Group	ILUA
Girringun AC	In preparation: Girringun Region IPAs	Girringun Rangers (Wild River Rangers, Working on Country)	To be determined, subject to the decisions of at least 5 individual PBCs
Eastern Kuku Yalanji (through Jabalbina AC)	In preparation: Eastern Kuku Yalanji IPA	Kuku Nyungkal Ranger group	A set of ILUAs have been agreed
Mandingalbay Yidinji AC	Declared		Grey Peaks NP; Malbon Thompson State Reserve; Giangurra Reserve

Table 15: Summary of Indigenous Protected Area declaration status for Far North Queensland

INDIGENOUS PROTECTED AREA	NAME	STATUS
Declared	Pulu Islet	Declared
	Kaanju Ngaachi	Declared
	Mandingalbay Yidinji	Declared
IPA Consultation Projects	Tallaroo Station	Undeclared
	Eastern Kuku Yalanji	Undeclared
	Angkum	Undeclared
	Torres Strait Region	Undeclared
	Wik, Wik Way and Kugu	Undeclared
Co-Management Consultation Projects	Girringun	Undeclared

(Source: DSEWPac 2012)



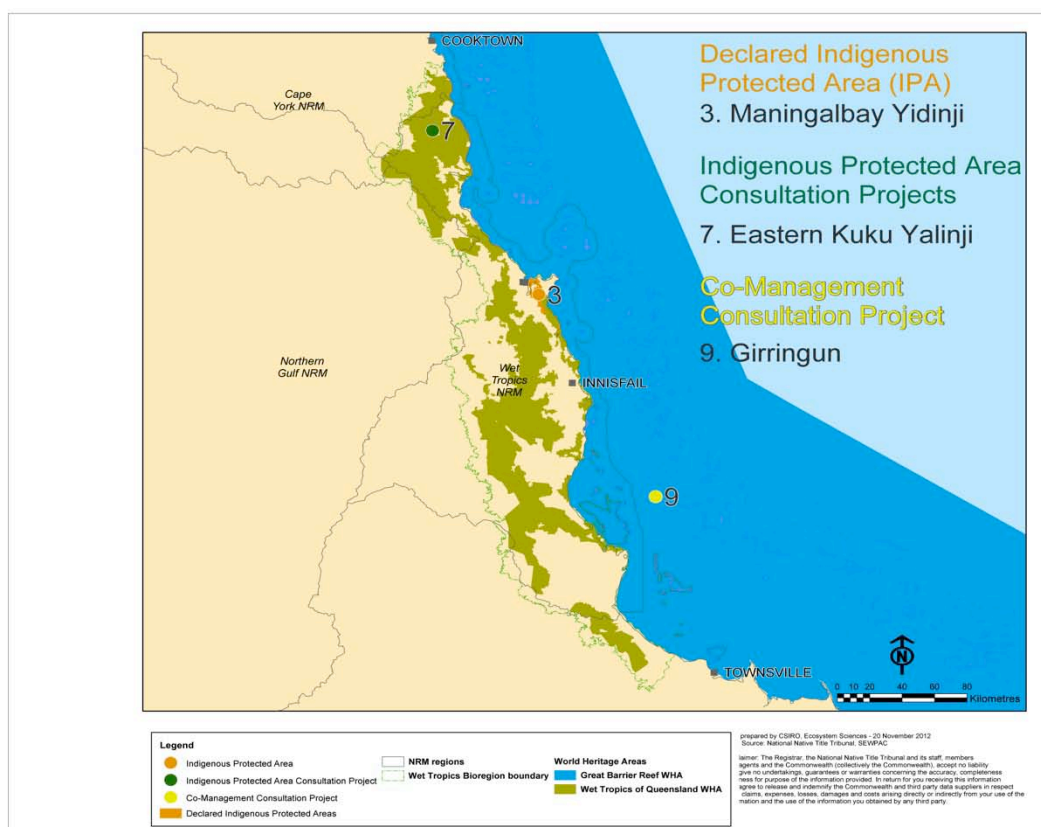


Figure 13: Distribution of Indigenous Protected Areas and projects in Far North Queensland (Source: National Native Title Tribunal, 2012)

Wet Tropics Management Authority's Rainforest Aboriginal Advisory Committee (RAAC)

(see WTMA 2010b)

The RAAC was a committee appointed by the Wet Tropics Management Authority Board. It advises the Board about Rainforest Aboriginal issues. RAAC members represent all 18 tribal groups in the Wet Tropics. The RAAC was established pursuant to Section 40 (1) (b) of the Act, which allows WTMA to establish advisory committees. Section 40 (4) (b) gives as the example matters that committees may be established to provide advice for "matters generally relating to the management of the wet tropics area, including its management having regard to the Aboriginal tradition of Aboriginal people particularly concerned with land in the area." The RAAC meets the definition of a statutory committee in the Wet Tropics Regional Agreement. The Committee was tasked to:

- discuss the determination of native title claims and Indigenous Land Use Agreements, appointment of Aboriginal Board Directors.
- discuss the cultural listing of the WTHW Area on the National and World Heritage lists; and
- provide an Aboriginal perspective on all the Authority's policies and programs for management of the Area.

At the request of the RAAC, this advisory committee has been disbanded while Rainforest Aboriginal peoples consider better ways of constituting the committee.

Wet Tropics Management Authority Board of Directors

(see WTMA 2010c)

The WTMA Board of Directors is set up under the Wet Tropics World Heritage Protection and Management Act 1993. The Board consists of seven directors, six of whom serve as directors in a part time capacity. Two directors are nominated by the Australian Government and two by the Queensland Government. The Chair and a designated Aboriginal director are nominated by the Wet Tropics Ministerial Council. The Executive Director of the Authority is a non-voting Board director. The Board's key function is to implement programs to meet Australia's international obligations for the Area under the *World Heritage Convention, 1972*.

Rainforest Aboriginal Peoples' Alliance (RAPA)

RAPA is the regional leadership group across Rainforest Aboriginal peoples (RAP) within the Wet Tropics region (from near Rollingstone in the south to near Cooktown in the north) (Schmider 2012). Since 2009 RAPA is continuing to advance the regional priorities undertaken from 1992 through Rainforest Aboriginal peoples' regional structures via the Rainforest Aboriginal Advisory Committee to the WTMA (RAAC 2005-2010), the Traditional Owner Advisory Committee to Terrain NRM (TOAC, 2005-2010), the Aboriginal Rainforest Council (ARC, 2005-2008), the Aboriginal Negotiating Team (ANT to 2005), Bama Wabu (1994-1995) and the Rainforest Aboriginal Network (RAN, 1992-1994).

Membership of the RAPA includes the Traditional Owner groups within the Wet Tropics rainforest region including:

- Northern: Eastern Kuku Yalanji
- Central: Djabugay, Gunggandji, Muluridji, Mamu, Ngadjon, Yidinji, and Yirrganydji
- Southern: Banjin, Djiru, Girramay, Gugu-Badhun, Gulnay, Jirrbal, Nywaigi, Warrgamay, Warungnu, and Wulgurukaba peoples.

There are 18 Traditional Owner groups involving at least 120 Clans and hundreds of extended family groups; and more than 70 legal entities across the networks. Membership includes Traditional Owner corporations and organisations, companies, Native Title Registered Bodies (NTRBs), Registered Native Title Body Corporates (RNTBCs), Prescribed Body Corporates (PBCs), Cultural Heritage Bodies (CHBs), land trusts, etc.

RAPA's objectives are:

1. Ensure culturally appropriate consultation and engagement frameworks with Traditional Owners are promoted, supported and facilitated through RAPA to all stakeholder groups and external agencies.
2. Empowering the Traditional Owners within the Wet Tropics bioregion to ensure improved, effective decision making in relation to protected areas and cultural and natural resource management (CNRM) through a variety of support mechanisms.
3. Provide leadership for Rainforest Aboriginal People within the Wet Tropics bioregion to establish and maintain political support, provide strategic advice and input into government and corporate policy, programs and planning.
4. Provide a strategic regional voice for Rainforest Aboriginal People by acting as the conduit between Traditional Owners and government and non-government agencies through active Traditional Owner participation to develop and progress key deliverables and streamline government processes in relation to policy, planning, programming, consultation and decision-making.
5. Ensure a strategic regional approach occurs to progress coordinated investment for Rainforest Aboriginal People through the development of partnerships, agreements and negotiations with government and non-government agencies, and the corporate and private sector.

Central Wet Tropics Institute of Country and Culture

The Central Wet Tropics Institute for Country and Culture Aboriginal Corporation (CWTICCAC 2010) has been formed to promote and assist seven Traditional Owner Groups of the Wet Tropics (country between Jabalbina and Girringun including Mamu, Ngadjon Jii, Tablelands Yidinji, Dulgubara Yidinji, Koko Muluridji, Djabugay, Yirriganydji, Gimuy Walubara Yidinji, Dulabed Malanbara Yidinji and Wanyurr Majay Yidinji) to promote their cultural, social and economic well-being through connection to and equitable engagement and participation in cultural and natural resource management. The corporation's stated objectives are:

- a) To promote and assist Rainforest Aboriginal people to maintain their connection with, care for, and pursue the integration of their ecological and cultural knowledge with contemporary land and water management practices affecting their traditional land and waters.
- b) To promote the cultural, social and economic well-being of Rainforest Aboriginal people through equitable engagement and participation in cultural and natural resource management.
- c) To promote education and awareness for the protection of Rainforest Aboriginal people's land and waters, heritage and cultural values, including the promotion and conservation of biodiversity and cultural resources.
- d) To pursue and manage resourcing and funding to support the operations of the corporation.
- e) To receive and disperse gifts in order to relieve circumstances of poverty, sickness, suffering, distress, misfortune, destitution and helplessness amongst Rainforest Aboriginal people through the *Central Wet Tropics Institute for Country and Culture Aboriginal Corporation Gift Fund*.

The achievement of these objectives will be guided by the following underpinning principles:

- Being connected to traditional land and waters is critical to cultural survival and vital to the health and wellbeing of Rainforest Aboriginal people.

Rainforest Aboriginal people of the Wet Tropics region continue to seek equitable involvement in the management of their traditional land and waters for the benefit of their people, all residents and Australians, and visitors.

Appropriate recognition of Rainforest Aboriginal people's traditional lores and customs and cultural obligations to looking after country are critical to best practice environment management.

Inclusion in decision making and on-ground delivery is paramount to improving Rainforest Aboriginal people's health and cultural, social and economic well-being.

- The corporation is a *community organisation as well as a business*. While the corporation has representative membership, those members deliberately aspire to it being managed by a skills based board of directors, combining Elders' knowledge with contemporary corporate management practices. Members will be open, honest and straight forward in all our dealings related to the corporation, making well informed and objective decisions.

Girringun Aboriginal Corporation CNRM Plan

Girringun compiled this strategic regional Cultural and Natural Resource Management (CNRM) Plan (Girringun Aboriginal Corporation in association with Ellie Bock 2007) to set out the priorities for looking after the land and sea country of its nine (9) affiliated Traditional Owner groups. The plan also sets out key protocols for meaningful engagement in the management of traditional lands, waters and sea country, country their peoples have looked after from the earliest times.

This Plan does not seek to speak for the individual Traditional Owner groups affiliated with Giringun Aboriginal Corporation nor for their individual management priorities for country. The CNRM Plan has been a useful tool in seeking strategic investments - from all levels of government and others concerned with cultural heritage and natural resource management - in the active participation in the management of land and sea country described as the Giringun region - the lands and waters of the Bandjin, Djiru, Girramay, Gulnay, Gugu Badhun, Jirrbal, Nywaigi, Warrgamay and Warungnu peoples.

