



National Environmental  
Research Program

Final Report

TROPICAL ECOSYSTEMS *hub*

Desktop review of co-management pathways in  
Cape York Peninsula  
An assessment of the support for structures, processes  
and results that enable Aboriginal Peoples and their  
partners to work towards co-management of country



Kirsten Maclean, Ro Hill and Petina L. Pert



Australian Government  
Department of the Environment



# **Desktop review of co-management pathways in Cape York Peninsula**

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and results that enable Aboriginal Peoples and their  
partners to work towards co-management of country**

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**Australian Government**  

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**Department of the Environment**

Supported by the Australian Government's National Environmental Research Program  
Project 12.1 Indigenous co-management and biodiversity protection

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National Library of Australia Cataloguing-in-Publication entry:  
978-1-925088-72-4

This report should be cited as:

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

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.

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March 2015

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## Acronyms used in this report

<b>AC</b> .....	Aboriginal Corporation
<b>ACF</b> .....	Australian Conservation Foundation
<b>AIATSIS</b> .....	Australian Institute of Aboriginal and Torres Strait Islander Studies
<b>ALP</b> .....	Australian Labor Party
<b>ATNS</b> .....	Agreements, treaties and negotiated settlements
<b>ATSIC</b> .....	Aboriginal and Torres Strait Islander Commission
<b>CAC</b> .....	Chuulangun Aboriginal Corporation
<b>CAFNEC</b> .....	Cairns and Far North Environment Centre
<b>CfoC</b> .....	Caring for Country
<b>CSIRO</b> .....	Commonwealth Scientific Industrial Research Organisation
<b>CU</b> .....	Cattlemen's Union
<b>CWTH</b> .....	Commonwealth
<b>CYHoA</b> .....	Cape York Heads of Agreement
<b>CYLC</b> .....	Cape York Land Council
<b>CYNHP</b> .....	Cape York Natural Heritage Trust Plan
<b>CYP</b> .....	Cape York Peninsula
<b>CYPAL</b> .....	Cape York Park Aboriginal Land
<b>CYPHA</b> .....	<i>Cape York Peninsula Heritage Act</i>
<b>CYPLUS</b> .....	Cape York Peninsula Land Use Study
<b>CYRAG</b> .....	Cape York Regional Advisory Group
<b>CYTRIG</b> .....	Cape York Tenure Resolution Implementation Group
<b>DOGIT</b> .....	Deed of Grand in Trust
<b>DNPRSR</b> .....	Department of National Parks, Recreation, Sport and Racing
<b>DSEWPaC</b> .....	Department of Sustainability, Environment, Water, Population and Community
<b>EKY</b> .....	Eastern Kuku Yalanji
<b>GBR</b> .....	Great Barrier Reef
<b>GIS</b> .....	Geographic Information System
<b>HPA</b> .....	High Preservation Area
<b>ILUA</b> .....	Indigenous Land Use Agreement
<b>IMA</b> .....	Indigenous Management Agreement
<b>IPA</b> .....	Indigenous Protected Area
<b>IUCN</b> .....	International Union Conservation Nature
<b>KALNRMO</b> ..	Kowanyama Aboriginal Land and Natural Resources Management Office
<b>KULLA</b> .....	Kaanju, Umpila, Lamalama and Ayapathu
<b>MoU</b> .....	Memorandum of Understanding
<b>NAILSMA</b> .....	The North Australian Indigenous Land and Sea Management Alliance Ltd
<b>NERP</b> .....	National Environmental Research Program
<b>NNTT</b> .....	National Native Title Tribunal
<b>NTA</b> .....	<i>Native Title Act</i>
<b>PBC</b> .....	Prescribed Body Corporate
<b>QCC</b> .....	Queensland Conservation Council
<b>QLD</b> .....	Queensland
<b>RDA</b> .....	<i>Racial Discrimination Act</i>
<b>RNTBC</b> .....	Registered Native Title Body Corporate
<b>RRRC</b> .....	Reef and Rainforest Research Centre Limited
<b>TEH</b> .....	Tropical Ecosystems Hub
<b>TWS</b> .....	The Wilderness Society
<b>WRA</b> .....	<i>Wild River Act</i>
<b>WTMA</b> .....	Wet Tropics Management Authority
<b>WCCYPTLO</b> ..	West Coast Cape York Peninsula Traditional Land Owners

## Acknowledgements

This research is supported by investment from the Tropical Ecosystems Hub of the Australian Government's National Environmental Research Program and co-investment from the CSIRO Land and Water Flagship. 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; the Wet Tropics Management Authority; Terrain NRM; the Australian Conservation Foundation; the Australian Institute for Aboriginal and Torres Strait Islander Studies, and the Indigenous Protected Area and Clean Land programs of the Australian Government's Department of Environment.

We thank these partners, for useful comments on an earlier draft of this report. We would also like to acknowledge the four key individuals from the state government, conservation and Aboriginal sector each involved in their different ways in the pathway towards co-management of biodiversity on Cape York Peninsula. Each of these individuals gave their time for an interview and discussed key documents that might be of use to the review. We also thank Dr Marcus Barber and Dr Bruce Taylor of CSIRO for helpful review and comments provided on an earlier draft.

Co-author contributions: Kirsten Maclean conducted the set of interviews to direct the desk top analysis, the institutional analysis and wrote most of the report. Ro Hill provided a thorough edit of an earlier draft, created Figure 1, and added substantial details to the report, in particular to the framework explanation, the World Heritage pathway and the Aboriginal Agency driven pathway. Petina Pert provided a thorough edit of the final document and located the photographs that grace the front of the report.



## Executive Summary

This desktop review and assessment contributes to Project 12.1 *Indigenous co-management and biodiversity protection* within the Tropical Ecosystems (TE) Hub of Australia's National Environmental Research Program (NERP). The review identifies five intersecting and overlapping pathways to co-management of country, including biodiversity and ecosystems, on Cape York Peninsula: Knowledge-Building; Judicial; Tenure Resolution; World Heritage and Aboriginal Agency-driven. We use the term 'pathway' to conceptualise the many interlinked ways in which Cape York Aboriginal Peoples and their partners are 'journeying' together towards co-management of country. The term 'journeying' reflects the notion that the road to co-management is not linear or direct. Each pathway was assessed to determine whether it supported structures, processes and results to enable the journey towards co-management. This report will be of interest to those working in co-management of biodiversity and cultural protection in the wet tropics to understand possible options and outcomes for co-management in their region. For similar reasons it may also be of use to those working in co-management and cultural protection in other regions in Australia – who may learn from the experience of Cape York Peninsula, and contrast/compare it with their own experiences to date.

A variety of secondary data was reviewed for this study. Most of this material was located from internet searches and includes scientific assessments and reports commissioned as part of the Cape York Peninsula Land Use Study and cultural and natural values assessments commissioned as part of the World Heritage Nomination Process. It also included relevant State and Commonwealth Acts, discussion papers on the Tenure Resolution processes, and the possible nomination of Cape York for the World Heritage (with Traditional Owner consent), the Heads of Agreement, country-based planning documents as well as the National Native Title Tribunal and Environment Australia websites.

The analysis shows that despite the two decades from the HoA to now, Aboriginal management of Cape York Peninsula, and collaboration with others, is actually now just starting—the system is primed to move from settling rights, to implementing rights. Much work is needed to build the capacities, and capabilities that can realize the full potential of this new institutional landscape. The Knowledge-Building pathway produced little initial institutional change but its implementation through the Cape York Peninsula Natural Heritage Plan delivered the first significant government investment into Aboriginal land and sea management. The Judicial pathway provided formal institutional structures through the *Native Title Act, 1993* (QLD and CWTB) that has resulted in the recognition of native title for many Traditional Owner groups in the region. Further, changes to the *Nature Conservation Act, 1992* and the advent of the *Cape York Cultural Heritage Act, 2007* has provided institutional structures and has resulted in the designation of a new kind of joint-managed National Park (CYPAL). This Act was essentially a follow-up to the Heads of Agreement, 1996 signed between the Cattlemen's Union, the Wilderness Society, The Australian Conservation Foundation, the Cape York Land Council and the Aboriginal and Torres Strait Islander Peninsula Regional Council to protect cultural heritage, environmental values and provide greater certainty for the pastoral industry. The ongoing Tenure Resolution Process that began with the signing of the Heads of Agreement in 1996 has resulted in the declaration of many joint-managed National Parks (CYPAL) and the return of millions of hectares of land to Aboriginal ownership. The ongoing World Heritage nomination process has enabled Aboriginal groups to develop country-based plans as part of the process whereby each particular Traditional Owner group decides whether or not they would wish their traditional country to be included in a World Heritage nomination and/or other ways they wish to manage their country. The analysis shows that the Aboriginal Agency-driven pathway was the only pathway that uniformly supported structures, processes and results for both *Keeping Aboriginal Peoples Strong* and *Keeping Engagement Strong*, with all the other pathways showing patchy support.

These intersecting pathways and initiatives present a picture of enormous institutional complexity. The institutional complexity is a result in part of an ongoing contest about steering the collaborative governance arrangements on Cape York Peninsula. For example, the *Wild Rivers Act 2005 (Queensland)* largely reflected *steering* by the conservation sector, with complex retro-fitting to better account for Aboriginal rights and interests. The growing significance of Indigenous Rangers largely reflects Aboriginal-Agency-driven *steering*. The array of ILUAs, IMAs, Land Trusts, Aboriginal Corporations and joint-managed parks represents a set of arrangements that has fundamentally changed the context of Aboriginal rights recognition on Cape York Peninsula.

However, it is important to realize that the delivery of these institutional structures, processes and outcomes essentially represents a *settlement* of rights— a set of agreements that together change the region fundamentally. While not negotiated as an overall regional agreements, such as those that have occurred in similar contexts of rights-recognition such as Canada, the changes constitute a fundamental reshaping, placing Indigenous peoples in a centrally driving role. Despite the two decades from the HoA to now, Aboriginal management of Cape York Peninsula, and collaboration with others, is actually now just starting—the system is primed to move from settling rights, to implementing rights. Much work is needed to build the capacities, and capabilities that can realize the full potential of this new institutional landscape. This assessment highlighted the strengths of Aboriginal Agency-driven approaches in building Aboriginal peoples' capacity to strengthen their own societies, laws and customs, and simultaneously strengthen their partnerships with their non-Aboriginal counterparts (for the co-management of biodiversity). Greater attention to these Aboriginal Agency-driven partnerships is likely to support the necessary capability to realize the full potential of co-management going forward.





# Introduction

This report contributes to the National Environmental Research Program (NERP) Tropical Ecosystem (TE) Hub Project 12.1 Indigenous co-management and biodiversity protection.

The overall goal of the co-research project 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 wet tropics region.

The co-research team agreed that an analysis of pathways towards co-management of country in the Cape York Peninsula region, adjacent and to the north of the wet tropics region would be useful to understanding options and outcomes for co-management of biodiversity and cultural protection in the wet tropics region. As such the report is of particular use to those working in co-management and cultural protection in the wet tropics region. It may also be of use to those working in co-management and cultural protection in other regions in Australia – who may learn from the experience of Cape York Peninsula, and contrast/compare it with their own experiences to date.

In the wet tropics region, the co-research operates through a highly participatory set of arrangements that include:

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 Institute of Aboriginal and Torres Strait Islander Studies; the Australian Conservation Foundation; Terrain NRM; the Australian Governments' Department of Environment and of Prime Minister and Cabinet; the Queensland Government's Department of National Parks, Recreation, Sports and Racing and the Regional Advisory and Innovation Network.
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' organizations, benefit-sharing and informed consent arrangements, and an Ethics Approval 06/10 from the CSIRO Social Science Human Research Ethics Committee.
3. A co-operative team methodology (following Cullen-Unsworth et al, 2011) that includes:
  - Five principles (equity, trust, partnerships, mutual benefit, 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.
  - Trans-disciplinary research methodology, pathway to impact from the beginning to end of research.

The research has been delivered through three phases:

- Phase one (completed 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<sup>1</sup>(see Maclean et al, 2012; Pert et al. 2015).
- Phase two (completed December 2013): participatory evaluation of the current status of Indigenous co-management in the Wet Tropics using the framework (Hill et al, 2014).
- Phase three (completed December 2014): identification of gaps and policy options to bridge the gaps, and provide for recognition of Aboriginal knowledge and co-management for biodiversity protection in the Wet Tropics<sup>2</sup>, and desktop assessment of Cape York Peninsula.

