

# Why Native Title Corporations and Local Governments will benefit from planning together to adapt to changes in wet tropics country

November 2014 Research towards Policy Brief

Rainforest Aboriginal peoples work with partners to manage their traditional estates across multiple tenures in wet tropics country according to their own law and culture. A three and a half year co-research project involving Traditional Owners, social scientists, spatial analysts, government and non-government organizations investigated the health of collaborative governance through these partnerships (Figure 1).

**“Constraints are lifting, local government is engaging with Traditional Owners to have a presence on land.”**

*Partner*

## Key findings

- Recognition of Rainforest Aboriginal peoples' roles and responsibilities for managing country has increased through many recent Native Title Determinations and the establishment of associated Corporations:
  - Native Title land occurs in multiple local government jurisdictions.
  - 37 local government Indigenous Land Use Agreements (ILUAs) have been finalised including 2 about co-management (Figure 1).
- Local Governments in wet tropics country have changed since 2008 through amalgamations and subsequent de-amalgamation, and new legislation. There are now 4 Regional Councils, 4 Shire Councils, 1 City Council and 3 Aboriginal Councils (Figure 1).
- Aboriginal Shire Councils have changed since 2003 from arrangements under the *Community Services Act 1984* to *Local Government Act 2009*:
  - Some Indigenous Deed of Grant in Trust Land previously held by Aboriginal Councils has been transferred to Land Trusts through Indigenous Land Use Agreements (ILUAs) that form part of Native Title Determinations. More transfers are likely
  - Land Trusts sometimes hold tenure and Native Title Corporations hold native title over the same areas of land and work closely together, usually with the same Board.
- Aboriginal Shire Councils have decreasing roles in land ownership and increasing roles in coordinated planning.
- Land Trusts and Native Title Corporations have increasing responsibilities for land management.
- Native Title Corporations, Land Trusts, and Local Governments do not fully understand one another's roles and responsibilities.



Mandingalbay Yidinji Rangers working on their native title lands.  
*Reproduced with permission of the Traditional Owners.*

## Key opportunities

Local Governments, Native Title Corporations and Land Trusts can plan and work together on country to adapt to these changes by:

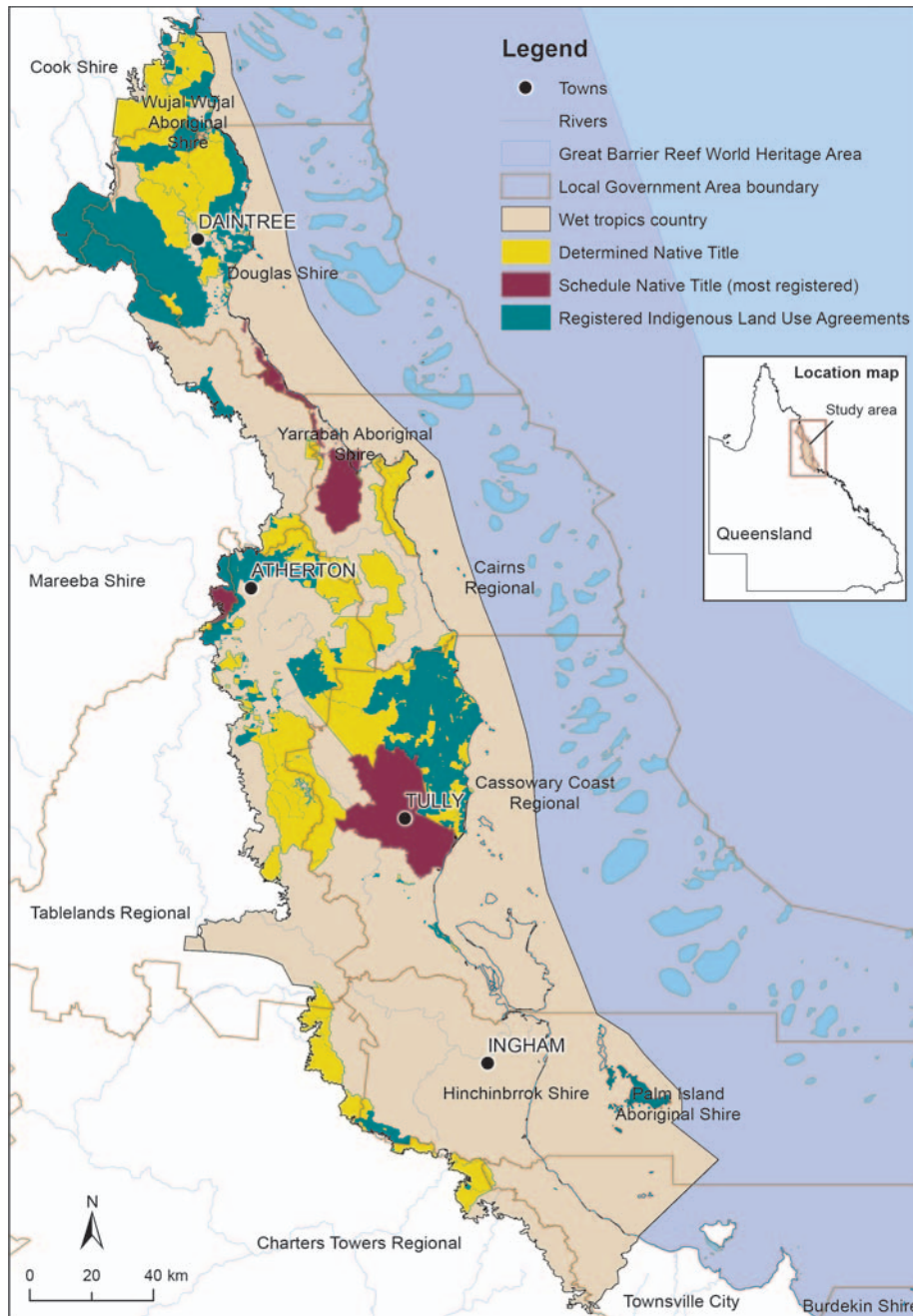
- Rainforest Aboriginal Rangers and Local Government staff working together on country through contracts, employment, training and workshops to build trust and relationships.
- Traditional-Owner driven country-based planning influencing local government plans.
- collaborative development of local government plans between Aboriginal Shire Councils and Native Title Corporations as a pilot to establish a flexible adaptive approach.
- planning how local government-based democratic governance can co-exist with native title collective decision-making.
- sharing learning between Regional Councils, and Shire Councils about effective collaboration with Indigenous land managers.
- using flexible approaches as more changes are likely to governance and country, including climate change, habitat loss and other environmental pressures.

**“Looking from outside into the Aboriginal communities, people see the Council, not the native title holders.”**

*Traditional Owner*

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**Figure 1** Overlap between Native Title Determinations, Indigenous Land Use Agreement and various Local Government areas in wet tropics country



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## Co-research team



“ they still see native title as a barrier, see us as a problem ... we need them putting on the right spectacles to see that we’re there as a neighbouring factor to helping them achieve.”

*Traditional Owner*

### Further reading

See <http://www.nertropical.edu.au/project/indigenous-peoples-and-protected-areas>

- ▶ Dale AP (2013) Governance Challenges for Northern Australia. Cairns: James Cook University's Cairns Institute.
- ▶ Hill R, Pert PL, Maclean K, Bauman T, Bock E, Dale AP, Flynn M, Joyce A, McDermott S, Mundraby V, Rist P, Rampton B, Schmider J, Talbot LD, and Tawake L (2014) Indigenous peoples and biodiversity protection in wet tropics country: from co-management to collaborative governance. Volume 1 interim policy-relevant findings. Volume 2 Participatory evaluation results. Cairns: Report to the National Environmental Research Program. Reef and Rainforest Research Centre Ltd. Online: [www.nertropical.edu.au/project/indigenous-peoples-and-protected-areas](http://www.nertropical.edu.au/project/indigenous-peoples-and-protected-areas)
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- ▶ Schmider J (2014) Too VIP to be Overlooked, ILUAs as Protected Area Joint Management, compared to everything else. National Native Title Conference Living with Native Title, from the Bush to the Sea 2-4 June. Australian Institute of Aboriginal and Torres Strait Islander Studies and NTSCORP Ltd, Coffs Harbour, NSW.