The active and sustained participation of Traditional Owners in on-ground cultural and natural resource management is a key vision of Giringun's founding Elders, who are concerned to generate and facilitate genuine and viable training and employment for their young people, on country and elsewhere. Much of these traditional lands and waters have been removed from out of their control at all levels, and as such the Plan identifies the need for effective or recognised management roles for Traditional Owners across the region. As the Traditional Owners of these lands and waters, Giringun-affiliated groups do have rights and responsibilities, some of which certain groups are seeking to formally assert under available legal frameworks, including native title recognition and other land and sea-related agreements with State and Commonwealth management agencies and other authorities.

This Plan was developed to progress integrated Traditional Owner-driven land and sea management following the successful accreditation of the first Giringun Region Traditional Use of Marine Resources Agreement (TUMRA) in 2005. TUMRAs are statutory regulatory mechanisms established pursuant to the Great Barrier Reef Marine Park Act 1975. There are currently 2 TUMRAs in place for sea country immediately offshore from the Wet Tropics region and several more under development.

Jabalbina Aboriginal Corporation Strategic Plan

(see Jabalbina Aboriginal Corporation 2012)

This plan is administered by Jabalbina Aboriginal Corporation. Jabalbina is the Aboriginal Land Trust with responsibility for administration and management and leasing arrangements for A Freehold land granted to Eastern Kuku Yalanji people by the QLD government (ALA, 1991), outcome of 2007 Native Title determination; greater part of the determination is NP in the WTWHA. Jabalbina is negotiating activity guidelines with DERM on how EKY can exercise their rights in the parks.; agreements, land use and business development guidelines are also in negotiation for Aboriginal freehold land, much of which will be transferred to nature refuge under *NCA, 1992*.

Recognition of Aboriginal rights:

- 15 ILUAs will confer interests of state, local government, business enterprises and Aboriginal groups within the native title determination area (see Figure 14):
 - o Pink zones require 3 actions - community development plans, activity guidelines, areas of high conservation significance.
 - o Green zones are National Parks, QPWS is preparing protected area management plans, and these areas will be a part of the IPAs).
 - o Yellow zones will become Nature Refuge and be part of the IPA planning).
 - o Purple zones - 12 environmental and/or protection reserves for which Jabalbina is sole trustee; 3 protection/environmental resources over which Jabalbina is joint trustee with either Cairns Regional or Cook Shire council.

Aboriginal cultural values are recognised in the determination and will be recognised in IPA, conservation plans of management.

Recognition of Aboriginal role in environmental management:

- *IPA* Yellow and Green zones: conservation management will provide significant economic activity for Bama into the future. Aim is to develop collaborative management agreements so all landowners can work together.

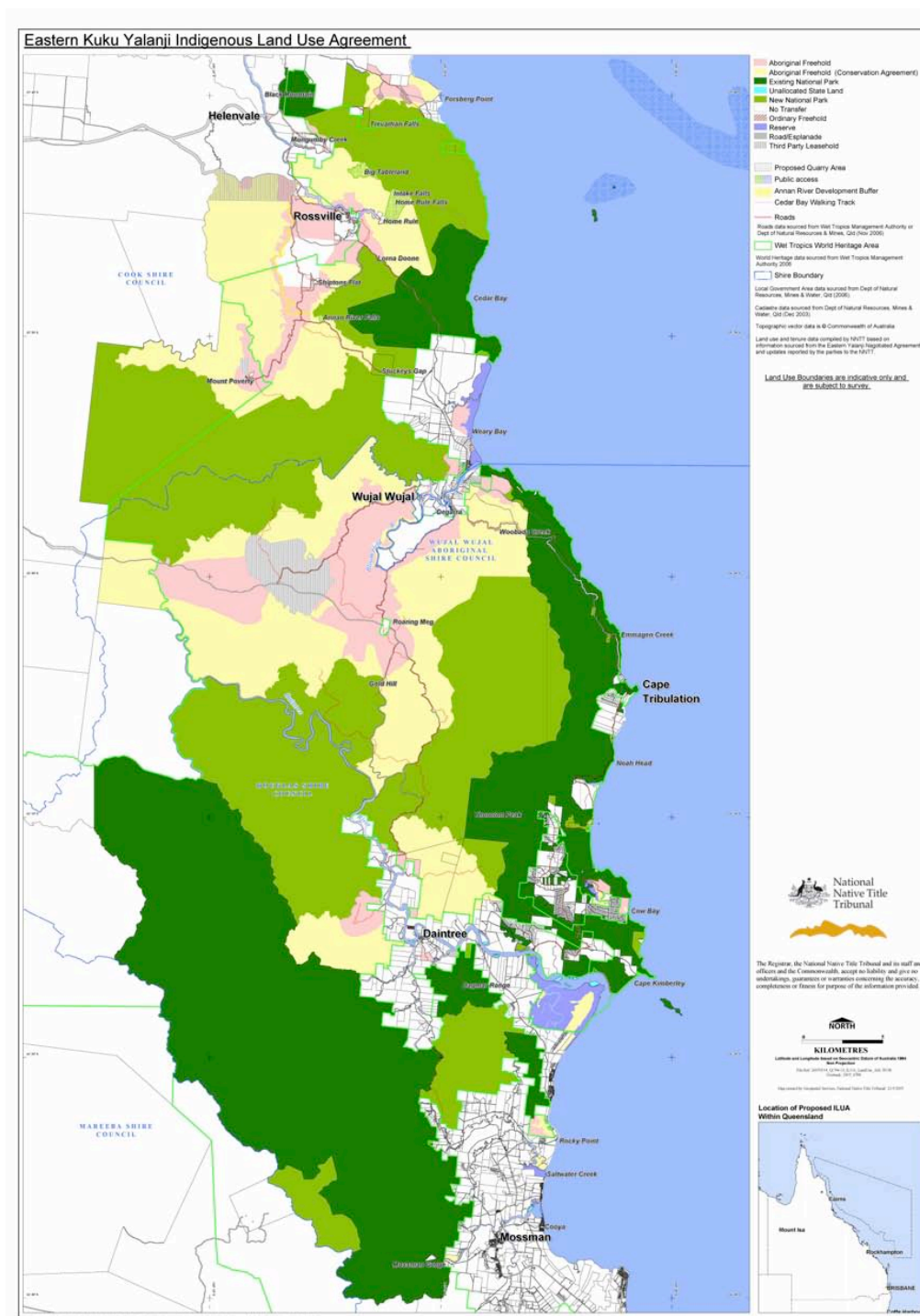


Figure 14: Eastern Yalanji ILUA implementation area

LOCAL AND SITE BASED GOVERNANCE SCALE

Queensland Parks and Wildlife Service Park Management Plans

(see DERM 2012b)

These regulatory plans are administered by QPWS on a park by park basis. They relate to the *Nature Conservation Act, 1992* that requires the Minister as soon as practicable after dedication of a National Park to prepare a management plan. A plan exists for each park: conservation parks, resources reserve, nature refuge, co-ordinated conservation area, or wilderness area.

What this means for Aboriginal people in the Wet Tropics

As part of the project (and with ongoing reference to the Parks Master Plan), the project team will undertake future analysis on a park by park basis to consider the relevant arrangements that are in place, or are being negotiated with Traditional owners. These may relate to relevant conservation parks, resources reserves, nature refuges, co-ordinated conservation areas, or wilderness areas.

Mandingalbay Yidinji Country Strategic Plan

(see MYAC 2009)

The Mandingalbay Yidinji Country Strategic Plan is a non-regulatory plan administered by the Mandingalbay Yidinji Aboriginal Corporation. It sets out concerns and proposals regarding the use, management and governance of Mandingalbay Yidinji country with particular focus on 6 protected areas (see p 5). The focus is on partnerships and collaboration. The plan recognises Aboriginal rights, cultural values, and role in environmental management according to particular places in the Mandingalbay Yidinji plan area. Although this plan is not statutory, the corporation uses a variety of statutory regulations to pursue aspects of their plan (e.g. Native Title, ILUA, TUMRA, IPA).

Recognition of rights and values:

- *Determined Native Title*: In 2006, over lots 1-6. Recognised exclusive native title over lots, 2, 3, 4; non-exclusive rights to lots 1, 5, 6;
- Two Native Title claims pending;
- *ILUA* (determined between MYP and State government, WTMA, Cairns Regional council, Ergon Energy, Telstra) re Grey Peaks NP and Malbon Thompson State Forest, and Giangurra Reserve;
- Development of a collaborative management plan for each ILUA area with WTMA, DERM;
- *TUMRA*: Keen to pursue with GBRMPA for Trinity Inlet part of GBRMP (recognised under Native Title claim).

Recognition of Aboriginal role in environmental management:

- *Grey Peaks National Park and Malbon Thompson State forest ILUA*: Agreement to address land management, employment, cultural heritage protection, nature-based tourism development. In the future: employment of local rangers, cultural heritage officers with DERM, with QPI&F, with QASSIT (rehabilitation of East Trinity reserve), employment in own 'caring for country unit', and ecotourism opportunities.
- *Fisheries habitat areas* - work with QPI&F into future for management of these areas according to cultural obligation (no specific mention of TO involvement in *Fisheries Act 1994*).
- *IPA* - keen to work collaboratively with all relevant agencies to work their country into an IPA - have been granted funding for co-management negotiations and development of a detailed plan.

Eastern Kuku Yalanji Indigenous Protected Area Management Plan

(see Kuku Nyungkal people, Hill, Pert, Shee and Jabalbina Yalanji Aboriginal Corporation 2011)

Stage 1: Kuku Nyungkal

This Draft Indigenous Protected Area Management Plan (Stage 1) aims to fulfil Kuku Nyungkal (KN) vision for their Bubu (country): Maintain Nyungkal culture, belief, customs and lore; Sustain, conserve, and preserve country, landscapes, waters, mountains and cultural sites; Care for KN people and their social and economic well-being. It is informed by the Kuku Nyungkal Strategic Plan, 2009.

The first stage of the *Eastern Kuku Yalanji Indigenous Protected Area Management Plan* recognises the rights, cultural values and role in environmental management of the Kuku Nyungkal people.

- Native Title agreement (and one related ILUA) is part of the Eastern Kuku-Yalanji settlement with QLD government, 2005;
- KN are working to consider how areas not included in the IPA must be later incorporated parts of Collingwood mine site, pastoral lease area);
- KN are interested in converting lands to Category V (to protect and sustain important landscapes/seascapes and the associated nature conservation and other values created by interactions with humans through traditional management practices).

They aim to maintain culture, beliefs, customs, lore and care for people, social wellbeing, economic wellbeing as outlined in the IPA draft plan, and the Kuku Nyungkal Strategic plan.

IPA Strategies include:

- governance and planning;
- cultural strategy;
- rights and recognition;
- management on country (rangers);
- socio-economic strategy;
- Education, information and partners strategy;
- visitor management strategy;
- Kuku Nyungkal Elders Advisory group as primary forum for cultural advice and issues resolution.

The Kuku Nyungkal Rangers (funded by Australian government's Working on Country program, 2009-2013) aim to:

- sustain, conserve, preserve country, landscapes, mountains, rivers;
- develop relationships with other agencies to better manage country (WTMA, DERM, QPWS);
- improve relationships with other agencies (Cook Shire council; South Cape York Catchments; JCU, CSIRO).

Stage 2: Jalunji-Warra Land and Sea Country (Walsh Bay, Cairns reef in the north, to mouth of Daintree in the south)

(see Jalunji-Warra people and Shee 2012)

The Bama Ngulkurrku Wawu Wawurrku Bundangka Bubungu Jalunbu Plan sets out this group will keep looking after our Bubu (land) and Jalun into the future according to our culture, law/lore and custom.