This report contributes to phase three of the co-research project, and address the question *Where are we in a change pathway towards Indigenous co-management in Cape York Peninsula?* We use the term 'pathway' to conceptualise the many interlinked ways in which Cape York Aboriginal Peoples and their partners are 'journeying' together towards co-management of country. The term 'journeying' reflects the notion that the road to co-management is not linear or direct. Each pathway was assessed to determine whether support was present or absent for structures, processes and results to enable the journeying towards co-management.

The time and resources available for the project did not provide for the sort of highly participatory co-research approach applied in the wet tropics region. Instead, we undertook a desktop study of the status of Indigenous co-management and biodiversity protection in Australia's Cape York Peninsula.

This study provides a review and assessment based on documentary analysis, large of documents that are secondary data. Documents for the analysis were located via internet searches, and via interviews with four key individuals from the state government, conservation and Aboriginal sector who were able to provide insight and where possible relevant documents, into these processes. Each document was analysed to contribute to background summaries of the pathways identified, and to assess whether support was present or absent for structures, processes and results to support Cape York Aboriginal peoples their partners to work towards co-management of country.

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<sup>1</sup> This phase seeks to answer three questions:

- What are all the parts that 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 (what are the thresholds along the way)?

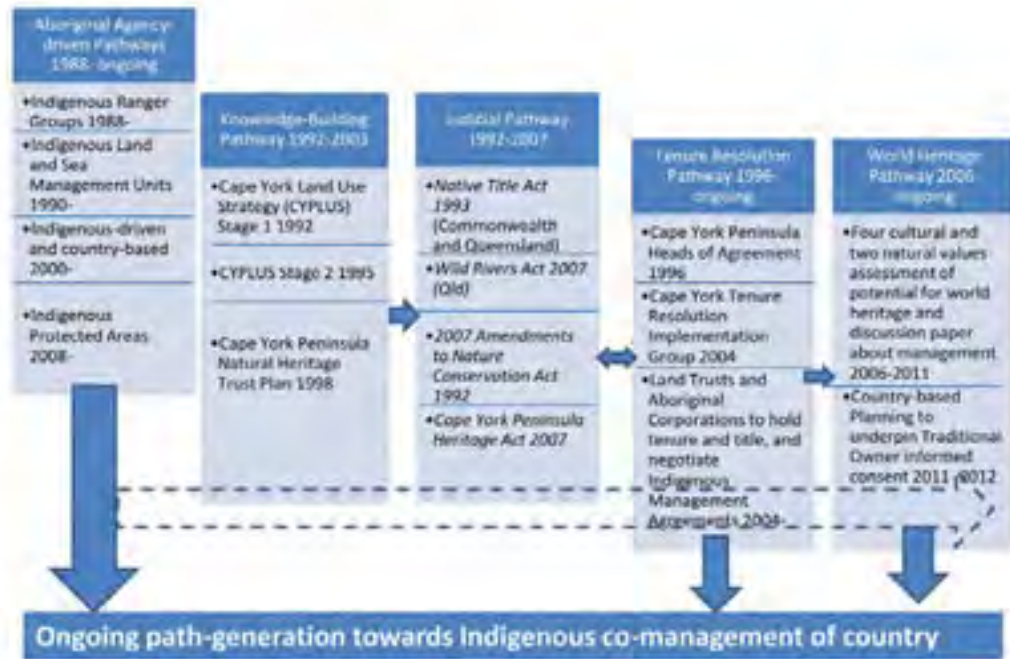
<sup>2</sup>This phase seeks to answer: What policies will help movement along the path towards effective Indigenous joint management?

# **Aboriginal involvement in co-management of country (biodiversity and ecosystems) on Cape York Peninsula**

## ***Introduction***

Cape York Peninsula is recognised nationally for its unique natural and cultural environments. It contains three globally significant bioclimatic domains and a wide range of ecosystems that are described by Mackey et al. (2001) as being relatively undisturbed (by modern technology). These ecosystems include: rainforest, open forests and woodlands to mangroves, seagrass and coral reef systems (Mackey et al, 2001). The cultural landscapes of the Cape York regions are also diverse and rich: it is home to many traditional Aboriginal owner groups, many of whom have maintained a close connection to their traditional territory despite colonial history (see Cole, 2011; Sutton, 2011; Greer, 2011; Holmes, 2011; 2012). Many pastoral land managers also call Cape York Peninsula home, and these land managers also bring a rich history to the region (see Horsfall and Morrison, 2010). The significance of these bio-cultural landscapes is acknowledged in the ongoing development of a case for World Heritage Listing for both outstanding natural and cultural heritage (see Valentine, 2006; Horsfall and Morrison, 2010; Cole, 2011; Sutton, 2011; Greer, 2011; Woinarski, 2012). The effort for listing has been the result of a suite of governance and knowledge collaboration processes that date back to the early 1970s.

We consider here the diverse pathways towards recognition of Aboriginal roles in co-management of country. Our analysis includes government and non-government processes, described by Holmes (2012) as technocratic, consultative, participatory and judicial –changes in legislation towards the greater recognition of Aboriginal rights and including co-management of biodiversity and the development of sustainable livelihoods. This report first considers the background context to these change pathways. We then present our framework for analysis of the pathways, followed by a description of each pathway together with an assessment of how each pathway supports progress towards Aboriginal co-management of biodiversity in the region (Figure 1).



**Figure 1:** Diagram showing the diverse pathways to co-management identified in this review and assessment

## ***Background and context: contested visions and competing interests***

The rich and diverse histories and contemporary realities of Cape York Peninsula can be understood in many ways. A focus on land tenure provides a means to unpack the multiple visions and interests of the region (Holmes, 2011; 2012) and is integral to understanding the pathway towards Aboriginal co-management of the region. The contested visions and competing interests relate to those held by pastoralists, those with an interest in the mining industry, the tourism industry, the environmental conservation movement and the Aboriginal traditional owners of the region. The many values ascribed to Cape York (and related uses) are partially reflected in the most up to date Cape York Peninsula Land Tenure map – see Figure 2.

Much research describes the Australian tropical north as a 'northern frontier' (Hill, 2005; Dale, 2013; Dale et al, 2013). The notion of the north as a 'national development challenge' persists today (Commonwealth of Australia 2014). Prior to Cape York being articulated as a 'region' the Queensland State Government fostered pastoral and mining ventures in the far north. This practice reflected the pro-development management discourse at the time: all land had to be managed and thus vacant crown land was transferred to pastoral lease (Holmes, 2012). This form of land tenure, albeit poorly managed and undercapitalised, provided the mechanism for the paternalistic state control of Aboriginal people from the region, many of whom were moved off their traditional territories and relocated to Aboriginal reserves (run by church missions). Holmes (2012) reports that governmental and societal attitude towards land management in the region began to change in 1977 following the 'herd management provisions' that were imposed by Brucellosis and Tuberculosis eradication campaign, whereby some leases in the far north were compulsorily destocked as they were not able to satisfy the provisions. At the same time (1977-79) the state government declared seven national parks on the Cape.

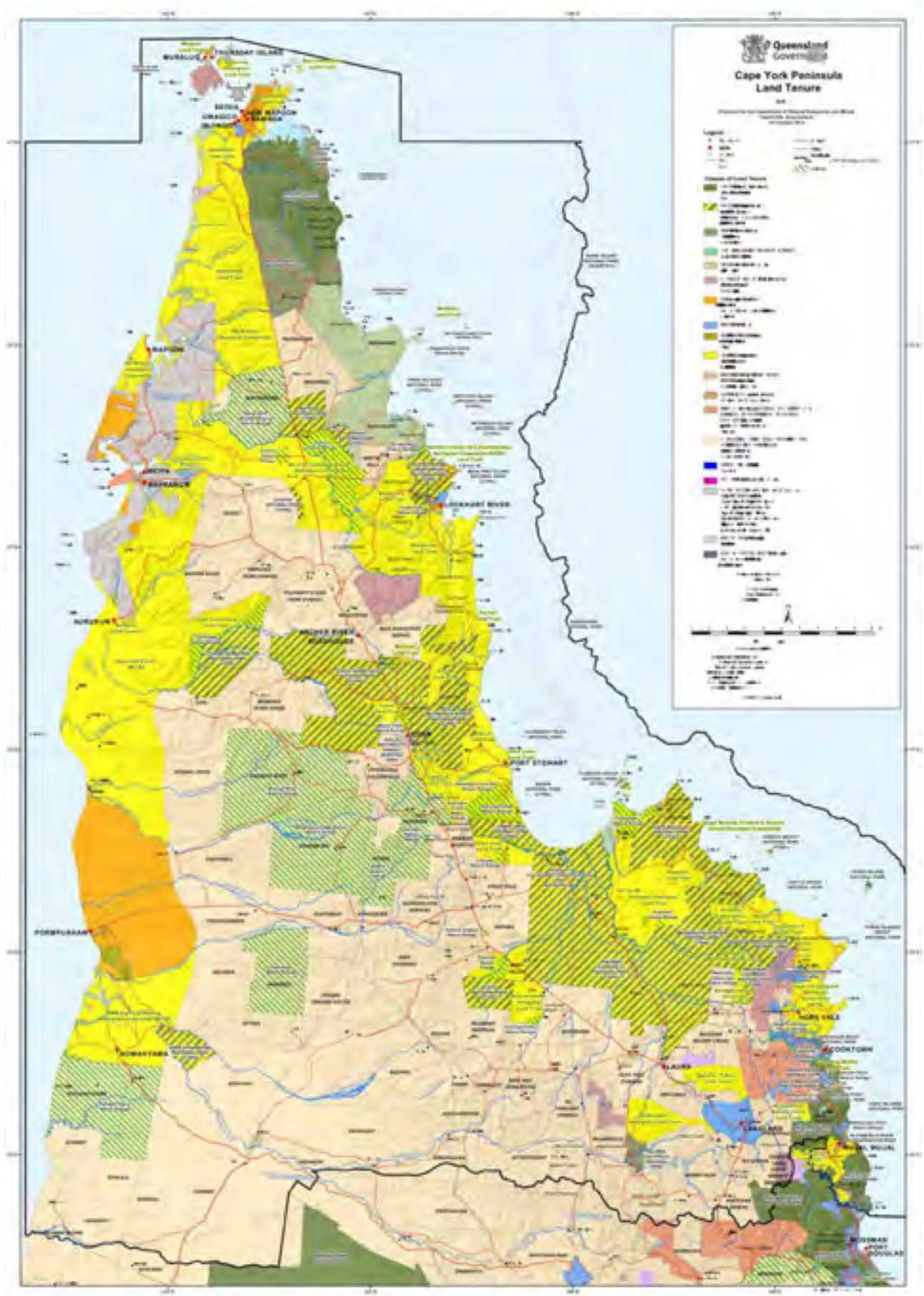
Declaration of one of these parks, Archer Bend, occurred against a background of intense resistance to recognition of Aboriginal rights by the then Queensland Government. John Koowarta and a group of Aboriginal stockman approached the Aboriginal Land Development Commission (ALDC) for funds to purchase the property and in 1974 the ADC signed a contract with Remington-Rand for its purchase. However, Premier Bjelke-Petersen blocked the sale, reflecting an approach that no large areas of land be transferred to Aboriginal people. Koowarta initiated litigation on the basis that this was discriminatory and illegal under the Australian Government's *Racial Discrimination Act (RDA)*. The Queensland Government argued that the RDA did not apply to them, and lost the case in the High Court. The Supreme Court of Queensland subsequently ordered that the sale proceed, but the Queensland Government had converted it to the Archer Bend National Park in 1977 (Charlesworth 2014). Thus National Parks in Cape York Peninsula became known by Aboriginal people as an instrument for dispossession, rather than an instrument to support a genuine interest in conserving biodiversity and ecosystems.