They aim to:

- Put their Country 'back together' –they see that their Country has been divided up into land and sea, and into Green, Yellow and Pink zones. An IPA will help them to put it back together, through planning and managing their traditional Country all together. It will facilitate all of the different plans and projects.
- Develop a Traditional Owner-driven planning process – as there are lots of planning projects undertaken on their Country (often done by governments or Councils). The IPA will be driven by Traditional Owners, and they will consult with others about it.
- Get resources to manage their Jalun and Bubu.
- Be involved in managing the rest of their Bubu and Jalun that is presently being managed by other people.

Strategies include:

- S1: Return to live on Bubu.
- S2: Economic development (tourism, fee for service, use of natural and cultural resources for economic sustainability).
- S3: Ranger training and funding.
- S4: Stakeholder Engagement (protocols for commercial activity, IP, scientific research; increased involvement on governance committees; build partnerships with commercial and government working on their country).
- S5: Visitor management and public education (signage; use internet for awareness raising, re-naming of places, cross-cultural training, visitor infrastructure, school programs).
- S6: Cultural management (cultural heritage data, return artefacts, survey cultural sites, look after sprigs and wells, protect sacred sites, cultural camps, language workshops).
- S7: Pest and Weed.
- S8: Fishing and sea hunting (protocol for cutting meat, ID cards for hunting, rescue management plan, turtle management and monitoring).
- S9: Fire strategy (traditional burning, rangers trained in *white fella* fire management, burn cycad patch at cedar bay).
- S10: threatened species (work with regional bodies and scientists).
- S11: healthy reef and islands (access to boats, work with others to lobby govt to stop shipping inside channel, waste management).
- S12: Coastal Erosion (rehabilitate, stop 4WDs on beach);
- S.13 Climate Change (develop seasonal calendar and monitoring indicators).

Girringun Region Indigenous Protected Areas Management Plan

(see Girringun Aboriginal Corporation 2012 in prep.)

This regional scale IPA Management Plan will describe collaborative management arrangements for the Girringun Region IPA as agreed between Girringun and its nine affiliated Traditional Owner groups, and as agreed between those Traditional Owner groups via Girringun, land and sea managers with statutory interests in the Girringun region and other collaborators.

The tenure mix Girringun affiliated groups are currently considering as part of the regional IPA planning process includes:

- Returned lands, being either multiple parcels of;
- Aboriginal returned lands, held either individually or collectively;
- Native title returned lands held in exclusive possession;
- Native title determined rights and interests held in non-exclusive possession;

- 36 existing terrestrial Protected Areas (some subject to native title agreements);
- 10 existing declared Fish Habitat Areas;
- 4 existing Marine Protected Areas (including 2 Dugong Protected Areas);
- At least one (1) declared Nature Refuge on private freehold;
- Local government-held reserve lands (by agreement).

Conclusion

The identified outcomes for recognition of Indigenous rights, culture and roles in management from local to global-scale institutions are summarised in Table 16. The greatest institutional barriers to effective Indigenous co-management in the biodiversity domain appear at the State (Queensland) level. Regulatory instruments prevail at this level; while all instruments recognised native title rights, around half did not recognise either cultural values or roles in management. Queensland human rights institutions do not include protection for cultural, social and economic rights that are recognised internationally. At the Australian nation-state level, instruments that protect these rights interact with the biodiversity protection instruments, and serve to ensure that biodiversity institutions take account of human rights to land, culture and engagement in land management practices. The annual Native Title and Social Justice Reports of the Aboriginal and Torres Strait Islander Social Justice Commission, for example, provide guidance about recognition of Indigenous roles in matters including water management and climate change adaptation. The lack of similar human rights regimes in the Queensland state jurisdiction appears to be a legacy of the processes of federation whereby Queensland retained its colonial constitution and rights to land management without obligations to protect human rights.

Table 16: Multilevel biodiversity governance and Indigenous rights, culture and roles in management in the Wet Tropics

Level	Regulatory/ Non-regulatory	Organisations	Rights (Native Title)	Cultural Values	Roles in Biodiversity Management
Global	1 regulatory 5 non-regulatory	4 UN organisations	2 no, 4 yes	6 yes	1 no, 5 yes
National	3 regulatory, 1 non-regulatory	3 Australian Government organisations	4 yes	4 yes	2 yes, 2 no
State	11 regulatory 1 non-regulatory	Multiple State agencies	12 yes	8 yes, 3 no, 1 unclear	6 yes, 4 no, 2 unclear
Regional	5 regulatory 11 non- regulatory	Diverse govt, NGO, Indigenous	14 yes, 1 no, 1 unclear	14 yes, 2 no (both regulatory)	15 yes, 1 no (regulatory)
Local	2 regulatory, 3 non-regulatory	Diverse govt, NGO, Indigenous	5 yes	4 yes, 1 site- specific	4 yes, 1 site specific

PART III: SPATIAL DATA FOR AN ATLAS OF INDIGENOUS ENGAGEMENT

Introduction

This Part presents a preliminary review of results gained by data mining. The geospatial datasets (held primarily by the National Native Title Tribunal, Geoscience Australia, Department of Resource Management, DSEWPAC, GBRMPA and ABARES-BRS) necessary to contribute to the statutory functions associated with Registers and other information, in support of the various legislation and acts are reported here.

These datasets enable the analysis of records held for applications and agreements, as well as the spatial visualisation of various legislation across the Far North Queensland landscape. A summary of potential spatial datasets (see Table 17) considered useful for further analysis during the lifetime of this project are presented and described first.

Geospatial Land and Sea Management Datasets

Current and historical land management datasets, which include an indigenous component are summarised in the table below (Table 17).

Table 17: Summary of geospatial datasets pertaining to indigenous land and sea management

SOURCE	DATASET NAME	DESCRIPTION
NNTT	Schedule of Native Title Determination Applications	This dataset is stored by the jurisdiction and reflects the boundaries of applications, as per their status within the Federal Court. These include claimant, non-claimant and compensation applications.
	Registered Native Title Determination Applications	Applications included in this dataset are those, which fall either totally within or partly within the state jurisdiction. Boundaries of claimant applications, as per the RNTC, are reflected in this dataset.
	Determinations of Native Title	This dataset is stored nationally and attempts to reflect the area, which has been determined for claimant, non-claimant and compensation applications. Determinations are categorized into 3 classes: native title determined by consent, native title determined by litigation, and native title determined unopposed.
	Registered/Notified Indigenous Land Use Agreements	This dataset is stored nationally and attempts to reflect the geospatial record of ILUAs, which are in the public notification processes or have been registered and placed on the Register of Indigenous Land Use Agreements (s. 199A).
DSEWPAC/ RIN	Declared Indigenous Protected Areas	This dataset details the Declared Indigenous Protected Areas (IPA) across Australia through the implementation of the Indigenous Protected Areas Programme. Both point and polygon (area) formats are available. These boundaries are not legally binding. An Indigenous Protected Area (IPA) is an area of Indigenous-owned land or sea where traditional Indigenous owners have entered into an agreement with the Australian Government to promote biodiversity and cultural resource conservation.
	Indigenous Protected Area Consultation Projects	Point locations of undeclared Indigenous Protected Areas – Consultation projects currently underway
	Co-Management Consultation Projects	Point locations of undeclared Indigenous Protected Areas – Co-management Consultation projects currently underway

	Collaborative and Protected Areas Database (CAPAD 2010)	CAPAD is both a textual and spatial database compiled from information supplied by the Australian, state and territory Governments and other protected area managers. CAPAD is presented summarising information at a national, state and territory level. For each grouping CAPAD includes information about the following: (IBRA statistics only apply to Terrestrial Protected Areas): - List of all protected areas. This list includes information on IUCN category. - Protected areas classified according to reservation type designations e.g. National Park, Conservation Covenant, and Indigenous Protected Area. - Protected areas classified according to IUCN management categories e.g. Number of designated Category III protected areas in NSW. - Protected areas classified according to type designations as a proportion of IBRA (Version 6.1) regions. - Protected areas classified according to IUCN management categories as a proportion of IBRA region e.g. Number of Category II protected areas in Queensland and the percentage of those IUCN categories within the Queensland IBRA regions. The level of protection of IBRA regions for all additions of CAPAD. - Protected Areas classified according to governance e.g. government, local government, indigenous, private new in 2006.
DERM	Protected Areas of Queensland - Boundaries Nature Refuges and Coordinated Conservation Areas Digital Cadastral Database (DCDB) of Queensland - fortnightly	To show the Estate as managed by QPWS for protected areas under the <i>Nature Conservation Act 1992</i> (National Park of various types, Conservation Park, Resources Reserve), areas managed under the <i>Forestry Act 1959</i> (Forest Reserve, State Forest and Timber Reserve). Nature Refuges are part/s or whole of Lot/s on plan and are gazetted through a voluntary conservation agreement between the QLD government and private land owner/s. They are based in statute and are a recognised class of Protected Area as defined by the <i>Nature Conservation Act, 1992</i>. The DCDB is the spatial representation of the property boundaries and the related property descriptions of Queensland. The DCDB provides the map base for systems dealing with land and land related information. Includes lot plan identifiers and tenure for local government areas.
	Areas of Ecological Significance – Cape York, Far North Queensland	An area of Ecological Significance (AES) mapping identifies state biodiversity interests. AES can be either of High Ecological Significance (HES) or General Ecological Significance (GES). DERM uses this mapping to support land-use planning, such as the preparation of state and local planning instruments under the <i>Sustainable Planning Act 2009</i>. For a detailed description of the methodology please refer to the document 'Method for Mapping Ecological State Interest for Land Use Planning and Development Assessment' available through the DERM website http://www.derm.qld.gov.au/environmental_management/land/natural_resource_management/pdf/aes-methodology.pdf
	Queensland Land Use	QLUMP produced a consistent and seamless state-wide land use

Mapping Program (QLUMP)	dataset for 1999, which forms the basis for monitoring and mapping land use change. Other QLUMP land use change mapping includes: 1999-2004 in the catchments of the Fitzroy, Johnstone, Burdekin, Murray, Pioneer, Plane and Tully Rivers. 1999-2006 for selected south-east Queensland catchments—Noosa, Maroochy, Pine, Stanley, Bremer and South (Gold) Coast 1999-2004 to 2009 for 25 Great Barrier Reef catchments, to be completed by the end of 2011.
Cultural Heritage body area maps	Under the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i> traditional owners can seek Queensland Government recognition of a corporation as a Cultural Heritage Body for an area. The function of an Aboriginal Cultural Heritage Body is to identify the Aboriginal parties for an area or for a particular part of an area. This series of maps show the extent of the areas registered to Cultural Heritage bodies. PDFs are available for download online from: http://www.derm.qld.gov.au/services_resources/item_list.php?series_id=204941&topic_id=52
Designated Landscape area maps	Each area indicated in this series was declared a 'designated landscape area' in accordance with the <i>Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987</i>. Under the provisions of the now repealed Act, an area was declared a 'designated landscape area' if it was necessary or desirable for it to be preserved to prevent or regulate access. No further areas will be declared designated landscape areas. Areas identified as designated landscape areas are recorded on the Cultural Heritage Register as required by the <i>Aboriginal Cultural Heritage Act 2003</i>, section 162. The Cultural Heritage Register is intended to be a depository for information for consideration for land use and land use planning, and a research and planning tool to help people in their consideration of the Aboriginal cultural heritage values of particular objects and areas. Pdf's are available for download online from: http://www.derm.qld.gov.au/services_resources/item_list.php?series_id=204767&topic_id=52 The following have been declared designated landscape areas in Queensland: • Stanbroke Pastoral Development Holding DLA • Gresley Pastoral Holding – Crocodile Station DLA (Laura/Lakeland) • The Palace DLA • The Granites DLA • Morven DLA • Wallaroo DLA • Toorbul Point Bora Ring DLA • Gatton Rock Art Site DLA • Meringandan Arrangement DLA
Distribution of Cassowary habitat in the Wet Tropics Bioregion	Distribution of Cassowary habitat in the Wet Tropics Bioregion. Habitat derived from Regional Ecosystems database and DOMAIN climatic modelling. Essential habitat for the purposes of the VMA is created from the following steps. 1. All essential habitat from Kutt <i>et al.</i> (EPA, 2004), 2. All remnant REs listed as general within Kutt <i>et al.</i> (EPA, 2004), that are spatially coincident with the linkages

		and corridors database by Gethin Morgan EPA 3. All general habitat identified from Kutt <i>et al.</i> (EPA, 2004) that have recorded sighting records and are within proximity to known essential habitat areas from Kutt <i>et al.</i> (EPA, 2004).
	Mahogany Glider Habitat Mapping	Delineation of Mahogany Glider essential habitat Originally digitised from TM imagery. Updates using 1:50,000 vegetation data (1996) and 1:25,00 air photos for the Draft Mahogany Glider Conservation Plan 1999-2003. Updated habitat from the Regional Ecosystems v5 2005 database and incorporating Certified Updates to 26 April 2006, and DOMAIN climatic modelling.
	Regional Ecosystems	<i>Vegetation Management Act</i> status of regional ecosystems – e.g. Endangered and Of Concern. Extracted from the 2003 Remnant Vegetation Communities and Regional Ecosystems of Queensland version 5 dataset. REs having a VM Status of Concern (O) or Endangered (E) dominant were selected. Biodiversity status of regional ecosystems
	Wet Tropics Bioregion Habitat Corridors	Three habitat corridor maps have been prepared for the Wet Tropics bioregion and the eastern-most parts of the Einasleigh Uplands bioregion. Two of these maps (2 and 3 below) are part of a data set being provided by EPA that identifies State Interests in biodiversity and coastal matters for incorporation in the proposed Far North Queensland Regional Plan 2025. The three maps are: 1) A map of Habitat Corridor Centrelines, the lines identifying the full distance across which the corridor is perceived to be a functional unit for habitat connectivity for biodiversity in general. These centrelines are attributed a significance of state (i.e. the corridor crosses bioregions), bioregional (crosses subregions), subregional (contained within a subregion) or local (within a subregion but not having a major role in habitat connectivity). This coverage extends into areas adjacent to the Wet Tropics bioregion and provides a basis for further detailed assessments in some areas outside the FNQ 2025 Planning Area. 2) A map of Habitat Corridors based on remnant and disturbed polygons from the Queensland Herbarium Regional Ecosystem coverage that reflects each polygon's association with the centrelines identified in the previous coverage according to a set of decision rules. This coverage is restricted to the eastern parts of the FNQ 2025 planning area. 3) A map of Corridor Special Management Areas identified on the basis of significant gaps or weaknesses in the Habitat Corridors. This coverage is also restricted to the eastern parts of the FNQ 2025 planning area. In addition a fourth map showing significant riparian areas has been prepared, although the values of these areas generally relate more to general biodiversity values than to any corridor value.
WTMA	Wet Tropics World Heritage Area boundary	Boundary of the Wet Tropics World Heritage Area
GBRMPA	TUMRA boundaries	Traditional Use of Marine Resources Agreement boundaries
	GBR World Heritage Boundary	Boundary of the Great Barrier Reef World Heritage Area
Geoscience Australia	National Public and Aboriginal Lands (NPAL) Pre-1998	A digital spatial database that contains boundary and attribute information for areas within selected land tenure categories. The categories fall into 3 major groups:

		Public Lands (State crown lands and Commonwealth-owned lands) broadly classified by primary reservation purpose and subdivided by specific reserve type. Aboriginal Lands comprising private leasehold, freehold and reserves held by or on behalf of Aboriginal communities; and Private Lands: being the balance of freehold and Crown leasehold land. Private lands are not differentiated by type and no cadastral boundaries are included.
	Australian Land Tenure 1993	Australian Land Tenure 1993 has been derived from Geoscience Australia's National Public and Aboriginal Lands data and supplemented with additional information. It identifies all public and private land tenure, including Aboriginal and Torres Strait Islander lands vested in communities or equivalent bodies. Data are sourced from government gazette notices, cadastral maps and plans. The data covers the whole of Australia and is classified according to selected land tenure categories. These categories fall into three major groups: Public lands (State Crown lands and Commonwealth-owned lands), broadly classified by primary reservation purpose; Aboriginal lands comprising private leasehold, freehold and reserves held by or on behalf of Aboriginal communities; and Private lands, being the balance of freehold and Crown leasehold land.
ABARES (BRS)	Australian Land Use, Version 4, 2005-06	The Australian Land Use and Management (ALUM) Classification is the nationally agreed classification system for attributing land use information in Australia. It has a three-tiered hierarchical structure. Primary, secondary and tertiary classes are broadly structured by the potential degree of modification and the impact on a putative 'natural state' (essentially, a native land cover). Primary and secondary classes relate to land use—the main use of the land, defined by the management objectives of the land manager. Tertiary classes can include commodity groups, specific commodities, land management practices or vegetation information. The relevant tertiary class for our application is: 1.2.5 Traditional Indigenous Uses – Area managed primarily for traditional indigenous use Other Australian Land Use time series datasets available at the 1:2 500 000 scale includes: 1992-93, 1993-94, 1996-97, 1998-99, 2000-01, and 2001-02.
DIP	FNQ Regional Plan 2009-2031, Regional Landuse Categories	This dataset represents the FNQ Regional Plan 2009-2031 Regional Land Use Categories, composed of three land use categories: 1) Regional Landscape and Rural Production Area – identifies areas with values that should be protected from urban and rural residential development 2) Urban footprint – Identifies areas to accommodate urban growth to 2031 3) Rural living – Identifies areas predominantly for continuing rural residential development. The above descriptions are general only. For further information refer to the FNQ Regional Plan 2009-2031.
CSIRO	Locations of Registered Native Title Body Corporate organisations	Point locations of Registered Native Title Body Corporate organisations offices
	Locations of Aboriginal	Point locations of Aboriginal Ranger Groups

Ranger Groups

Locations of Aboriginal Corporations and Land Councils

Point locations of Aboriginal Corporations and Land Councils offices

Working on Country project locations

Point locations of Working on Country projects (with indigenous focus)

Other Indigenous land management project locations

Point locations of other indigenous land and sea management projects for biodiversity conservation, traditional ecological knowledge

Table 18: Queensland DCDB tenure abbreviations (Source: DERM)

CODE	DESCRIPTION
AP	Action Pending – Unallocated State Land in the process of a reservation action or in the case of a dedication of a reserve proceeding on a registered survey plan.
CA	Commonwealth Acquisition – Land acquired by the Commonwealth of Australia and held prior to issue of a formal title. (Generally the land is used for military or government store purposes).
CV	Covenant - A registered right or interest over a parcel of land used to restrict usage of that land (shopping mall tenants).
EA	Easement - A right or interest on a property that is registered against the title.
EP	Easement Proposed – A proposed right or interest on a property that is on a plan
FH	Freehold - Land held by the State in Fee Simple (freehold title) which includes titles surrendered to the State of Queensland (or Crown) in terms of Section 358 of the Land Act 1994.
HL	Housing Land - Land vested in the Department of Communities.
HM	Boat Harbours - Land vested under the control of the Queensland Transport (Maritime Division).
LL	Lands Lease - Leasehold land administered by the Department of Environment and Resource Management excluding Mining Homestead Tenement Leases.
MT	Mines Tenure - Land leased as Mining Homestead Tenement Leases (e.g. MHPL, MHL and SPMPL) originally issued by the Department of Energy. These leases are now administered by the Department of Environment and Resource Management. This category does not include Mining Lease or Mining Application Areas, the exception being ML7024 at Weipa, being land set aside under the “ <i>Commonwealth Aluminium Corporation Pty Ltd Agreement Act of 1957</i> ” and the “ <i>Alcan Queensland Pty. Limited Agreement Act of 1965</i> ” GG1965.2.1441.
NP	National Park - Land reserved by the Environmental Protection Agency for a National Park, National Park (Scientific), Conservation Park or Resource Reserve.
PH	Port and Harbours Boards - Land vested under the control of Port Authorities in Queensland.
PP	Prendre - A registered right or interest of use over the property of another that allows the holders to enter and take some natural produce (mineral deposits, timber).
RE	Reserve - Land reserved by the Department of Environment and Resource Management for community or public purposes.
RY	Railway - Land vested for railway purposes in the Queensland Transport.
SF	State Forest - Land reserved by the Department of Environment and Resource Management for State Forest purposes.
TP	Transferred Property - Land transferred to the Commonwealth of Australia on federation, usually for lighthouse or post and telegraph reserves.
TR	Timber Reserve - Land reserved by the Department of Environment and Resource Management for Timber Reserve purposes.
WR	Water Resource - Land vested in the Department of Environment and Resource Management (originally Water Resources Commission).

Table 19: Local Government Areas in study areas

NRM Region	NAME	TYPE
FNQ NRM region	Cairns Regional Council	Regional
	Cassowary Coast Regional Council	Regional
	Charters Towers Regional Council	Regional
	Cook Shire Council	Shire
	Hinchinbrook Shire Council	Shire
	Tablelands Regional Council	Regional
	Townsville City Council	City
	Wujal Wujal Aboriginal Shire Council	Aboriginal
	Yarrabah Aboriginal Shire Council	Aboriginal
Cape York region	Aurukun Aboriginal Shire Council	Aboriginal
	Carpentaria Shire Council	Shire
	Croydon Shire Council	Shire
	Etheridge Shire Council	Shire
	Flinders Shire Council	Shire
	Hope Vale Aboriginal Shire Council	Aboriginal
	Kowanyama Aboriginal Shire Council	Aboriginal
	Lockhart River Aboriginal Shire Council	Aboriginal
	Mapoon Aboriginal Shire Council	Aboriginal
	McKinlay Shire Council	Shire
	Napranum Aboriginal Shire Council	Aboriginal
	Northern Peninsula Arm Regional Council	Regional
	Pormpuraaw Aboriginal Shire Council	Aboriginal
	Richmond Shire Council	Shire
	Torres Shire Council	Shire
	Torres Strait Island Regional Council	Island Regional
	Weipa Town Council	Town