The first mining leases on Cape York were issued in 1957 (Comalco bauxite mining venture, land near Weipa Mission) and in 1963 (Alcan bauxite mining venture, land near Mapoon mission), in both cases Aboriginal reserves were revoked to enable the granting of the leases, although the latter mine has not yet begun and some rights have now been transferred to the local Aboriginal people (Holmes, 2012). In 1978, the Aurukun Aboriginal reserve land was taken over by the Queensland Government, who enacted the *Local Government (Aboriginal Lands) Act 1978*, proclaimed the Shire of Aurukun. The take-over by the Queensland Government occurred following a dispute over further bauxite leases, during which the Aboriginal people of Aurukun had refused access to the then Queensland Premier. The Aurukun people appealed to the Australian Government for help to oppose what they saw as the loss of their land. The Australian Government and Queensland Government entered into discussions which resulted in a fifty year lease being issued to the Aurukun Shire for the lands within their boundary. Self-management was also supported by the passage of the *Aboriginal and Torres Strait Islanders (Queensland Reserves and Communities Self Management) Act* (Commonwealth). In



1984, the Queensland Government introduced the first real form of land rights in Cape York, through Deeds of Grant in Trust under the *Community Services (Aborigines) Act 1984* which enabled Aboriginal Community Councils to own the former Aboriginal reserves (Memmott and Blackwood 2008). The advent of a new Labor Government under Premier Goss 1989, ending 32 years of Coalition/National Party rule, introduced new policy priorities towards pastoralism, conservation and Aboriginal land rights on Cape York Peninsula. The new government expected strict adherence to pastoral lease provisions, recognition of Aboriginal Land Rights and support for self-management; and the expansion of the conservation estate (Holmes, 2012).

Holmes (2012) reports that in 1970, 17% of land was held in Aboriginal Reserves. Despite the expectation that pastoral leases be managed for cattle production, many Aboriginal people were able to stay on their traditional land in the region, as much of the land was not suitable for pastoral management. The continuing links these Aboriginal people were able to maintain with their traditional land enabled them to exercise significant influence on the land tenure landscape once these various land rights recognition regimes were in place (Holmes, 2012). The shift away from production goals towards conservation and land rights goals that occurred in the 1990s was the result in part of judicial and political recognition of Aboriginal Land Rights, and the emergence of strong Aboriginal leadership that had a "sophisticated understanding of white politics, history and law" and was able to influence local, state and national political agendas (Holmes, 2012:260). This shift occurred contemporaneously with rising influence of the national nature conservation polity, reflected in allocation of large amounts of funding and policy support for environmental protection and restoration from the mid 1990s on (Lane *et al.* 2009). Thus the pathways towards co-management of biodiversity on Cape York Peninsula are complex, multi-faceted and overlapping. This desktop review tracks these pathways that have emerged since the late 80s and early 90s, following the delivery of the first institutional arrangements that supported recognition of Aboriginal rights to land.



**Figure 2:** Cape York Land Tenure map (Source: Department of Aboriginal and Torres Strait Islander and Multicultural Affairs, current as on 16/10/14)

## **A framework to review and assess pathways towards co-management of biodiversity on Cape York Peninsula**

The pathways towards co-management on Cape York Peninsula are assessed using a framework co-developed together with Rainforest Aboriginal peoples and their partners in the wet tropics region (Pert et al. 2015). Co-management was defined as:

*“a continual solution-building process, not a fixed state, involving extensive talking, negotiations and jointly learning, so it gets better over time”* (Hill et al. 2014, p. 11).

Biodiversity is broadly considered to encompass all of the terrestrial native fauna and flora, including ecosystems, their functions and processes. For Cape York Peninsula, which has much less than 1% of its native vegetation cleared, co-management of biodiversity is essentially about co-management of land.

The framework is based around two major categories: how certain pathways support **Rainforest Aboriginal Peoples Keeping Strong** within their own organisations, societies and their wider communities; and how certain pathways support **Keeping Engagement Strong** between Aboriginal people and their collaborators (government agencies tasked with biodiversity conservation and management; non-government organisations with a focus on natural resource and biodiversity management; researchers, other natural resource managers and so on). The *Rainforest Aboriginal Peoples Keeping Strong* category recognised that support was needed in six themes: culture, kin, country, Aboriginal leadership and governance, capacity and strategic vision and intent. *Keeping Engagement Strong* recognised that support was needed across seven themes: mechanisms for conflict resolution; regimes for joint management; engagement protocols and processes; strategy planning through plans and documents; relationships that enable Aboriginal roles in co-management; and the principle of respect the diverse approaches of local groups to engagement. The participatory evaluation conducted in the wet tropics gave health rating to each of the themes using three indicators: structures; processes and results (Table 1) (Hill et al. 2014).

**Table 1:** Indicators used in the assessment and an explanation of their meaning

<b>Indicator</b>	<b>Explanation</b>
<b>Structures</b>	Setting things up—both Aboriginal people and government/others—like starting organisations, getting the constitutions in place for organisations, progressing Native Title recognition, making agreements (like Indigenous Land Use Agreements), making new laws or rules, agreeing on protocols.
	Doing things—both Aboriginal people and government/others—like making plans, getting people to meetings, starting projects, getting Aboriginal Ranger Groups out ‘caring for country’, exercising native title rights (hunting, lighting fires), finding ways to sort out arguments, teaching language, finding partners, working together with partners, finding ways to sort out arguments and progress mutual interest.
<b>Results</b>	Things actually being delivered—both Aboriginal people and government/others—like Aboriginal people knowing their language and culture, government people showing respect for Aboriginal People law/lore, good relationships being in place, protocols being followed, the country getting healthier.

We used this framework as a way to focus our review for two specific reasons. First, as it had been developed in partnership with Australian Aboriginal peoples from the neighbouring wet tropics region, it was deemed more likely to be relevant to Australian Aboriginal people from Cape York than any other framework. Some of the Aboriginal people involved in the wet tropics are also considered to be

part of Cape York Peninsula. Second, we used this framework so that we could conduct a future *comparative analysis* (albeit a desk top review and assessment as opposed to a participatory evaluation developed through a co-research approach) of the pathways to co-management of biodiversity on Cape York and in the Wet Tropics.

In applying the framework to the desktop analysis Aboriginal co-management pathways on Cape York Peninsula, we assessed the indicators (structures, processes and results) in relation to the two major categories, *Aboriginal People Keeping Strong* and *Keeping Engagement Strong*. We used the two higher order categories, rather than drilling down to the themes, as this is a desk top review and thus we were not able to locate more specific details for such thematic sub categories. Rather than a health rating, we simply assessed whether some form of support was present, indicated with Y for Yes, or absent, indicated with N for no.

Important to note is that our desk top review considered, as far as possible, the work of the many Aboriginal groups from Cape York Peninsula (in particular in relation to the Aboriginal agency driven pathway) that have set up Corporations, Land and Sea Management Units and Ranger Groups to further their important work. There are many active groups on Cape York Peninsula and we have attempted to include all those here (as far as our internet searches allowed us). Please note that we not deliberately included or excluded any such group, rather we have included all groups that we were able to collect data on at the time of the desk top review and given our time constraints.

## **Overview of pathways towards co-management of biodiversity on Cape York Peninsula**

We provide a desk top review and evaluation of the various pathways identified as instrumental in moving towards co-management of biodiversity on Cape York. Holmes (2011) argues that these pathways are directly related to a change from production to conservation goals on the Cape, associated with a move towards multifunctional landscape management. Important to note is that this is a desk top study only. The review summarises several diverse pathways toward co-management since the first form of land rights recognition occurred in the mid 1980s. Each pathway includes a number of different components, some concurrent and some representing stages over time (Table 2). The evaluation rates whether the pathway supports (Y) or does not support (N) structures, processes, and results in two categories: *Aboriginal People Keeping Strong*, and *Keeping Engagement Strong*. This evaluation has not had any input from any Cape York Aboriginal peoples.

The identified pathways include (in no particular order):

- The Knowledge-Building Pathway, with three components: the government-led 'Cape York Peninsula Land Use Strategy' (CYPLUS) Stage 1 initiated in 1992; the more participatory CYPLUS Stage 2; and implementation of co-management initiatives through the Cape York Peninsula Natural Heritage Trust;
- The Judicial Pathway with four legislative components related to both Aboriginal rights and conservation: *Native Title Act, 1993 (Commonwealth and Queensland)*; the *Wild Rivers Act 2007 (Queensland)*; the *Amendment to Nature Conservation Act, 1992* and associated *National Park Cape York Peninsula Aboriginal Land, 2007*; and the *Cape York Peninsula Heritage Act, 2007*.
- The Tenure Resolution Pathway with three components: the Cape York Peninsula Heads of Agreement formalised in 1996; the Cape York Land Tenure Resolution Implementation Group formally established in 2004, following the Queensland Government signing on to the Heads of Agreement in 2001; and the Land Trusts and Aboriginal Corporations established to hold tenure and native title, and negotiate Indigenous Management Agreements under the *Aboriginal Land Act 1991*.

- The World Heritage Pathway includes the initiatives to support nomination with Traditional Owner consent, with two components: natural and cultural values assessments and discussion paper on management arrangements; and country-based planning.
- The Aboriginal Agency-driven Pathway includes initiatives that appear to have greater agency from Aboriginal peoples themselves, with four components Aboriginal Rangers; Land and Sea Management Units (e.g. Kowanyama Office established 1990); Indigenous Protected Areas; Indigenous Land Use Agreements; Aboriginal Land Trusts; National Parks (CYPAL) and related Indigenous Management Agreements; and Country-based Plans.

The next section of this report will consider each of these pathways in turn, explore why it is relevant as part of the pathway towards co-management of biodiversity on Cape York Peninsula, and present an evaluation (see Tables 2-5) as to whether support is present (Y) or absent (N) for structures, process and results for *Aboriginal Peoples Keeping Strong* and *Keeping Engagement Strong*.

**Table 2:** Summary of pathways to co-management on Cape York Peninsula, together with an assessment of how their components provided support for *Aboriginal People Keeping Strong* and *Keeping Engagement Strong*

Pathway and components	Aboriginal Strong	People	Keeping	Keeping Engagement Strong		
	Structures	Processes	Results	Structures	Processes	Results
<b>Knowledge-Building Pathway</b>						
Cape York Land Use Strategy Stage 1, 1992	N	Y	N	N	N	N
Cape York Land Use Strategy Stage 2, 1997	N	Y	Y	Y	Y	Y
Cape York Peninsula Natural Heritage Trust Plan, 1998	Y	Y	Y	Y	Y	N
<b>Judicial Pathway</b>						
<i>Native Title Act 1993 (CWth and Qld)</i>	Y	N	Y	Y	N	Y
<i>Wild Rivers Act 2007 (Queensland)</i>	N/Y 2011	N/Y 2011	Y	N	N/Y2011	N
<i>Nature Conservation Act, 1992 (amended, 2007)</i>	Y	N	Y	Y	Y	Y
<i>Cape York Cultural Heritage Act, 2007</i>	Y	N	Y	Y	N	Y
<b>Tenure Resolution Pathway</b>						
Cape York Heads of Agreement, 1996	Y	N	N	Y	N	Y
Cape York Land Tenure Resolution Implementation Group, 2004	Y	Y	Y	N	Y	Y
Land Trusts and Aboriginal Corporations established to hold tenure and title, and negotiate Indigenous Management Agreements	Y	Y	Y	Y	Y	Y
<b>World Heritage Pathway</b>						
Four cultural and two natural values assessments of potential world heritage and discussion paper about management	N	N	Y	N	N	Y
Country Based Planning	Y	Y	Y	Y	Y	Y
<b>Aboriginal Agency-driven Pathway</b>						
Ranger groups (e.g. Community Rangers established 1988)	Y	Y	Y	Y	Y	Y
Indigenous Land and Sea Management Units (e.g Kowanyama Office established 1990)	Y	Y	Y	Y	Y	Y
Aboriginal-driven and country-based planning	Y	Y	Y	Y	Y	Y
Indigenous Protected Areas	Y	Y	Y	Y	Y	Y

# Knowledge-Building Pathway

## Background

The Cape York Peninsula Land Use Strategy, a joint initiative of Queensland and Federal governments, began in 1992. The aim of the strategy was to provide the means to establish regional land and land related resource use objectives, within the context of the Australian and Queensland Ecologically Sustainable Development Policy (Environment Science and Services (NQ), 1995). It included three stages. Stage 1 focused upon data collection, issues identification and analysis of opportunities and constraints. Forty four individual reports were developed under the 'natural resource analysis program' (reports examined both physical and biological resources) and the 'land use program'. For the latter program, research priorities were set through a public participation process with the objectives of collecting information on a wide range of social, cultural, economic and environmental issues relevant to CYP; and highlighting interactions between people, land and natural resources. The reports were grouped under 'people projects, land projects, and nature projects'. Table 3 shows the report topics of this 'land use program' (see Cordell, 1995).