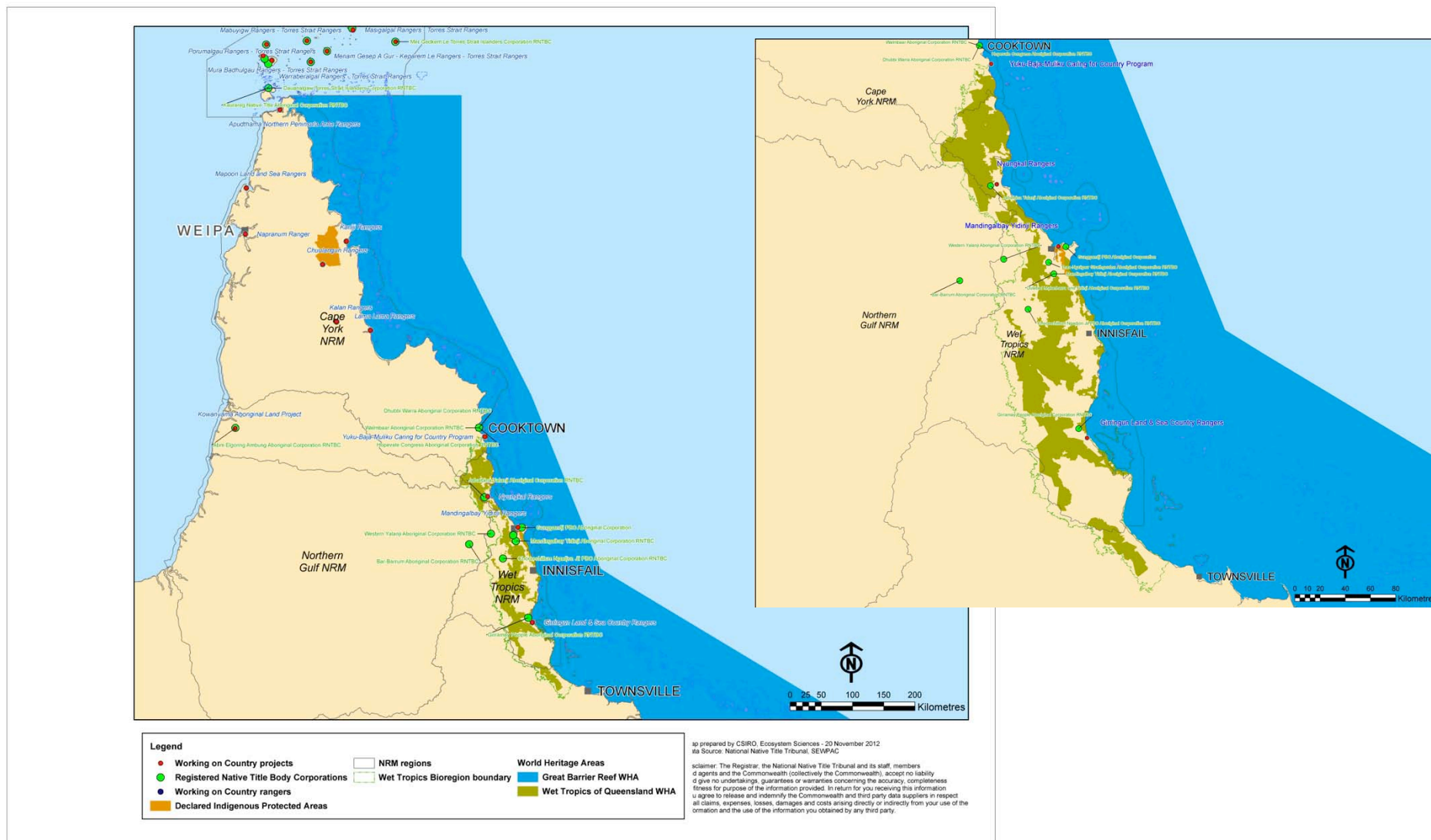


Figure 15: Location of ranger groups, registered native title body corporate organisations and Working on Country projects.

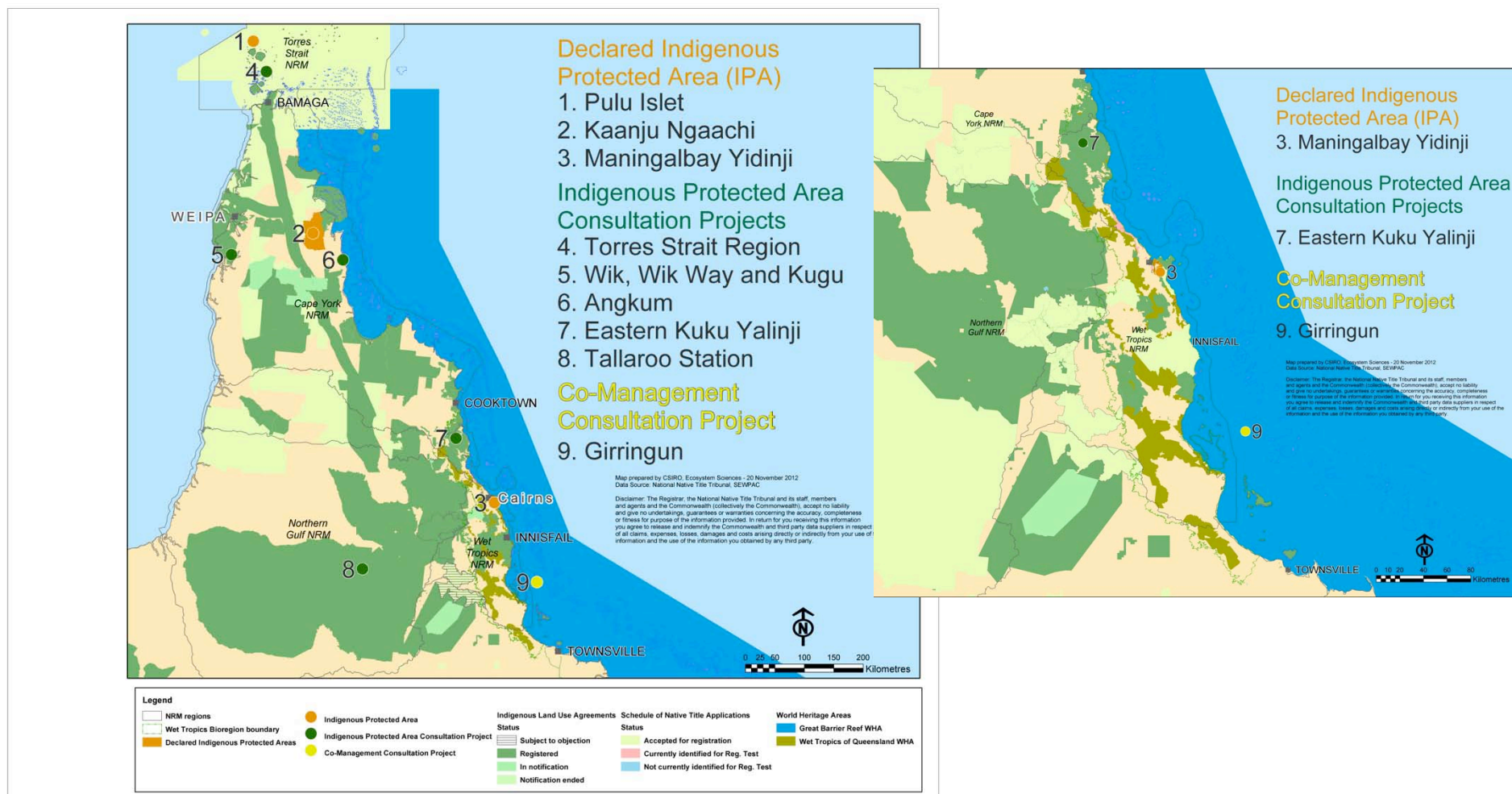


Figure 16: Indigenous land use agreements, native title applications and indigenous protected areas and consultation projects in Far North Queensland

Temporal Analysis of National Aboriginal Lands

On further investigation there are a number of temporal datasets of aboriginal lands that will allow the temporal analysis of transfer of land. There are two national dataset (available from Geoscience Australia and ABARES-BRS), which show pre 1998 and 2005 aboriginal lands. A summary of number of types of aboriginal lands and area in hectares is given in Table 20 and Table 21, and shown spatially in

Figure 17 and Figure 18. The Australian Land Use and Management (ALUM) Classification is the nationally agreed classification system for attributing land use information in Australia. It has a three-tiered hierarchical structure. Primary, secondary and tertiary classes are broadly structured by the potential degree of modification and the impact on a putative 'natural state' (essentially, a native land cover). Primary and secondary classes relate to land use - the main use of the land, defined by the management objectives of the land manager. Tertiary classes can include commodity groups, specific commodities, land management practices or vegetation information.

The relevant tertiary class for our application is: 1.2.5 Traditional Indigenous Uses – Area managed primarily for traditional indigenous use.

Other Australian Land Use time series datasets available at the 1:2 500 000 scale includes: 1992-93, 1993-94, 1996-97, 1998-99, 2000-01, and 2001-02.

However, for our study areas, the most up-to-date land tenure available is by local government area in the form of cadastre (DCDB). These datasets are available for downloading every fortnight from Information Queensland <http://www.dds.information.qld.gov.au>. There would then need to be further GIS processing to append all the local government areas together and clip to the study area boundaries. A list of local government areas within each NRM area is given in Table 19.

Table 20: Pre 1998 National Aboriginal Lands (Source: Geoscience Australia)

TYPE	DESCRIPTION	Number of areas	Area (Ha)
ABOR	Aboriginal Reserve (Crown lands reserved for Aborigines, but under the control of QLD State Government Aboriginal affairs authority)	6	216
ADGT	Aboriginal Deed of Grant in Trust (QLD: The Land Act 1962-1988)	107	2,213,076
AFL	Aboriginal Freehold Land (alienable): land held on behalf of incorporated Aboriginal groups	3	451
ALG	Aboriginal Local Government Area Lease (QLD)	22	949,200
ALL	Aboriginal held lease other than pastoral (QLD)	1	2,601
APL	Aboriginal held pastoral lease (QLD)	2	580,700
			3,746,244

Table 21: Australian Land Use 2005-06 – Area managed for traditional indigenous use (Source: ABARES-BRS)

Code	DESCRIPTION	Area (Ha)
1.2.5	Area managed for traditional indigenous use	87,624,199