**Table 3:** The CYPLUS Reports that formed part of the 'Land Use Program'

People Projects	Land Projects	Nature Projects
Population	Current land use	Surface water resources
Transport services and infrastructure	Land tenure	Fire
Values, needs and aspirations	Indigenous management of land and sea	Feral and pest animals
Services and infrastructure	Pastoral industry	Weeds
Economic assessment	Primary industries (non-pastoral, non-forestry)	Land degradation and soil erosion
Secondary and tertiary industries	Forest resources	Conservation and natural heritage assessment
Traditional activities	Commercial and non-commercial fisheries	Conservation and National Park management
Current administrative structures	Mineral resource potential and mining industry	
	Tourism industry	

The reports of these two programs culminated in the production of four summary reports: three thematic reports 'Natural Resources and Ecology', 'Land Use and Economy' and 'Society and Culture' (Environment Science and Services (NQ), 1995), and the overview report, 'Overview of Current Resources, Land Uses and Issues' (see Cape York Regional Advisory Group, 1997). CYPLUS Stage One commenced in early 1992 and was completed in 1995.

Stage 2 was completed in 1997 and involved the development of a coordinated strategy (vision, principles, and broad policies) for sustainable land use and economic and social development. Holmes, (2011:227) describes CYPLUS Stage 2 as "the technocratic vehicle for conflict resolution towards consensus-driven strategic planning". Stage 2 commenced in late 1995 and was completed with the publication of the *Cape York Peninsula Land Use Strategy – Our Land Our Future* in May 1997. The Strategy development was directed by and under the stewardship of the Cape York Regional Advisory Group (CYRAG) which included representatives of many sectoral interests, including fifteen Cape York stakeholder groups, and involved extensive local community consultation. A management group, a State governmental interdepartmental



Committee and a Secretariat were also instrumental in the development of the strategy. CYRAG was proposed as the main public participation forum for undertaking the detailed work of achieving the aims of Stage 2 (CYRAG, 1997). The Strategy document reflects the aspirations and values of the participants, but is dogged by internal contradictions, and a failure to resolve the key disputes around recognition of native title, the future of the cattle industry, World Heritage listing and other conservation initiatives.

This co-ordinated strategy included the development of a set of 23 Strategies through which the Vision of CYPLUS could be actualized. These strategies were grouped under themes of 'conservation', 'cultural', 'economic', 'lifestyle and social', many of which relate directly to Aboriginal peoples of Cape York Peninsula. The final stage, Stage 3, of CYPLUS was to consist of the implementation and evaluation of Stage 2 (DSEWPaC, 2010).

Holmes (2012) argues that CYPLUS came to a standstill as there were so many competing interests. Sutton (quoted in Holmes, 2011) described CYPLUS as an ongoing form of outside incursion and domination of the region by government, conceived and created by government, without participation from individuals and groups in the region, which was doomed to fail. While that may be true in part, multiple participatory mechanisms as described above underpinned the finalization of the CYPLUS Strategy. CYPLUS Stage 3 implementation encountered a period of rapid institutional change in 1995-96 that reshaped the institutional landscape for implementation in both Queensland State and Australian Government jurisdictions.

In Queensland, the Australian Labor Party in the lead-up to the 1995 Queensland election adopted a new policy the "Eastern Cape York Wilderness Zone" based on purchasing 3.6 million ha of pastoral properties along a 1,200 km coastal strip for conservation and Aboriginal interests, including through compulsory acquisition if necessary (Stevenson 1998). This policy was stimulated by the proposed sale of Starcke cattle station, advertised in the Wall Street Journal in 1993. Members of The Wilderness Society (TWS) and traditional owners of the land, who were based in Hopevale, formed an alliance to oppose the sale, and instead have the land acquired by the State government and handed back to Aboriginal ownership (Schneider 1999). The Queensland Government responded by acquiring the land, and adopting a tenure resolution model based on agreement that sections of the returned land would become 'Aboriginal National Parks'. The balance of the land would become Aboriginal freehold with conservation agreements negotiated between the state and the traditional owners to protect areas of high natural or cultural conservation value. The conservation and Aboriginal groups, buoyed by the success of their alliance, established the Cape York Indigenous Environment Foundation to pursue broader application of this model through fund raising for land acquisitions (Schneider 1999). The so called 'Starcke model' of land settlements underpinned the proposed Eastern Cape York Wilderness Zone. The ALP Queensland Government, returned following the election in 1995, immediately began to implement the policy through acquisitions of land, including for example of Kalpowar station. The Eastern Cape York Wilderness Zone was deeply unpopular with pastoralists. This policy stimulated pastoralists and Aboriginal interests to bring conservation interests into the negotiation of an agreed way of settling ongoing disputes, and initiated the Cape York Heads of Agreement pathway, described in the next section (Stevenson 1998). When the Queensland Government changed from Labor to a Coalition early in 1996, the Eastern Cape York Wilderness Zone policy was abandoned. The new Premier introduced a suite of new policies.

At the Australian national level, the Coalition parties when in opposition in the lead-up to the Australian election in 1996 adopted a new policy of establishing a \$1 billion fund from the privatisation of Telstra to restore the national estate, including programs to arrest soil degradation. In relation to Cape York Peninsula, the Coalition made an undertaking to invest up to \$40 million in supporting the aims and objectives of the Cape York Heads of Agreement. The



change of the Australian Government from Labor to Coalition at the 1996 election led to implementation of this policy through the *Natural Heritage Trust Act* and devolved Natural Resource Management arrangements. The High Court of Australia decisions in *Wik peoples v The State of Queensland, 1996*, that recognised co-existence between pastoral and Indigenous rights holders was greeted with dismay by pastoralists and triggered reforms to the *Native Title Act* that substantially curtailed the extent of recognition of Aboriginal rights.

Two significant attempts were made at coordinated responses to the CYPLUS within this rapidly altered institutional landscape: the Cape York Natural Heritage Trust Plan, agreed between the Queensland and Australian governments, provided with \$40 million of Australian Government funds for implementation; and the Cape Park Peninsula 2010 which brought together all non-conservation related State government activities. A number of committees were established with carriage of various parts of the response to CYPLUS including Cape York Peninsula Regional Advisory Group, Cape York Peninsula Regional Assessment Panel, Property Planning Technical Group, Tenure Resolution Group, and others.

The Cape York Natural Heritage Trust Plan is relevant to the focus of this report, co-management of the outstanding environmental and cultural values of the region (Commonwealth of Australia 1998, p.3). The CYNHT Plan provided a response to those parts of the CYRAG Stage 2 report (CYRAG 1997) that made recommendations relating to environmental and cultural protection.

The CYNHT Plan included ten elements:

1. Managing natural resources (through property plans, voluntary acquisition of lands into protected areas, and Indigenous peoples' land management);
2. Enhancing Cape York Protected areas;
3. Controlling feral animals and weeds;
4. Heritage site management;
5. Land rehabilitation;
6. Assessment of natural and cultural values;
7. Cooktown Interpretive Centre;
8. Cape York Community Grants;
9. Rare and threatened species assessment and recovery;
10. Making it happen.

The stated goal of the CYNHTP as outlined in a Memorandum of Understanding signed by the Queensland and Commonwealth Governments was:

*"To protect the natural heritage values of Cape York Peninsula through an integrated regional initiative"*

The objectives of the Plan contained in the same MOU, were to:

1. Conserve Cape York's biodiversity and heritage values;
2. Restore the conservation values and productive capacity of degraded land and water;
3. Protect and manage ecologically and culturally significant areas;
4. Encourage ecologically and economically sustainable land use; and
5. Implement mechanisms and incentives for landholders to protect ecologically and culturally significant areas through voluntary declaration of protected areas.

Implementation of the CYNHTP was also dogged by key policy differences between the Queensland and Australian governments on issues included protected creation and management. However, the investment into Indigenous peoples' land management was supported by both levels of government, and was a relatively successful component of the work delivered (TWS, ACF, QCC and CAFNEC 2003).

**Table 4:** Summary of the Knowledge-Building pathway to co-management on Cape York Peninsula, together with an assessment of how its components provided support for *Aboriginal People Keeping Strong* and *Keeping Engagement Strong*

Institution	Organisation	Role	Aboriginal Peoples Keeping Strong			Keeping Engagement Strong		
			Structures	Processes	Results	Structures	Processes	Results
Science Processes								
Cape York Land Use Study Stage 1	Australian and QLD governments, various scientists	To establish regional land and land related resource use objectives for Cape York, within the context of the Australian and Queensland Ecologically Sustainable Development Policy.	N	Y	N	N	N	N
Cape York Land Use Study Stage 2	Governments, other Cape York interests groups	The development of a coordinated strategy (vision, principles, broad policies) for sustainable land use and economic and social development on CYP.	N	Y	Y	Y	Y	Y
Cape York Peninsula Natural Heritage Trust Plan	Australian and Queensland Governments MoU, Australian Government funding	To protect the natural heritage values of Cape York Peninsula through an integrated regional initiative.	Y	Y	Y	Y	Y	N

## **Knowledge-Building Pathway: support for Aboriginal Peoples Keeping Strong?**

### **Support for Structures for Aboriginal People Keeping Strong**

The desktop review showed that the initiatives in CYPLUS Stage 1 did not provide support for structures for *Aboriginal People Keeping Strong*. However, the report on Indigenous Management of Land and Sea and Traditional Activities in Cape York Peninsula (see Cordell, 1995) provided an extensive review of the anthropological, Indigenous, policy issues and unique perspectives of 10 communities on Cape York – written as 10 separate chapters - regarding their land and sea management practices and aspirations, as well as information about their traditional activities. These community profiles included: Fisheries of the lower Mitchell River; traditional and current land use in the Pormpuraaw community; land and sea management of local land owning families at Napranum; management of land and sea at Old Mapoon; the communities of northern Cape York; the sea of Waubin to do with waters surrounding the Kaureag Islands; Lockhart River community; Coen Aboriginal community profile; the Port Stewart Lama lama community; and the Hopevale community profile (see Cordell, 1995). This report also provided insight into the role of outstations for Aboriginal land and sea management on Cape York; Aboriginal peoples' involvement in terrestrial protected areas, and in the marine environments of Cape York; and an overview of the history of Cape York Peninsula. Although none of these chapters enabled structures, processes or results for *Aboriginal People Keeping Strong*, they certainly provided information that was critical to support the development of structures, processes and results in the resulting CYPLUS Stage 2 c and its partial implementation through the Cape York Peninsula National Heritage Trust Plan.

Other reports in CYPLUS Stage 1 acknowledge the context and importance of Aboriginal rights, cultural values and roles in environmental management in the region. Crowley (1995) CYPLUS report on "Fire on Cape York Peninsula" provided information about the traditional and contemporary fire management practices of Cape York Aboriginal peoples. Other reports that highlighted Aboriginal responsibility and roles in environmental management include "Conservation and natural heritage project report" (Abrahams et al, 1995a); the report on the "conservation significance of areas on Cape York Peninsula" (Abrahams et al, 1995b); and the "Natural resources and ecology report 1" (Environmental Science and Services NQ, 1995). In Stage 2, Aboriginal roles were highlighted in the report on the assessment of natural heritage significance of Cape York Peninsula (Mackey et al, 2001), and the comment on the CYRAG report of CYPLUS Stage 2 (Stevenson, 1998),

The conservation and natural heritage significance and project reports (Abrahams et al, 1995a, b) acknowledge that although the assessment was directed to identifying areas of nature conservation significance, and thus no cultural features (including historic places and places significant to Aboriginals and Torres Strait Islanders) were assessed, these values are *undeniably important components of the overall environment both of Cape York Peninsula, and in the wider national context*. The report goes on to say that

"Similarly it has not been possible to include consideration of the interactions between natural and cultural values that are an integral component of the Peninsula environment. The Aurukun wetlands, for example, are identified as a significant wetland area within this report. However the wetlands also have considerable significance in regards to traditional Aboriginal use, the relationship of clan to land and site, and for religious, social and spiritual significance. In essence, it is only in the interplay of the cultural with natural values of the landscape that the full conservation value of these wetlands can be recognised. This interrelationship is considered to be a key feature of the international

conservation significance of Cape York Peninsula. The Australian Heritage Commission, as part of its legal responsibility to identify places of national estate significance, has already recognised twenty-seven cultural places of conservation significance within Cape York Peninsula. This is only a minor percentage of important cultural sites on the Peninsula. Undoubtedly much of the CYPLUS study area will have conservation significance due to Aboriginal or Torres Strait Islander values, with literally thousands of specific sites across the Peninsula. Some of these will be very complex and extensive, such as the Bathurst Heads and Quinkan Country sites that are already listed in the Register of the National Estate. It is important to note that Aboriginal and Islander people consider that their heritage is not public, that is, it is owned; heritage is not just a matter of sites, but a relationship between culture and landscape" (Abrahams et al, 1995a).

Environmental Science and Services NQ (1995) Natural Resources and Ecology Report 1 (part of Stage 1) that analysed the natural resources (water and drainage, geology and physiography, soils, flora and fauna), the conservation values of these natural resources, the ecological threats and the key policy issues, also made comment on Aboriginal cultural values, and the important role of Aboriginal people in environmental management. The report also comments on how Aboriginal values, occupation, management of Cape York Peninsula must all be taken into account in relation to the natural resource values that are outlined in the report.

In relation to Aboriginal cultural values, the report highlighted that:

"the natural resources of the CYPLUS area have values which are important both in a cultural and natural heritage context. Cultural values of natural resources related to traditional Indigenous subsistence values and the complex spiritual and ceremonial aspects of what to indigenous peoples comprise an inter-related ecological, mythological and cultural knowledge systems. The natural heritage values of the CYPLUS area include scientific and conservation values of both landforms and biological systems, as well as social/spiritual values associate with the natural landscape and wilderness. These values also include family associations with land uses such as pastoralism. It is only in the interplay of cultural and natural heritage values of the landscape that the full conservation value of an area on the peninsula can be understood" (Environmental Science and Services NQ, 1995:3).

This report also highlighted the role that Aboriginal peoples' use of fire has had on the landscape:

"fire in the form of wildfires caused by lightening is a natural force in CYP. Man-made fires in the form of managed burns have extended the influence of fire over millennia and have had an effect on the mosaic of vegetation now present. The interruption of this well established fire regime has the potential to alter the balance of rainforest, woodlands and grasslands, depending on the timing and frequency of burns" (Environmental Science and Services NQ, 1995:5).

Information gaps were also identified in relation to the need to better understand

"interaction of Indigenous peoples with ecosystems - an understanding of the role of indigenous management in shaping the present natural ecosystems and possible applications in the management of protected areas, in multiple-use reserves and management areas and on leasehold lands" (Environmental Science and Services NQ, 1995:6).

Stevenson's (1998) comment on the CYPLUS Stage 2 report (CYRAG 2007) highlighted that in relation to land tenure and pastoral leases on Cape York Peninsula "much of the land is important for traditional purposes but Indigenous people have no right of access" (1998:17)

and that there was a “lack of information on natural and cultural values on properties to guide land management” (1998:17). Further, Mackey et al (2001)’s report on the assessment of natural values of Cape York Peninsula (CYPLUS stage 2) highlighted that although ‘natural heritage’ had been defined to exclude any Indigenous or historical (associated with European settlement) heritage values, that this was done as the assessment of those values fell outside the terms of reference for the study. The report states that “the relationship between indigenous communities and natural heritage values needs to be more closely addressed in subsequent studies and at both policy and land management levels” (Mackay et al, 2001:155).

In CYPLUS Stage 2, regional and special interests groups were part of the CYRAG. These included representatives from many Aboriginal Shire Council, Aboriginal Coordinating Council (representing all the Aboriginal Community Councils), Land Councils, and the Aboriginal and Torres Strait Islander Commission’s Regional Council on the Cape. These structures, however, were largely aimed an engagement between Aboriginal peoples and their partners, and the documentary evidence is that CYPLUS Stage 2 did not provide to support *Aboriginal Peoples Keeping Strong*.

The Cape York Peninsula Natural Heritage Trust Plan provided funds to established Aboriginal governance structures for land and sea management at the sub-regional scale, based on a model of links between regional, subregional, and local (traditional-owner based) levels articulated by Balkanu (1999). Funding for Land and Sea Management Centres was approved in CYNHTP and through the Cape York Regional Assessment Panel at the sub-regional level for:

- Kaurareg
- Napranum (Nanum Wungthim Land and Sea Management Centre)
- Lockhart River
- Aurukun (through the Council)
- Pormpuraaw
- Kowanyama
- Mapoon (through council)
- Ngulan Land Trust area within the Starke/Kalpawar sub-region
- The Buru (China Camp) area within the Yalanji sub-region
- Injinoo (through the Injinoo Land Trust).

Balkanu (1999) has positioned itself in relation to the Land and Sea Management Centres primarily as a support organisation.

The West Coast Cape York Peninsula Traditional Land Owners (WCCYPTLO) established in 1998 also took on a support role in relation to six of the Land and Sea Management Centres: Kowanyama, Pompuraaw, Aurukun, Naprunum and Mapoon. WCCYPTLO is a memberships organisation, with a thousand members who are traditional owners from the west coast. The governing committee consists of two representatives elected from each of six communities affiliated with the body. These initiatives provided some support for structures aimed at *Aboriginal Peoples Keeping Strong*.

### ***Support for Processes for Aboriginal Peoples Keeping Strong***

In CYPLUS Stage One, the process used to consult about the Indigenous Management of Land and Sea and Traditional Activities in Cape York Peninsula (see Cordell, 1995) could be argued to be a *process* to support *Aboriginal Peoples Keeping Strong*. Cordell (1995) explains that each researcher (for each separate chapter) worked closely with advisors and collaborators from communities and Aboriginal organizations on what should be included in the chapter and how the material collected should be prepared and presented. The authors made sure that each

chapter, a community profile, could stand alone. Clearly the issues presented in each chapter are unique to each community.

Consultation was an important part of CYPLUS stage 2. This stage emphasized the role of Cape York Peninsula community in the decision making process (CYRAG, 1997). The Cape York Advisory Group comprised representatives from all sectors of the community and representatives had the role to ensure the interests of their constituents were represented in CYRAG meetings. The wider community was also invited to provide input and feedback into the Vision and Principles and the overall Strategies. Public submissions were invited and public meetings were held as part of this process.

This CYNHTP made the first serious Australian Government commitment of ~ \$7.2 million to support collaborating with Indigenous peoples in managing country:

“Governments will work with Indigenous communities (where communities voluntarily agree to participate) to implement strategies to protect and conserve natural and cultural values on Indigenous land. Initiatives that will be considered for funding under the plan include:

- management of conservation areas and development of Indigenous protected areas;
- development of natural and cultural resource management centres on community lands linked to community planning and land management programs;
- investigation of sustainable commercial and non commercial use of wildlife and the development of opportunities to sustainably use those resources for economic benefit; and
- the employment of Indigenous rangers and land managers. (Commonwealth of Australia 1998, p. 2)

The overwhelming majority of these funds were directed towards the establishment of a series of Aboriginal Land and Sea Management Centres throughout the Peninsula and the employment of coordinators & community rangers to begin to develop land and sea management plans (Natural Resources 1998).

### ***Delivery of Results for Aboriginal People Keeping Strong***

The resultant collection of research reports in CYPLUS Stage 1 about Aboriginal perspectives to land and sea management, as well as traditional activities could be argued to be a result of this process. However, this result was targeted more towards enhancing understanding in the broader non-Aboriginal community, rather than strengthening Aboriginal language, law, custom and kinship ties.

Many of the Strategies that developed during CYPLUS stage 2 (based upon CYPLUS stage 1) could be argued to be evidence of results for *Aboriginal Peoples Keeping Strong*, in so much as many of their priorities are reflected in the desired outcomes (see CYRAG, 1997). This is particularly relevant in relation to the Strategies that made specific recommendations relating to environmental and cultural protection, as the Cape York Natural Heritage Plan was a direct response to these (Commonwealth of Australia 1998, p. 3). These strategies include:

- S1 Conservation: *Protected Areas*
  - Eg. Desired outcome 1.4: improved access to Indigenous people for traditional uses of resources and cultural activities
- S2 Conservation: *Ecosystem Management*

- Eg. Desired outcome 2.3: a fire regime which reflects, as far as possible, the ecological situation which existed immediately prior to European colonisation.
- Desired outcome 2.4 Landscapes which retain their natural and cultural values.
- S3 Conservation: *Indigenous Management*
  - Desired outcome 3.1 voluntary partnerships between Indigenous peoples and natural resources management agencies and landholders.
  - Desired outcome 3.2 equity in decision-making related to protection and management of natural and cultural resources relevant to Indigenous people.
  - Desired outcome 3.3 Indigenous control of the protection and management of Indigenous cultural resources.
  - Desired outcome 3.4 The freedom for Indigenous people to undertake traditional land management activities including fire management, hunting and gathering, ceremonial activities and other clan estate responsibilities on all lands according to ESD principles and with regard to landowner/landholder rights.
- S4 Cultural: *Self-Determination*
  - Desired outcome 4.1 Cape York Peninsula people are involved in decision-making that affects their lives. Processes that allow for negotiated outcomes are used, and commitments made during these processes are honoured.
  - Desired outcome 4.2 Only those reports that have been developed with adequate consultation with Cape York Peninsula people are implemented.
  - Desired outcome 4.3 Residents support each other as one Cape York Peninsula people in the true spirit of reconciliation.
  - Desired outcome 4.4 Leadership qualities of Cape York Peninsula people are recognised and developed.
  - Desired outcome 4.5 Better training opportunities exist for administrators and others in decision-making positions.
  - Desired outcome 4.6 Resolution of land rights issues is expedited.
  - Desired outcome 4.7 Government policies are co-ordinated and the amount and complexity of Government legislation is reduced.
- S5 Cultural: *Maintenance and Practice of Multiple Cultures*
  - Desired outcome 5.1 Customary law is reinforced within the range of indigenous jurisdiction.
  - Desired outcome 5.2 Traditional lore, including dance, arts and crafts, music, song, Dreamtime stories, myths and legends, food, medicine and healing, is protected.
  - Desired outcome 5.3 Historical and traditional associations in Cape York Peninsula are recognised, supported and maintained.
  - Desired outcome 5.4 The distinctive cultural backgrounds and lifestyles of all residents are continued and enhanced.
  - Desired outcome 5.5 Traditional health practices and services are implemented.
- S6 Cultural: *Places, Sites, Moveable Cultural Property of Traditional Significance*
  - Desired outcome 6.1 Indigenous people are resourced to manage their lands and special cultural and spiritual areas.
  - Desired outcome 6.2 Outstations are resourced to provide traditional and contemporary management services to national parks and conservation zones.
  - Desired outcome 6.3 The many places and objects of cultural significance to both indigenous and non-indigenous people are recognised.

- Desired outcome 6.4 Sacred items, including those returned from museums are protected.
  - Desired outcome 6.5 Economic and other development proposals are negotiated with culture in mind and with the agreement of residents.
- S7 Cultural: *Respect and Communication*
  - Desired outcome 7.1 There is understanding and respect for the diverse cultural backgrounds and needs of the Cape York Peninsula population.
  - Desired outcome 7.2 Social networks and multi-media communication systems are consolidated and effective communication developed.
- S8 Cultural: *Land*
  - Desired outcome 8.1 All land tenure issues are reconciled and all native title rights and interests are recognised and respected.
  - Desired outcome 8.2 Mutually agreeable access rights to properties for cultural reasons have been negotiated with traditional custodians and landholders.
- S9 Cultural: *Outstation Movement*
  - Desired outcome 9.1 Appropriate planning and support resources are available for outstation development.
  - Desired outcome 9.2 The establishment and development of planned outstations and the continued development of existing outstations are supported.
  - Desired outcome 9.3 Outstation groups are assisted in their desire to be self-supporting.
  - Desired outcome 9.4 Land allocation and residency status on outstations is easily resolved through an agreed process.
  - Desired outcome 9.5 The outstation movement is supported by government and accepted by non-indigenous residents of Cape York Peninsula.
- S10 Economic: *Mining*
  - Desired outcome 10.1 Achievement of Ecologically Sustainable Development.
  - Desired outcome 10.4 Indigenous access and benefits.
- S11 Economic: *Tourism*
  - Desired outcome 11.1 Appropriate protocols for working with stakeholders.
  - Desired outcome 11.2 Appropriate management structures and arrangements.
  - Desired outcome 11.3 Presentation of accurate and appropriate information.
  - Desired outcome 11.10 Indigenous access and benefits.
- S12 Economic: *Commercial Fishing*
  - Desired outcome 12.1 Continued sustainable yields.
  - Desired outcome 12.2 Improved indigenous access to commercial fisheries and continued access for traditional purposes.
  - Desired outcome 12.3 Growth in the aquarium fishery.
- S13 Economic: *Pastoral Industry*
  - Desired outcome 13.3 Improved indigenous access to the pastoral industry
  - Desired outcome 13.4 Effective control of exotic pests
  - Desired outcome 13.5 Effective control of land degradation
  - Desired outcome 13.6 Effective land use planning, co-ordination and management
  - Desired outcome 13.7 Effective training
  - Desired outcome 13.8 Effective infrastructure
- S14 Economic: *Cropping and Horticultural Industries*
  - Desired outcome 14.2 Broad economic development/new opportunities.