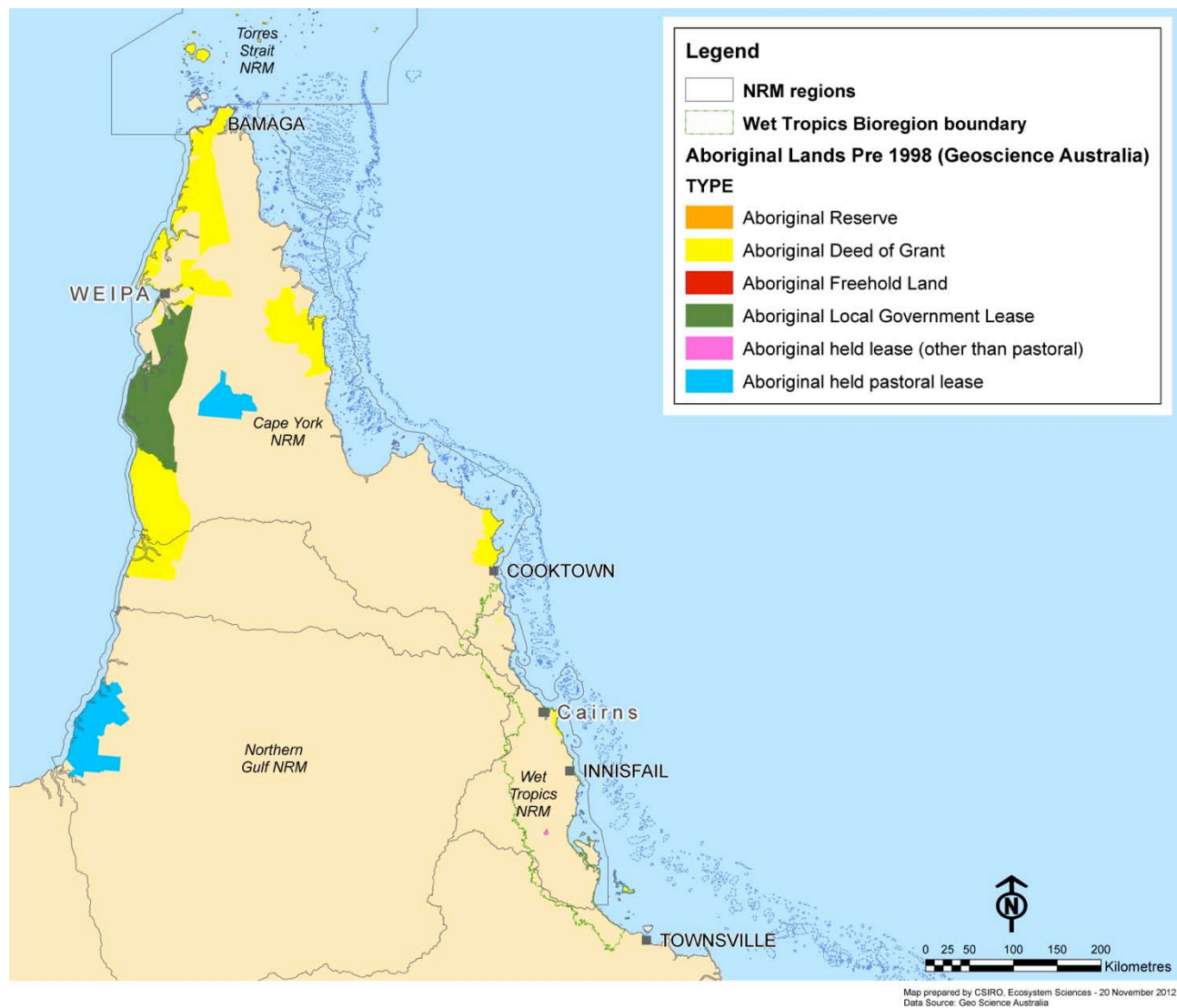


Figure 17: Aboriginal lands pre-1998

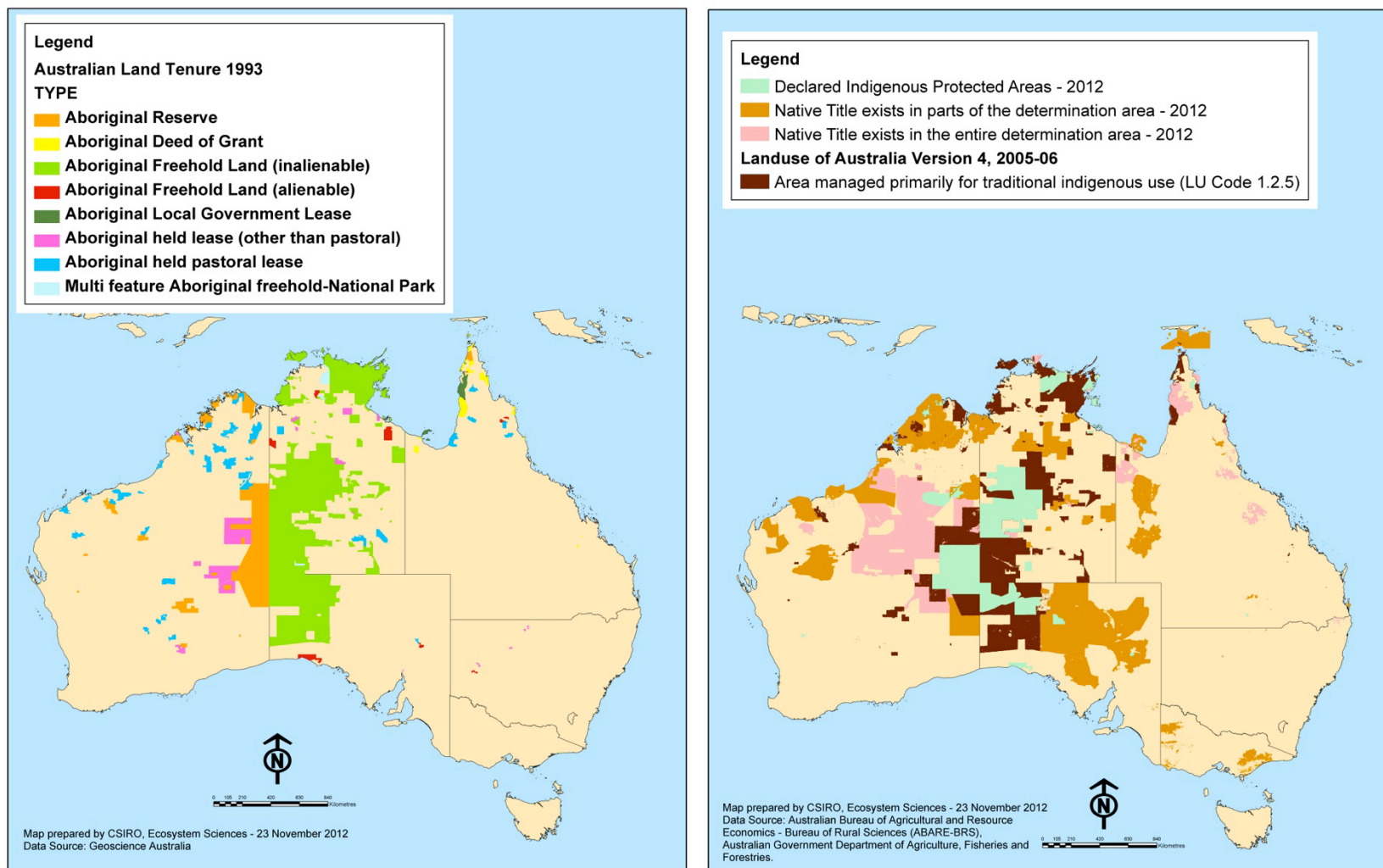


Figure 18: Comparison of national Aboriginal Land Tenure 1993 and Land Use Australia v4 2005-06 - area managed for traditional indigenous use

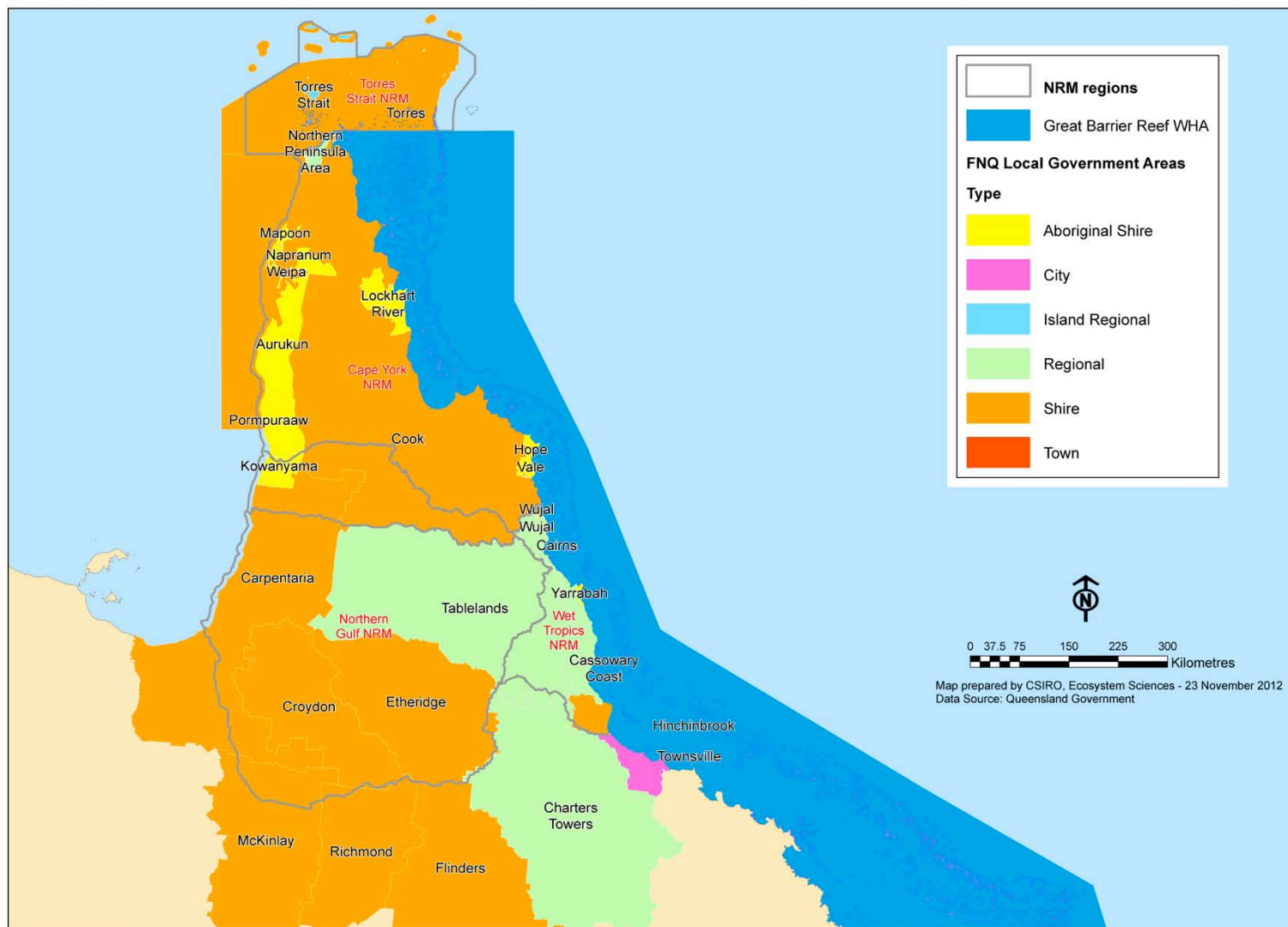


Figure 19: Local Government Areas and NRM regions

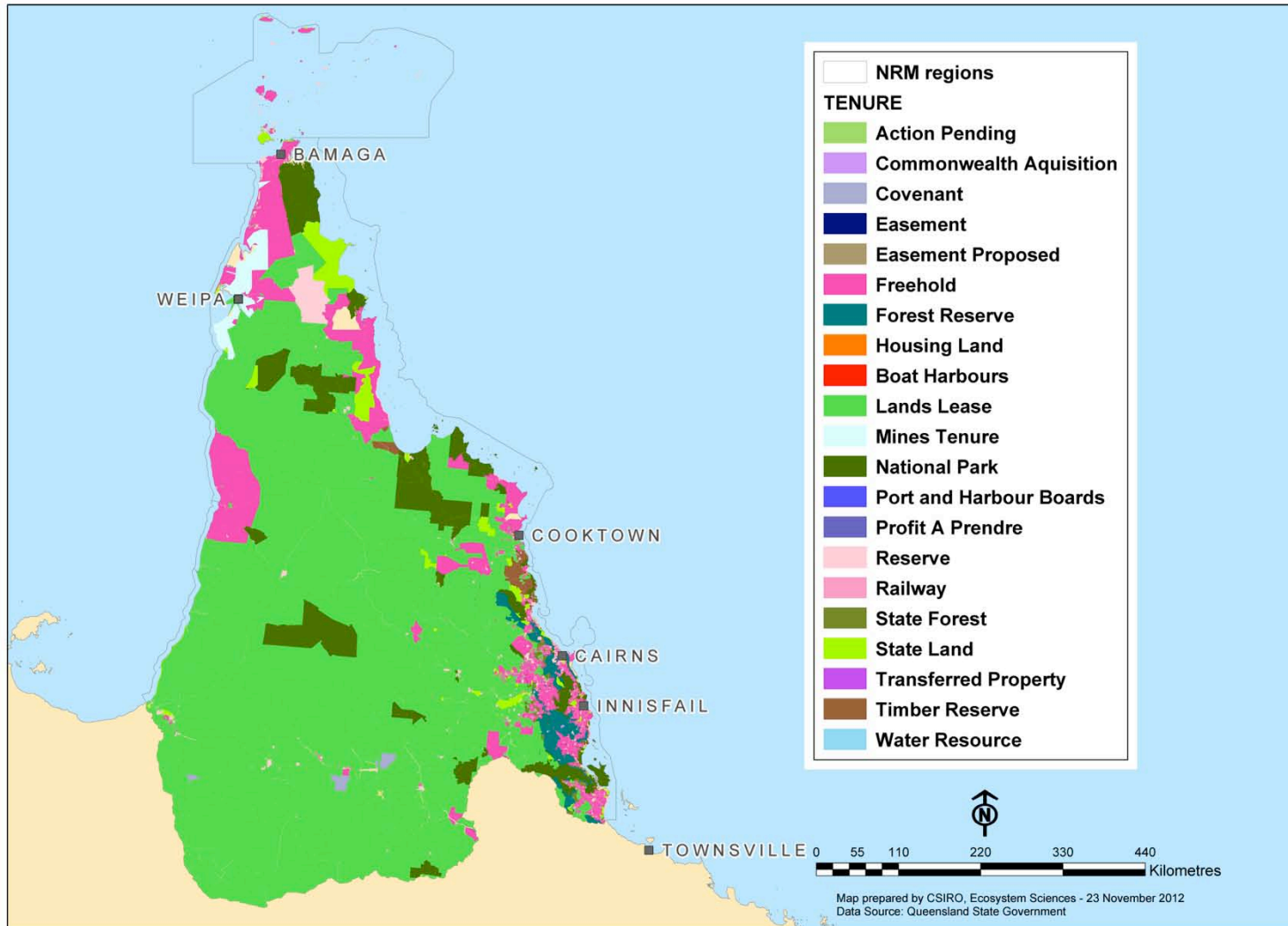


Figure 20: Current land tenure for Far North Queensland (Source: DERM).

Conclusion

In order to address the necessary spatial component of our framework for Indigenous co-management for biodiversity protection in the wet tropics, we have assessed relevant spatial data. This assessment identified datasets from the National Native Title Tribunal, the Australian Department of Sustainability, Environment, Water, Population, and Communities (DSEWPaC), the former Queensland Department of Environment and Resource Management (DERM), the Wet Tropics Management Authority (WTMA), Great Barrier Reef Marine Park Authority (GBRMPA), the Australian Bureau of Agriculture and Resource Economic Sciences (ABARES), Geosciences Australia, the former Queensland Department of Infrastructure and Planning and CSIRO which could be utilised in the development of a level of protection and Indigenous engagement model in Phase 2 of the project (see Table 17).

Next steps: will involve downloading and acquiring the most recent datasets, clipping to study area boundaries, and coding initial levels of protection and Indigenous engagement. Due to many of these datasets have overlapping polygons, further GIS processing is necessary. The co-research team (comprised of representatives from each of the four Aboriginal corporations with whom the team will work, WTMA, Terrain NRM Ltd, AIATSIS and ACF) will work together to further develop a level of protection and Indigenous engagement model and associated weightings.

REFERENCES

- AIATSIS (2011) Guidelines for Ethical Research in Indigenous Studies. . In: Canberra: Australian Institute of Aboriginal and Torres Strait Islander Studies.
- ATSISJC (2008) *Native Title Report 2007*. Sydney: Australian Human Rights Commission and the Aboriginal & Torres Strait Islander Social Justice Commissioner.
- ATSISJC (2009) *Native Title Report 2008*. Sydney: Australian Human Rights Commission and the Aboriginal & Torres Strait Islander Social Justice Commissioner.
- ATSISJC (2010) *Native Title Report 2009*. Sydney: Australian Human Rights Commission and the Aboriginal & Torres Strait Islander Social Justice Commissioner.
- ATSISJC (2011) *Native Title Report 2010*. Sydney: Australian Human Rights Commission and the Aboriginal & Torres Strait Islander Social Justice Commissioner.
- ATSISJC (2012a) *Native Title Report 2011*. Sydney: Australian Human Rights Commission and the Aboriginal & Torres Strait Islander Social Justice Commissioner.
- ATSISJC (2012b) Social Justice Report 2011. In: Sydney: Australian Human Rights Commission and the Aboriginal & Torres Strait Islander Social Justice Commissioner.
- Australian Government (2009) *Australia's Fourth National Report to the United Nations Convention on Biological Diversity*. Canberra: Australian Government.
- Australian Government. 1994. Wet Tropics of Queensland World Heritage Area Conservation Act 1994 [Online]. Available: <http://www.comlaw.gov.au/Series/C2004A04708> [Accessed 26 April 2012].
- Australian Heritage Council. 2009. Guidelines for the assessment of places for the National Heritage List [Online]. Available: <http://www.environment.gov.au/heritage/ahc/publications/nhl-guidelines.html> [Accessed 26 April 2012].
- Bauman, T. & Smyth, D. M. (2007) *Indigenous Partnerships in Protected Area Management in Australia: Three case studies*. Canberra, Australia: Australian Institute of Aboriginal and Torres Strait Islander Studies.
- Beltrán, J. (2000) *Indigenous and Traditional Peoples and Protected Areas Principles, Guidelines and Case Studies*. Gland and Cambridge: IUCN-The World Conservation Union and WWF International.
- Berkes, F. (2004) Rethinking Community-Based Conservation. *Conservation Biology* 18: 621-630.
- Berkes, F. (2009) Evolution of co-management: Role of knowledge generation, bridging organizations and social learning. *Journal of Environmental Management* 90: 1692-1702.
- Berkes, F., Colding, J. & Folke, C. (2000) Rediscovery of Traditional Ecological Knowledge as Adaptive Management. *Ecol. Appl.* 10: 1251-1261.
- Borrini-Feyerabend, G., Kothari, A. & Oviedo, G. (2004a) *Indigenous and Local Communities and Protected Areas: Towards Equity and Enhanced Conservation*. Gland, Switzerland and Cambridge, UK: IUCN. World Commission on Protected Areas. Best Practice Protected Area Guideline Series No. 11.
- Borrini-Feyerabend, G., Pimbert, M., Farvar, M. T., Kothari, A. & Renard, Y. (2004b) *Sharing Power. Learning by doing in co-management of natural resources throughout the world*. Tehran: IIED and IUCN/CEESP/CMWG, Cenesa.

- Carlsson, L. & Berkes, F. (2005) Co-management: concepts and methodological implications. *Journal of Environmental Management* 75: 65-76.
- CERD (1997) General Comment No. 23 (1997). Indigenous Peoples (General Recommendations). In: Geneva <http://www.unhchr.ch/tbs/doc.nsf/0/73984290dfea022b802565160056fe1c>: Fifty-first Session of the Committee on the Elimination of All Forms of Racial Discrimination.
- CESCR (2002) General Comment No. 15 (2002). The right to water (articles 11 and 12 of the ICESCR). In: Geneva: Twenty-ninth Session of the Committee on Economic, Social and Cultural Rights.
- Chapin, M. (2004) A Challenge to Conservationists. *World Watch magazine* November/December: 17-31.
- Creswell, J. W. & Miller, D. L. (2000) Determining validity in qualitative inquiry. *Theory Pract.* 39: 124-130.
- Cullen-Unsworth, L. C., Hill, R., Butler, J. R. A. & Wallace, M. (2011) A research process for integrating Indigenous and scientific knowledge in cultural landscapes: Principles and determinants of success in the Wet Tropics World Heritage Area, Australia. *The Geographical Journal*.
- Cullen-Unsworth, L. C., Hill, R., Butler, J. R. A. & Wallace, M. (2012) Development of Linked Cultural and Biophysical Indicators for the Wet Tropics World Heritage Area. *The International Journal of Science in Society* 2: 181-194.
- Cullen, L. C., Butler, J. R. A., Hill, R. & Margules, C. R. (2008) Framework for the Identification of Linked Cultural and Biophysical Indicators for the Wet Tropics World Heritage Area. *The International Journal of Environmental, Cultural, Economic and Social Sustainability*. 4: 37-46.
- Cundill, G. & Fabricius, C. (2009) Monitoring in adaptive co-management: Toward a learning based approach. *Journal of Environmental Management* 90: 3205-3211.
- Cundill, G. & Fabricius, C. (2010) Monitoring the governance dimension of natural resource co-management. *Ecology and Society* 15: 15.
- CWTICCAC (2010) The Central Wet Tropics Institute for Country and Culture Aboriginal Corporation. In: Cairns: The Central Wet Tropics Institute for Country and Culture Aboriginal Corporation.
- Dawson, T., Rounsevell, M., Kluvánková-Oravská, T., Chobotová, V. & Stirling, A. (2010) Dynamic properties of complex adaptive ecosystems: implications for the sustainability of service provision. *Biodivers. Conserv.* 19: 2843-2853.
- DERM (2011) Building Nature's Resilience: A Biodiversity Strategy for Queensland. In: Brisbane: Biodiversity Integration Unit, Natural Resources and Environment Division, Department of Environment and Resource Management.
- DERM (Department of Environment and Resource Management). 2011. Operational Policy - Indigenous partnerships in management of protected areas [Online]. Available: www.derm.qld.gov.au/register/p02291aa.pdf [Accessed 26 April 2012].
- DERM (Department of Environment and Resource Management). 2012a. Cape York Peninsula Heritage Act [Online]. Available: http://www.derm.qld.gov.au/cape_york/heritage-act.html [Accessed 26 April 2012].
- DERM (Department of Environment and Resource Management). 2012b. National parks, marine parks and forests [Online]. Available: http://www.derm.qld.gov.au/parks_and_forests/ [Accessed 26 April 2012].
- DLGP (Department of Local Government and Planning). 2012. Far North Queensland Regional Plan, 2009-2031 [Online]. Available: <http://www.dlgp.qld.gov.au/regional-planning/far-north-queensland-regional-plan-2009-2031.html> [Accessed 26 April 2012].

- DSEWPac (Department of Sustainability, E., Water, Population and Communities). 2011a. Indigenous Advisory Committee [Online]. Available: <http://www.environment.gov.au/indigenous/committees/iac.html> [Accessed 26 April 2012].
- DSEWPac (Department of Sustainability, E., Water, Population and Communities). 2011b. National Heritage [Online]. Available: <http://www.environment.gov.au/heritage/about/national/index.html> [Accessed 26 April 2012].
- DSEWPac (Department of Sustainability, E., Water, Population and Communities). 2012. Environment Protection and Biodiversity Conservation Act, 1999 [Online]. Available: <http://www.environment.gov.au/epbc/index.html> [Accessed 26 April 2012].
- Girringun Aboriginal Corporation in association with Ellie Bock (2007) *Caring for Djiru Country*. Cardwell: A Report from Girringun Aboriginal Corporation to Burdekin Dry Tropics NRM and Terrain NRM.
- Hibbard, M., Lane, M. B. & Rasmussen, K. (2008) The Split Personality of Planning: Indigenous Peoples and Planning for Land and Resource Management. *Journal of Planning Literature* 23: 136-151.
- Hill, R. (2011) Towards equity in Indigenous co-management of protected areas: Cultural planning by Miriuwung-Gajerrong people in the Kimberley, Western Australia. *Geographical Research* 49: 72-85.
- Hill, R., Cullen-Unsworth, L. C., Talbot, L. D. & McIntyre, S. (2011a) Empowering Indigenous peoples' biocultural diversity through world heritage cultural landscapes: A case study from the Australian tropical forests. *International Journal of Heritage Studies* 17: 571-590.
- Hill, R., Grant, C., George, M., Robinson, C. J., Jackson, S. & Abel, N. (2012) A typology of Indigenous engagement in Australian environmental management: Implications for knowledge integration and social-ecological system sustainability. *Ecology and Society* 17: 23.
- Hill, R., Pert, P. L., Davies, J., Robinson, C. J., Walsh, F. & Falco-Mammone, F. (in prep. 2012) Indigenous Land Management in Australia. Diversity, scope, extent, success factors and barriers. In: Cairns: CSIRO Ecosystem Sciences.
- Hill, R., Wallington, T., Robinson, C. J., Pert, P. L., Westcott, D. A., Stevenson, B., Davies, J. & Walsh, F. (2011b) Biodiversity planning - capturing multiple values in decision-making: A framework for research 2011-2015. In: Cairns: Reef and Rainforest Research Ltd, Marine and Tropical Sciences Research Facility (MTSRF) Transition Project Final Report.
- ICSU (2002) *Science, Traditional Knowledge and Sustainable Development. Series on Science for Sustainable Development No. 4*. Paris, France: International Council for Science and the United Nations Education, Scientific and Cultural Organisation.
- IUCN WCPA and WWF (2000) *Principles and guidelines for protected areas and people*. Gland, Switzerland: IUCN and WWF.
- Izurieta, A., Sithole, B., Stacey, N., Hunter-Xenie, H., Campbell, B., Donohoe, P., Brown, J. & Wilson, L. (2011a) Developing Indicators for Monitoring and Evaluating Joint Management Effectiveness in Protected Areas in the Northern Territory, Australia. *Ecology and Society* 16.
- Izurieta, A., Stacey, N. & Karam, J. (2011b) Guidebook for Supporting Participatory Monitoring and Evaluation of Jointly Managed Parks in the Northern Territory. With contributions by M. Moyses, R. Ledger, M. Burslem, D. Scopel, P.A. Donohue, P.J. Donohue and B. Panton. In: Darwin: Research Institute for the Environment and Livelihoods, Charles Darwin University.
- Jabalbina Aboriginal Corporation. (2012). Introduction [Online]. Available: <http://www.jabalbina.com.au/intro.html> [Accessed 26 April 2012].