- Desired outcome 14.3 Improved indigenous access to the cropping and horticultural industries.
- S15 Economic: *Aquaculture Industry*
  - Desired outcome 13.1 Improve indigenous access to the aquaculture industry.
  - Desired outcome 15.1 Effective control of exotic pests.
  - Desired outcome 15.2 Effective control of land degradation and reduction in water quality.
  - Desired outcome 15.3 Effective land use planning, co-ordination and management.
- S16 Economic: *Forest Industries*
  - Desired outcome 16.1 Sustainable use of forest resources.
  - Desired outcome 16.2 Broad economic development/new opportunities.
  - Desired outcome 16.3 Improve indigenous access to the forest industries.
  - Desired outcome 16.4 Effective control of exotic pests.
  - Desired outcome 16.5 Effective control of land degradation.
  - Desired outcome 16.6 Effective land use planning, co-ordination and management.
  - Desired outcome 16.7 Effective training.
- S21 Lifestyle and Social: *Customary Law*
  - Desired outcome 21.1 Statutory recognition of Customary Law has been secured.
  - Desired outcome 21.5 The role of elders in communities and outstations in relation to Customary Law is observed, recognised and respected.

In the CYPNHT, the provision for the first time of significant resources to Indigenous Land and Sea Management activities on Cape York Peninsula can be regarded as a significant result *for Aboriginal People Keeping Strong*.

## **Knowledge-Building Pathway: support for Keeping Engagement Strong?**

### **Support for Structures for Keeping Engagement Strong**

CYPLUS Stage One research reports did not include engagement processes. In CYPLUS Stage 2, regional and special interests groups were part of the CYRAG. These included representatives from many Aboriginal Shire and Land councils on the Cape. Thus it can be argued that CYRAG provided a set of structures and processes to support Aboriginal peoples' engagement with government and non-government agencies strong. The CYP Natural Heritage Trust Plan devolved Australian Government funding decisions to a multi-stakeholder Regional Assessment Panel. This provided the first structure with significant decision making power to support *Keeping Engagement Strong*.

### **Support for Processes for Keeping Engagement Strong**

CYPLUS Stage One research reports did not include engagement processes. Consultation was an important part of CYPLUS stage 2. This stage emphasized the role of Cape York Peninsula community in the decision making process (CYRAG, 1997). The Cape York Advisory Group comprised representatives from all sectors of the community and representatives had the role to ensure the interests of their constituents were represented in CYRAG meetings. The wider community was also invited to provide input and feedback into the Vision and Principles and the overall Strategies. Public submissions were invited and public meetings were held as part of this process. The Cape York Regional Assessment Panel established to consider allocation of funds

through the National Heritage Trust Plan did strengthen engagement between Aboriginal people and their partners. These arrangements provided some support for processes that enable *Aboriginal People Keeping Strong*.

### ***Delivery of Results for Keeping Engagement Strong***

CYPLUS Stage 1 focus on research reports did not address engagement activities. As outlined above, many of the Strategies that developed during CYPLUS stage 2 (based upon CYPLUS stage 1) could be argued to be evidence of delivery of some results for *Keeping Engagement Strong* between Aboriginal peoples and with their government and non-government counterparts (see CYRAG, 1997). While the Cape York Natural Heritage Plan did not specifically address the question of a land use negotiating process, elements of the plan delivered some useful mechanisms, , such as an acquisition fund, a regional assessment of natural heritage values and support for sub-regional land and sea management centres (Commonwealth of Australia 1998, p. 3). However, the Cape York Natural Heritage Plan failed to deliver on those elements most central to *Keeping Engagement Strong*. Emphasis was placed on achieving negotiations at the property level (TWS, ACF, QCC and CAFNEC 2003).

## **Judicial Pathway**

### ***Background***

The judicial pathway towards co-management of biodiversity on Cape York is reflected in what Holmes (2011, 2012) describes as the contemporary and emerging land ownership of the Peninsula. Entirely new forms of land tenure have arisen in Queensland, largely as a result of initiatives on Cape York Peninsula – most notably non-transferrable Aboriginal freehold titles that require new modes of governance, tied to traditional titleholders (also with contested participation of other community members) (Holmes, 2012). Many former Aboriginal reserves and some former pastoral leases (along the east coast) have been converted into Aboriginal freehold title. A new Cape York Peninsula-specific national park title has been created: National Park (Cape York Peninsula Aboriginal Land). Further, all existing and proposed national parks on Cape York can be converted to Aboriginal freehold title and be awarded to the traditional owners, whereby the land is to be managed for perpetuity as a National Park (Holmes, 2012).

The judicial pathway towards these new land tenures on Cape York date back to the High Court of Australia decision made via the *Mabo vs The State of Queensland, 1992* case; the *Wik peoples v The State of Queensland, 1996* case; and the related *Native Title Act (Cwlth and Queensland), 1993* and post-Wik amendments in 1997. In the Mabo case of 1992, the High Court of Australia ruled that the lands of the Australian continent were not terra nullius when European settlement occurred and that Aboriginal and Torres Strait Islander people had their own laws and customs relating to land. The *Native Title Act, 1993*, part of the Commonwealth Government's response to this decision (see ABS, 1995) states that the Australian government:

- recognises and protects native title;
- provides for the validation of any past grants of land that may otherwise have been invalid because of the existence of native title;
- provides a regime to enable future dealings in native title lands and imposes conditions on those dealings;
- has established a regime to ascertain where native title exists, who holds it and what it is, and to determine compensation for acts affecting it; and

- has created a land acquisition fund to meet the needs of dispossessed Aboriginal and Torres Strait Islander peoples who would not be able to claim native title.

The High Court of Australia found in the Wik case, 1996, that the statutory pastoral leases under consideration on NE Cape York Peninsula (the Holroyd River Holding and the Mitchelton Lease) did not bestow rights of exclusion possession on the leaseholder. Thus native title rights could co-exist with pastoralists rights, depending on the terms and nature of the particular pastoral lease (if there was a conflict of rights, the rights under the pastoral lease would extinguish the relevant native title rights) (ATNS, 2011a). In terms of what this meant for the pathway towards joint management of biodiversity on Cape York, the Wik case, 1996 confirmed that the ongoing native title rights of Cape York Aboriginal people. However, the case was greeted with dismay by pastoralists, and triggered a response from the then Australian Prime Minister Howard, to reform the *Native Title Act* to limit the extent of recognition of Aboriginal rights to land. Nevertheless, pastoral leases still do not confer exclusive tenure to pastoralists, and many have now engaged in developing Indigenous Land Use Agreements to provide greater certainty about how co-existence operates in practice (Hill et al. 2013).

The *Wild River Act (WRA) 2005 (Queensland)* is arguably the most contentious piece of legislation in the judicial pathway. The WRA was legislated following an election commitment Queensland Premier Beattie 2004. The WRA provides for declaration of a High Preservation Area (HPA) typically one kilometer either side of the river, as well as a Preservation Area over much of the catchment. In practice, HPAs prevent mining and intensive aquaculture (Neale 2011). The first wild rivers declared in 2007 in the Gulf of Carpentaria, after fourteen months of consultation, were relatively uncontroversial. However, declarations of the Lockhart, Stewart and Archer River areas were strongly opposed by some Aboriginal leaders and the Balkanu Cape York Development Corporation. The declarations of these three rivers were declared invalid by the Federal Court on June 2014, following legal action led by Martha Koowarta, widow of John Koowartha who successfully challenged Queensland Government over the Archer Bend pastoral lease sale in 1982. The Federal Court essentially found that the declarations were too hasty, “ahead of the formulation of the material addressing the preconditions upon which the exercise of power rested”.

Nevertheless, some Aboriginal leaders supported the wild rivers acts, making deputations for the legislation to be retained (Neale 2012). The legislation was the subject of three federal enquiries, and the central objection of the Aboriginal leaders who opposed the legislation was narrowed to the lack of provisions for traditional owner consent. The *Wild Rivers (Environmental Management) Bill (Commonwealth) 2011* would have introduced such consent provisions, for the first time outside the Northern Territory, but it did not pass into law. The Queensland Government during 2009-11 developed a range of economic measures to support Aboriginal roles in wild rivers, including Wild River Rangers positions, and Indigenous Reference Committees that brought together local-level Traditional Owner groups in catchments. The WRA (Queensland) was repealed in November 2014, and replaced with a set of planning arrangements under the *Regional Interest Planning Act*.

The *Cape York Peninsula Heritage Act (CYPHA) (2007)* was a significant land management initiative developed through consultation between Queensland government, Aboriginal, non-Aboriginal people, conservation and development sectors. Development of the CYPHA was stimulated in part by ongoing controversy over the WRA, and the lack of provisions for co-management of protected areas in the region, which hampered progress of the Tenure Resolution pathway. The Queensland Government reached agreement with the Wilderness Society, CYLC, Balkanu, Cook Shire Council, AgForce and the Queensland Resources Council in June 2007 to a set of measures which included, as well as the CYPHA the modifications to the

*Water Act 2000*, providing for allocations of Indigenous water reserves for declared Wild River areas and changes to the *Vegetation Management Act 1999*, loosening controls on tree clearing by Aboriginal communities.

**Table 5:** Summary of the judicial pathway to co-management on Cape York Peninsula, together with an assessment of how its components provided support for *Aboriginal People Keeping Strong* and *Keeping Engagement Strong*

Institution	Organisation	Role	Aboriginal Peoples Keeping Strong			Keeping Engagement Strong		
			Structures	Processes	Results	Structures	Processes	Results
Judicial processes								
<i>Native Title Act 1993 (CWth) and (Qld)</i>	Australian Government and Queensland State Government	This Act recognises and protects native title. It provides that native title cannot be extinguished contrary to the Act. The Queensland Act provides for participation in the national regimes.	Y	N	Y (number of native title declarations)	Y	N	Y
<i>Wild Rivers Act (Qld) 2005</i>	Queensland State Government	The purpose of this Act is to— (a) preserve the natural values of rivers that have all, or almost all, of their natural values intact; and (b) provide for the preservation of the natural values of rivers in the Lake Eyre Basin.	N initially/Y 2011	N initially/Y 2011	Y (continuation of Indigenous Reference Groups and Indigenous Rangers)	N	N/Y post 2011	N
<i>Nature Conservation Act, 1992 (amended, 2007)</i>	Queensland State Government	The object of this Act is the conservation of nature while allowing for the following— (a) the involvement of indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom; (b) the use and enjoyment of protected areas by the community; (c) the social, cultural and commercial use of protected areas in a way consistent with the conservation of nature.	Y	N	Y (number of CYPALs)	Y	Y	Y

<i>Cape York Peninsula Heritage Act, 2007</i>	Queensland State Government	This Act provides for the identification of the significant natural and cultural values of CYP, and co-operative and ecologically sustainable management of CYP. It provides for a new class of protected area to enable NP to be created on Aboriginal land without need for lease-back arrangements; Includes protection of native title rights in the <i>Wild Rivers Act, 2000</i> via a water reserve.	Y	N	Y	Y	N	Y
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## **Judicial Pathway: support for Aboriginal Peoples Keeping Strong?**

### **Support for Structures for Aboriginal People Keeping Strong**

The *Native Title Act (NTA), 1993 (CWth)* and the *Native Title Act, 1993 (QLD)* both provide support for structures relevant to *Aboriginal People Keeping Strong*. The aim of the *Commonwealth Native Title Act, 1993*, is to recognise and protect native title. It provides that native title cannot be extinguished contrary to the Act. The *NTA* establishes a set of structures that provides fundamental support for Indigenous societies' laws and rights in Australia: a) the Act provides for the recognition and protection of native title; b) it establishes ways in which future dealings that affect native title may proceed, and sets standards for those dealings; c) it establishes a mechanism for determining claims to native title; d) it provides for, or permits, the validation of past Acts and intermediate period Acts, potentially invalid because of the existence of native title.

The Queensland State Government participates in the *Commonwealth Native Title Act 1993*, via the *Native Title Act, 1993 (Queensland)*. This Act also supports structures to: a) validate past Acts, and intermediate period Acts, invalidated because of the existence of native title and to confirm certain rights; and (b) to ensure that Queensland law is consistent with standards set by the *Commonwealth Native Title Act* for future dealings affecting native title (see *Native Title Act, 1993 (QLD)*).