- Jalunji-Warra People & Shee, R. (2012). Bama Ngulkurrku Wawu Wawurrku Bundangka Bubungu Jalunbu: Healthy Mob, Healthy Land and Sea. Eastern Kuku Yalanji Indigenous Protected Area Management Plan Stage 2. Mossman: Jabalbina Yalanji Aboriginal Corporation.
- Kesby, M., Kindon, S. & Pain, R. (2007) Participation as a form of power Rethorising empowerment and spatialising Participatory Action Research. In: *Participatory Action Research Approaches and Methods Connecting people, participation and place*, eds. S. Kindon, R. Pain & M. Kesby, pp. 19-25. Oxford: Routledge.
- Kuku Nyungkal People, Hill, R., Pert, P. L., Shee, R. & Jabalbina Yalanji Aboriginal Corporation (2011). Caring for Kuku Nyungkal Country. Eastern Kuku Yalanji Indigenous Protected Area Management Plan Stage 1. Cairns: Jabalbina Yalanji Aboriginal Corporation and CSIRO.
- Loh, J. & Harmon, D. (2005) A global index of biocultural diversity. *Ecological Indicators* 5: 231-241.
- Martinez-Cobo, J. (1986) Problem of Discrimination against Indigenous Populations. In: New York, USA: United Nations.
- MYAC (Mandingalbay Yidinji Aboriginal Corporation) (2009). Strategic Plan for Mandingalbay Yidinji Country. Yarrabah: Mandingalbay Yidinji Aboriginal Corporation.
- Natcher, D. C., Davis, S. & Hickey, C. G. (2005) Co-management: Managing relationships, not resources. *Hum. Organ.* 64: 240-250.
- National Native Title Tribunal. (2011). Native Title Act (Cwlth), 1993 [Online]. Available: <http://www.nntt.gov.au/Information-about-native-title/Pages/The-Native-Title-Act.aspx> [Accessed 26 April 2012].
- Natural Resource Management Ministerial Council. (2010). Australia's Biodiversity Conservation Strategy 2010-2030 [Online]. Canberra: Australian Government, Department of Sustainability, Environment, Water, Population and Communities. Available: <http://www.environment.gov.au/biodiversity/publications/strategy-2010-30/index.html> [Accessed 26 April 2012].
- Nelson, A. & Pettit, C. (2004) Effective Community Engagement for Sustainability: Wombat Community Forest Management Case Study. *Australian Geographer* 35: 301-315.
- Nepal, S. K. (2002) Involving Indigenous Peoples in Protected Area Management: Comparative Perspectives from Nepal, Thailand, and China. *Environmental Management* 30: 748-763.
- Nurse-Bray, M. & Rist, P. (2009) Co-management and protected area management: Achieving effective management of a contested site, lessons from the Great Barrier Reef World Heritage Area (GBRWA). *Marine Policy* 33: 118-127.
- Queensland State Government. (1991). Aboriginal Land Act, 1991 [Online]. Available: www.legislation.qld.gov.au/LEGISLTN/.../A/AborLandA91.pdf [Accessed 26 April 2012].
- Queensland State Government. (1992). Nature Conservation Act 1992 [Online]. Available: www.legislation.qld.gov.au/legisltn/current/n/naturecona92.pdf [Accessed 26 April 2012].
- Queensland State Government. (1993a). Native Title (QLD) Act, 1993 [Online]. Available: www.legislation.qld.gov.au/LEGISLTN/.../N/NativeTitleQA93.pdf [Accessed 26 April 2012].
- Queensland State Government. (1993b). Wet Tropics World Heritage Protection and Management Act, (1993) [Online]. Available: www.legislation.qld.gov.au/LEGISLTN/.../W/WetTropicsA93.pdf Similar [Accessed 26 April 2012].

- Queensland State Government. (1994). Fisheries Act, 1994 [Online]. Available: www.legislation.qld.gov.au/LEGISLTN/CURRENT/F/FisherA94.pdf [Accessed 26 April 2012].
- Queensland State Government. (1998). Wet Tropics Management Plan, 1998 [Online]. Available: www.legislation.qld.gov.au/LEGISLTN/.../WWetTropMgmtP98.pdf [Accessed 26 April 2012].
- Queensland State Government. (1999). Vegetation Management Act, 1999 [Online]. Queensland State Government. Available: www.legislation.qld.gov.au/legisltn/current/v/vegetmana99.pdf [Accessed 26 April 2012].
- Queensland State Government (2001). Masterplan for Queensland's Park System. Brisbane: Queensland State Government.
- Queensland State Government. (2003). Aboriginal Cultural Heritage Act, 2003 [Online]. Brisbane: Queensland State Government. Available: www.legislation.qld.gov.au/LEGISLTN/ACTS/2003/03AC079.pdf [Accessed 26 April 2012].
- Queensland State Government. (2005). Wild Rivers Act, 2005 [Online]. Available: www.legislation.qld.gov.au/LEGISLTN/ACTS/2005/05AC042.pdf [Accessed 26 April 2012].
- Queensland State Government. (2009). Sustainable Planning Act, 2009 [Online]. Available: www.legislation.qld.gov.au/legisltn/acts/2009/09ac036.pdf [Accessed 26 April 2012].
- Queensland State Government. (2011). North Stradbroke Island Protection and Sustainability Act, 2011 [Online]. Available: www.legislation.qld.gov.au/LEGISLTN/ACTS/2011/11AC011.pdf [Accessed 26 April 2012].
- Pert, P. L., Hill, R., Williams, K. J., Harding, E. K., O'Malley, T., Grace, R. A., Dale, A. P., Bohnet, I. & Butler, J. R. A. (2010) Scenarios for community-based approaches to biodiversity conservation: A Case Study from the Wet Tropics, Queensland, Australia. *Australian Geographer* 41: 285-306.
- Piccone, A. (2011) Putting post wrongs right: the Queensland Government has revoked 75,854 hectares of National Park on Cape York Peninsula. While this may sound alarming it's got our support. *Habitat Australia* March.
- Rainforest Aboriginal Peoples (2010). Wet Tropics Cultural and Natural Resource Management Summit 5-6 July 2010. Cairns, Australia: James Cook University and others.
- Reed, M. S., Dougill, A. J. & Baker, T. R. (2008) Participatory Indicator Development: What can ecologists and local communities learn from each other. *Ecol. Appl.* 18: 1253-1269.
- Robinson, C. J., Andersen, A. N., Sparrow, A., Lane, M. B., Hill, R. & Battaglia, M. (2012) Indigenous peoples, fire and forest management in Australia. In: *People and Forests*, ed. U. N. F. o. Forests, London: Tudor Rose.
- Rose, D. B. (1994) Whose confidentiality? Whose intellectual property? In: *Claims to knowledge, claims to country. Native title, native title claims and the role of the anthropologist*, ed. M. Edmunds, pp. 1-11. Canberra, Australia: Proceedings of a conference session on native title at the annual conference of the Australian Anthropological Society, Institute of Aboriginal and Torres Strait Islander Studies.
- Sandström, C. (2009) Institutional Dimensions of Comanagement: Participation, Power and Process. *Society and Natural Resources* 22: 230-244.
- Schmider, J. (2012) Rainforest Aboriginal Peoples' Alliance: Business Plan, Terms of Reference and Review Recommendations. In: Cairns: Rainforest Aboriginal Peoples' Alliance.
- Secretariat of the Convention on Biological Diversity (2000) Cartagena Protocol on Biosafety to the Convention on Biological Diversity. In: Montreal, Quebec, Canada: Secretariat of the Convention on Biological Diversity, United Nations Environment Program.

- Secretariat of the Convention on Biological Diversity (2011) Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization to the Convention on Biological Diversity. In: Montreal, Quebec, Canada: Secretariat of the Convention on Biological Diversity, United Nations Environment Program.
- Smith, D. & Hunt, J. (2008) Understanding Indigenous Australian governance - research, theory and representations. In: *Contested Governance. Culture, power and institutions in Indigenous Australia* eds. J. Hunt, D. Smith, S. Garling & W. Sanders, pp. 1-23. Canberra, Australia: Research Monograph No. 29, Australian National University.
- Terrain NRM. (2009). Sustaining the Wet Tropics [Online]. Available: <http://www.terrain.org.au/publications/by-terrain/nrm-plans.html> [Accessed 26 April 2012].
- United Nations Development Program (2006) Community Action to Conserve Biodiversity: Linking Biodiversity Conservation with Poverty Reduction. In: New York, USA: GEF Small Grants Program, Equator Initiative, UNDP.
- UN (United Nations). (1992). Convention on Biological Diversity [Online]. Available: <http://www.cbd.int/> [Accessed 26 April 2012].
- UN (United Nations). (2007). United Nations Declaration on the Rights of Indigenous Peoples [Online]. Available: www.un.org [Accessed 26 April 2012].
- UNEP (United Nations Environment Program). (1992). Rio Declaration on Environment and Development [Online]. Available: <http://www.unep.org/Documents/Multilingual/Default.asp?documentid=78&articleid=1163> [Accessed 26 April 2012].
- UNESCO (United National Educational, S., Cultural Organisation). (1972). Convention concerning the protection of the world cultural and natural heritage [Online]. Available: <http://whc.unesco.org/en/conventiontext> [Accessed 26 April 2012].
- Winer, N., Turton, D. & Brockington, D. (2007) Conservation, protected areas and humanitarian practice. *Policy Matters* 15: 209-222.
- WTMA (Wet Tropics Management Authority). (2008). Strategic Plan - the Wet Tropics World Heritage Area [Online]. Available: www.wettropics.gov.au/mwha/.../Strategies/WTMAstrategicPlan.pdf [Accessed 26 April 2012].
- WTMA (Wet Tropics Management Authority). (2010a). *Wet Tropics of Queensland World Heritage Area Regional Agreement Between Rainforest Aboriginal People and the Wet Tropics Management Authority, Queensland Environmental Protection Agency, Queensland Parks and Wildlife Service, Queensland Department of Natural Resources and Mines and The Commonwealth of Australia - the Department of Environment and Heritage - For Management Wet Tropics World Heritage Area* [Online]. Available: http://www.wettropics.gov.au/rah/rah_regional.html [Accessed 26 April 2012].
- WTMA (Wet Tropics Management Authority). (2010b). Rainforest Aboriginal Involvement [Online]. Available: http://www.wettropics.gov.au/mwha/mwha_raac.html [Accessed 26 April 2012].
- WTMA (Wet Tropics Management Authority). (2010c). Wet Tropics Management Authority Board of Directors [Online]. Available: http://www.wettropics.gov.au/mwha/mwha_board.html [Accessed 26 April 2012].