The *Wild River Act* is notable in its lack of structures for Aboriginal Peoples Keeping Strong, providing only for consultation. However, later initiatives by the Queensland Government did provide resources for the establishment of Indigenous Reference Groups. Cape York NRM Ltd, the regional natural resource body recognized through the Australian Government's devolved structures, continues with the catchment-based structure of people nominated for the local Clan Estate (Cape York Natural Resource Management Ltd 2014).

The *Cape York Peninsula Heritage Act (CYPHA), 2007 (QLD)* was a major legislative initiative with its origins in the Tenure Resolution Pathway. The Act was lauded as a new move towards joint management of national parks on Cape York (Queensland Government, 2009). As it is built upon the Heads of Agreement, this Act is regarded as a significant land management initiative developed through consultation between the Queensland government, Aboriginal and non-Aboriginal peoples, conservation and development sectors. The Act provides for the identification of the significant natural and cultural values of Cape York Peninsula, and the cooperative and ecologically sustainable management of Cape York Peninsula. This Act includes new measures to protect the natural and cultural values of the Peninsula, provide economic opportunities for Aboriginal communities, and to ensure future development is sustainable.

The *CYPHA* also provides support for structures relevant to *Aboriginal Peoples Keeping Strong* via *Division 1* that aims to recognise the economic, social, cultural needs and aspirations of Aboriginal communities in relation to land use in the Cape York Peninsula region. This is to be achieved through: the designation of areas of international conservation significance (s4.a); the establishment of joint management arrangements with Aboriginal landowners in National Parks (s4.b); extended pastoral lease terms subject to completion of a Property Management Plan and Indigenous Land Use Agreement (s4.c); the designation of Indigenous community-use areas (s4.d); a requirement that ministers responsible for natural resources and for environment consult with a special advisory committee comprising all stakeholder interests on peninsula matters (s4.e). This Act also links with the *Wild Rivers Act* to provide a reserve of water in the

wild river declaration or water resource plan area (s27) and also amends s.31A of the *Wild Rivers Act* to protect native title rights in Wild River declared areas (s.62A). The CYPHA establishes two committees. The Regional Advisory Committee is required to have at least half its member's representatives of the Cape York Peninsula Aboriginal community.

Further support for structures for *Aboriginal Peoples Keeping Strong* arise through creation of a new class of protected area ("National Park (Cape York Peninsula Aboriginal Land)" as stipulated under the *Cape York Peninsula Heritage Act, 2007* amendments to the *Nature Conservation Act, 1992*. This allows for existing, proposed parks and unallocated State land in the peninsula to be converted to Aboriginal freehold title provided the area will always be managed under the *Nature Conservation Act, 1992* as a National Park (CYPAL). It allows for joint management of national park land by traditional owners (represented by a land trust) with the Queensland Government (Queensland Government, 2009). Each protected area is to be managed in accordance with; (ii) a national park (Cape York Peninsula Aboriginal land) or an indigenous joint management area—any indigenous land use agreement for the area and the indigenous management agreement (see *Nature Conservation Act, 1992, Division 1. s15.1*).

### **Support for Processes for Aboriginal Peoples Keeping Strong**

The *Native Title Acts*, both Commonwealth and Queensland, do not make specific provision to support the processes required for native title holders to manage their land, through making plans, or undertaking business, social or cultural development. Lack of resources and specifically designated funding to enable Registered Native Title Body Corporates to fulfill their statutory obligations and pursue development opportunities is a major problem for native title holders across Australia (Bauman and Ganesharajah 2009).

The *Wild Rivers Act 2005 (Queensland)* similarly makes no provision to support the processes for Aboriginal people to manage the impacts of declarations on their roles and responsibilities. However, the "Sustainable Cape York Communities Initiative" announced in March 2011 committed support for a number of processes related to *Aboriginal Peoples Keeping Strong*. The program had the goal of building the capacity of Aboriginal peoples of Cape York to capitalise on economic opportunities, and to ensure that the view of Traditional Owners are considered before decisions are made that affect their lands and communities (Minister for Environment and Resource Management 2011). As well as initiating the Indigenous Reference Committees, the Program gave ongoing support for ~ 50 Wild River Rangers. These positions continue and are now called Indigenous Land and Sea Management Rangers.

The *Cape York Peninsula Heritage Act, 2007* establishes the Cape York Peninsula Regional Advisory Committee as noted above, with the function of advising the Minister about declarations of indigenous community use areas. The processes from this provision aim at providing support for engagement rather than for *Aboriginal Peoples Keeping Strong*

### **Delivery of Results for Aboriginal People Keeping Strong**

The *Native Title Acts, 1993 (QLD and CWlth)*, have enabled Indigenous Land Use Agreements that support the granting of areas of land and sea to many traditional owner groups from Cape York Peninsula area. Regaining control of traditional land can be regarded as a significant result for *Aboriginal Peoples Keeping Strong*.

The amendments to the *WRA* that ensured protection of native title rights in the *Wild Rivers Act*, and the provision of water entitlements, and the ongoing employment of Indigenous Land and Sea Rangers, do constitute delivery of results relevant to *Aboriginal Peoples Keeping Strong*.



The *Cape York Peninsula Heritage Act, 2007* (Qld) has delivered results relevant for *Keeping Aboriginal Peoples Strong* through creation of the new class of Protected Area to enable a National Park to be created on Aboriginal land without the need for lease-back arrangements. These new National Parks are detailed below in relation to 'Aboriginal Agency-led Processes'. Again, delivery of great control of traditional land can be regarded as a result for *Aboriginal Peoples Keeping Strong*.

## **Judicial Pathway: support for Keeping Engagement Strong?**

### **Support for Structures for Keeping Engagement Strong**

In the Judicial Pathway, the *Cape York Peninsula Heritage Act (CYPHA), 2007* is notable with specific provision for structures to support *Keeping Engagement Strong*. These structures include the Cape York Peninsula Regional Advisory Committee, which has at least half Cape York Aboriginal peoples, and also includes conservation, pastoral, mining, tourism and local government interests.

The CYPHA also amended the *Native Conservation Act, 1992* to provide for co-management of national parks. Joint management arrangements are established through the development of an Indigenous Management Agreement (IMA) and a park management plan. IMAs developed between the Aboriginal traditional owners and the State enable a perpetual National Park (CYPAL) to co-exist with Aboriginal land, and for joint management of national park lands. The IMAs ensure public rights of access to the National Park and outline the responsibilities of parties regarding the management of the land. The IMA provides the framework for ongoing relationship between the Queensland government and the Aboriginal land trust holding the Aboriginal freehold tenure. The partnership will then develop a management plan for each park (Queensland Government, 2009). Park management is to be negotiated on a case by case basis. As the Queensland Government (2009:1) stated:

"As joint managers of the land, Traditional Owners will be involved in all levels of park management. Traditional Owners and the department will work together to develop resource and visitor management policies, and operational procedures for the day-to-day management of the parks including pest animal and pest plant control, fire management, permits, presentation and facilities. As joint managers of the land, Traditional Owners may also economically benefit from contract work, commercial tourism and Indigenous ranger employment."

The *Native Title Act* also provides important support for these structures for *Keeping Engagement Strong*, as IMAs are attached as a schedule to an Indigenous Land Use Agreement under the NTA, which provides consent to provisions in the IMA that may affect native title rights and interests (Bauman et al, 2013).

The *Wild Rivers Act* has remained controversial throughout its existence, and it is difficult to identify any specific structures for *Keeping Engagement Strong* between Aboriginal and non-Aboriginal managers of country.

### **Support for Processes for Keeping Engagement Strong**

While the *Native Title Act* underpins the delivery of ILUAs, a major structure for supporting engagement, it does not provide or make arrangements of provision for delivery of support for processes to implement the ILUA. Without these resources, many native title holders struggle to comply with their obligations (Bauman et al, 2009). Again, the WRA initially provided no support for engagement processes between Aboriginal people and their partners, but the initiatives

announced in 2011, including the Indigenous Reference Groups, did provide some limited support. The provisions for co-management of national parks establish a range of processes that support engagement between Aboriginal people and their partners. The *Cape York Cultural Heritage Act, 2007* through the amendments it ensured in the *Native Conservation Act, 1992* does not provide any specific processes to *Keeping Engagement Strong* per se, however one could argue that the discussions that need to be had between all joint-managers in the development of each IMA could be argued as a 'process'. Further, the discussions that must be held by the Cape York Peninsula Regional Scientific and Cultural Advisory Panel (under Division 2 of the *Cape York Cultural Heritage Act, 2007*) must follow due process.

### ***Delivery of Results for Keeping Engagement Strong***

The Cape York Peninsula region Scientific and Cultural Advisory Panel is evidence of delivery of a small result for *Keeping Engagement Strong* between Cape York Aboriginal peoples and others in managing country in so far as membership of this panel must include one person who has relevant expertise in matters relating to cultural heritage (however it must be noted that Aboriginal representation is not outlined). The aim of the panel is to advise relevant Queensland Government Ministers about matters relating to natural and cultural values of land that is proposed to be an indigenous community use area that also has international conservation significance.

The ILUAs under the *Native Title Act* and Indigenous Management Agreements that must be developed between the Traditional Owners and the Queensland Government for each CYPAL can be regarded as delivery of a result for *Keeping Engagement Strong*. We provide much more detail about these in the next sections.

## **Tenure Resolution Pathway**

### ***Background***

The Cape York Heads of Agreement (CYHoA, also known as the Cape York Land Use Agreement) was signed on 5 February 1996. It was designed to ensure coexistence on Cape York (Aboriginal cultural heritage and the pastoral industry) and joint protection of the environment. It was originally a tri-partite agreement between Aboriginal groups (Cape York Land Council (CYLC) and the Peninsula Regional Council of the Aboriginal and Torres Strait Islander Commission (ATSIC), pastoral land holders (the Cattlemen's Union of Australia Inc (CU), and conservation groups (the Australian Conservation Foundation (ACF) and The Wilderness Society (TWS) on Cape York Peninsula. The Agreement was revisited in September 2001, and State of Queensland joined the agreement and established the 'Ministerial Implementation Committee' to translate the management aspirations into action. Other new signatories in 2001 were Balkanu Cape York Development Corporation and the Cairns and Far North Environment Centre).

The original agreement signified localised action from the main interests groups from the Cape prepared to engage in direction negotiations on critical resource rights issues. The Queensland Government's Eastern Cape York Wilderness Zone, based on purchasing 3.6 million ha of pastoral properties along a 1,200 km coastal strip for conservation and Aboriginal interests, was opposed by the pastoralists, and triggered them to invited conservation interests to join discussions that were underway with Indigenous interests (Stevenson 1998). The CYHoA addressed relatively non-controversial matters—for example Aboriginal traditional access rights, the legal rights of pastoralists, the existence of high conservation value areas on the Cape, and the need for Federal funding to support conservation and effective land management (Holmes, 2011). The CYHoA gave the impression of consensus with local interest seeking local solutions

but it failed to resolve several substantial issues, including those related to vegetation clearing and world heritage listing (Holmes, 2012). The Agreement collapsed amid acrimony and distrust between Aboriginal and conservation groups, and the building hostility of The Wilderness Society towards the pastoralists (Holmes, 2011). However, Premier Beattie brought the parties together and enabled agreement to be reached through the *Cape York Peninsula Heritage Act, 2007* (as outlined above).

**Table 6:** Summary of the Tenure Resolution pathway to co-management on Cape York Peninsula, together with an assessment of how its components provided support for *Aboriginal People Keeping Strong* and *Keeping Engagement Strong*

Institution	Organisations	Role	Aboriginal Peoples Keeping Strong			Keeping Engagement Strong		
			Structures	Processes	Results	Structures	Processes	Results
Cape York Heads of Agreement, 1996	Australian Conservation Foundation, Peninsula Cattlemen's Union, Peninsula Regional Council of ATSIC, Cattlemen's Union of Australia Inc, Balkanu Cape York Development Corporation Signatory, Cape York Land Council, State of Queensland, The Wilderness Society, Cairns and Far North Environment Centre.	The Cape York Heads of Agreement is an agreement designed to ensure coexistence on Cape York and joint protection of the environment. This landmark agreement was first signed by the Cattlemen's Union (CU), the Wilderness Society (TWS), the Australian Conservation Foundation (ACF), the Cape York Land Council (CYLC) and the Aboriginal and Torres Strait Islander Peninsula Regional Council on the 5 February 1996.	Y	N	N	Y	Y	Y

Cape York Tenure Resolution Implementation Group, established 2004	Chaired by the Queensland Premier (or delegate) with a membership including three Government Ministers and representatives from Balkanu Cape York Development Corporation, Cape York Land Council, ACF and The Wilderness Society (TWS).	The aim of the group was to guide the land tenure resolution process for state-owned land acquired for its high natural and cultural conservation values, based on approach of some areas becoming national park, some Aboriginal freehold, including some areas with nature refuges.	Y	Y	Y	N	Y	Y
Land Trusts, Aboriginal Corporations and Indigenous Management Agreements for co-managed parks	Queensland Government	The Land Trusts and Aboriginal Corporations are established to hold tenure and native title rights and subsequently enter into an IMA which is quite prescriptive and constitutes a State-driven engagement. Many co-managed parks have now been delivered.	Y	Y	Y	Y	Y	Y (number of agreements)

The Cape York Land Tenure Resolution Implementation Group (CYLTRIG) was formally established by the Queensland Government in 2004. The Group represented a high level collaboration and partnership between non-government organisations that represent Aboriginal interests on Cape York (Cape York Land Council and Balkanu Cape York Development Corporation), conservation interests (the Australian Conservation Foundation and The Wilderness Society) as well as four State Ministers (ACF, 2012a). The aim of the group was to guide the land tenure resolution process, based on the "Starcke model" that underpinned the Eastern Cape York Wilderness Zone policy. The Queensland Government acquired Starcke station in 1994 based on an agreement that sections of the returned land would become 'Aboriginal National Parks'. The balance of the land would become Aboriginal freehold with conservation agreements negotiated between the state and the traditional owners to protect areas of high natural or cultural conservation value (Schneider 1999).

While the Eastern Cape York Wilderness Zone policy was abandoned in 1996, the basic model of purchasing high conservation value land and delivering outcomes for both nature conservation and Aboriginal people underpinned the entire Tenure Resolution process supported by the Queensland Government. During this process the Queensland Government spent over \$30 million on purchasing pastoral leases and negotiating the protection of natural and cultural values with the Traditional Owners of these lands (ACF, 2012a). This includes close to two million hectares of land: more than a million hectares of new national parks and around 300,000 hectares of new conservation reserves. Nearly 700,000 hectares has been returned as Aboriginal freehold for economic purposes (ACF, 2012b). From 2008-2012: ten 'state land tenure dealings' have been returned to Aboriginal traditional owners; nine national parks have been returned to Aboriginal traditional owners; and a further twenty State land tenure dealings and twenty-one national parks will be returned to the Aboriginal Traditional Owners. Many of these will be converted in National Park (CYPAL) by 2016.

Departmental staff with carriage of the tenure resolution work set the agenda and participated in the process of negotiation, discussion and processes to seek resolution on the land tenure proceedings. The original focus was to resolve tenure issues of 20 parcels of state-owned land purchased as a result of the Eastern Cape York Wilderness Zone and ongoing Queensland Government acquisitions. The CYPHA 2007 formalised the policy that the voluntary land acquisition program was for dual purposes of the protection of conservation values, including new protected areas, and the continued return of homelands to Traditional Owners to enable them to develop an economic future.

The Tenure Resolution Process includes both a set legal structure and an establishment process (detailed below) acts as a catalyst for Traditional Owners groups from the Cape York Peninsula area to form organisations (such as an Aboriginal Land Trust or an Aboriginal Corporation) and thus become more active in steering economic planning agendas for their community. In order to drive these processes, the Traditional Owner groups had /have to get recognition of native title over their country. The Tenure Resolution Process provided/provides resources for Traditional Owner groups to come together in order to prepare reports on their country (cultural heritage analysis, genealogies, and anthropological investigations) to identify who speaks for what parts of their traditional country, and to ultimately declare the legal entities (Aboriginal Land Trust) for certain tracts of land and sea country (Leverington 2012).

While the Queensland State Government has necessarily undertaken the majority of work to deliver these outcomes, the ongoing support of the Aboriginal, conservation and pastoral advocates has been critical to ensure ongoing financing and support. Tenure Resolution can only occur through Aboriginal consent, and formulated in Indigenous Land Use Agreements under the *Native Title Act 1993*. Further, the process of preparing native title applications for tracts of land/sea country on CYP has resulted in the collection of cultural heritage information that would not have been recorded otherwise.

The Tenure Resolution process for each of the native title claimant groups followed/follows specific legal and establishment processes. The legal process includes five inter-related steps (as described in Leverington, 2012:96). An anthropological desktop study is first commissioned to assist the identification of the relevant Native Title group (Queensland Government enters into negotiations with the relevant Traditional Owners who receive state-funded support and advice from Cape York Land

Council and Balkanu Cape York Development Corporation). This is followed by the negotiation of an Indigenous Land Use Agreement (ILUA) under the *Native title Act (Cwlth), 1993* prior to transfer of land and dedication of the *National Park (CYPAL)*. Next the relevant Aboriginal Land Trust enters into an Indigenous Management Agreement (IMA) with the State under the provisions of the *Aboriginal Land Act (Qld), 1991* for land that has been identified as having high natural and cultural values. The IMA must state the land will be managed as a NP (CYPAL) in perpetuity. The IMA must be registered on the title of the Aboriginal land (it is binding for the land trust and everyone with an interest in the land). Finally, the NP (CYPAL) is then dedicated over the Aboriginal freehold land under the provisions of the *Nature Conservation Act (Qld), 1992*.

The establishment process follows the legal process (as described in Leverington, 2012:96). Each property is assessed for its environmental, social, cultural and economic values. Negotiations are held between the Traditional Owners and State to identify which areas of the property will become NP (CYPAL) and which areas will become 'ordinary' Aboriginal freehold land. Some of the latter land may be subject to additional conservation measures including nature refuges (legally recognised type of private protected area in Queensland). Once agreement has been met on key commitments (e.g. level of funding, protection of cultural sites) the Traditional Owners, with advice from Cape York Land Council, negotiate the terms of the ILUA and IMA with the Queensland government. The ILUA provides the framework for entire land area (including ordinary Aboriginal freehold land). This may include licensing the use of the freehold areas to commercial interests such as grazing or tourism for a period of time. Agreements can be made between the land trust and local authorities for access to material for public road maintenance, or with service providers (e.g. Telstra) for construction and maintenance of infrastructure on the land. The IMA addresses how the NP (CYPAL) land is to be managed and the responsibilities of the environment minister, the chief executive (of the department responsible for national parks) and the grantees of the land. Public access is guaranteed subject to specific cultural considerations. The IMA also outlines how the land trust and the Queensland Government will consult about park management: managed and present the park, contract work out (including to the land trust); and develop the land trust's capacity to increase its role in park management. Once the agreements have been negotiated, the native title holders have signed the ILUA, and the land trust has signed the IMA, the Aboriginal land is granted and the NP (CYPAL) is dedicated.

## **Tenure Resolution Pathway: support for Aboriginal Peoples Keeping Strong?**

### **Support for Structures for Aboriginal Peoples Keeping Strong**

The Cape York Heads of Agreement in itself is a structure that was co-created by Aboriginal people as key signatories, and thus empowered them. Clause 1 of the Agreement states that Aboriginal people should gain resolution of native title issues by negotiation rather than litigation. In Clause 9, the Aboriginal people involved with the Agreement agreed to exercise any native title rights in a way that would not interfere with the rights of pastoralists. In return, pastoralists agreed to permit continuing rights of access for traditional owners to pastoral properties for traditional purposes, such as the exercising of hunting and fishing rights, access to sites of significance and for traditional ceremonies and the protection and conservation of cultural heritage. These rights were to be attached to the lease title and to be consistent with a detailed code of conduct to be developed between pastoralists and traditional owners. Under the agreement the Cattlemen's Union (CU), the Australian Conservation Foundation (ACF) and The Wilderness Society (TWS) acknowledged that the Aboriginal people, represented by the Cape York Land Council (CYLC) and the Peninsular Council, were the original inhabitants of Cape York.

Subsequent to the CYHoA, numerous structures, including the Indigenous Management Agreements, the Land Trusts and Aboriginal Corporations, have been established as a result of the Tenure Resolution Pathway that provide support for *Aboriginal Peoples Keeping Strong*.

Aboriginal Land Trusts and Aboriginal Corporations (generally Registered Native Title Body Corporate) are institutional structures that have been set up through the tenure resolution processes to hold Aboriginal freehold land and native title on behalf of that traditional owner group. Some of the active Aboriginal Land Trusts on Cape York Peninsula are listed here. Please note that we have not deliberately included or excluded particular Trusts rather we have included a selection here as a representative sample for this desk top review (time constraints meant that we were not able to include every land trust or corporation in this review). These land trusts and corporations include, in no particular order:

- Jabalbina Yalanji Aboriginal Corporation RNTBC is a registered Native Title Body Corporate under the *Native Title Act, 1993*, established out of the Eastern Kuku Yalanji (EKY) Native Title Determination (QC94/13) handed down on 9 December 2007. It is trustee of the Jabalbina Yalanji Land Trust (JYLT) set up to hold Aboriginal freehold land on behalf of EKY. "On 3rd December 2011 some 63,000ha of land was formally transferred to JYLT under the *Queensland Aboriginal Land Act 1991*. 48,000ha of this land is to be managed by Jabalbina as a Nature Refuge under the *Queensland Nature Conservation Act 1992*. The remaining 15,000ha is available for residential and economic development for the benefit of EKY People, subject to constraints imposed under *Native Title Act 1993*, *Sustainable Planning Act 2009*, *Wet Tropics World Heritage Protection and Management Act 1993*, *Vegetation Management Act 1999* and associated ancillary legislation." (Jabalbina, 2014:1).
- The Agayrra - Timarra Land Trust was established to hold land granted under the *Aboriginal Land Act 1991 (Qld)* it comprises two parcels of former Aboriginal reserve land at the Laura Dance Festival Grounds and East Quinkan (see ATNS, 2011b).
- The Imjim Land Trust is comprised of Imjim people as trustees, holds one parcel of former Aboriginal reserve at Laura Aboriginal Reserve (see ATNS, 2011b).
- The Wulburjubur Aboriginal Land Trust holds land that is former Aboriginal reserve land at West Quinkan, near Laura (see ATNS, 2011b).
- The Binda Wawubaja Land Trust was established to hold land granted in 2002 under the *Aboriginal Land Act 1991 (Qld)* (the Act) (Native Title Community Centre, Western (Sunset) Yalanji Native Title Determination). The land held by the Trust comprises one parcel of former land declared transferable under the Act at Binda Wawubaja (see ATNS, 2011b).
- The Burrgirrku Aboriginal Land Trust holds land that is former Aboriginal reserve land in Cooktown, Queensland (see ATNS, 2011b).
- The Darrba Land Trust holds one parcel of former land transferable under the Act at Starcke - Deed A (see ATNS, 2011b).
- The Ngulun Land Trust land comprises two parcels of land transferable under the Act at Starcke - Deed B (see ATNS, 2011b).
- The Injinoo Land Trust holds seven parcels of former Aboriginal reserve and former DOGIT (Deed of Grand in Trust) land at Injinoo Lands and one parcel of land declared transferable under the Act at McDonnell Telegraph Station (see ATNS, 2011b).
- The Koah Land Trust holds four parcels of former Aboriginal reserve land at Koah (see ATNS, 2011b).
- The KULLA Land Trust is an Aboriginal Land Trust established to hold land granted in 2000 under the *Aboriginal Land Act 1991 (Qld)* (the Act) is comprised of Kaanju, Umpila, Lamalama and Ayapathu peoples (KULLA) as trustees, holds two parcels of former land transferable under the Act at Silver Plains (see ATNS, 2011b).
- The Mangkuma Land Trust is comprised of Kaanju people as trustees and holds land that comprises thirteen parcels of former DOGIT land at Lockhart River DOGIT - Deed A (see ATNS, 2011b).
- The Pul Pul Land Trust holds one parcel of former DOGIT land at Lockhart River DOGIT - Deed B (see ATNS, 2011b).



- The Mungana Aboriginal Land Trust comprises one parcel of former Aboriginal reserve at Mungana (see ATNS, 2011b).
- The Peppan Aboriginal Land Trust holds lands that were a former Aboriginal reserve land at Peppan, on the western tip of the Cape York Peninsula (see ATNS, 2011b).
- The Wakooka Land Trust holds land that comprises one parcel of former land declared transferable under the Act at Wakooka (see ATNS, 2011b).
- The Wangetti Aboriginal Land Trust holds land that was declared transferable at Wangetti, located on the lower eastern side of the Cape York Peninsula (see ATNS, 2011b).
- The Wathada Land Trust was established to hold land granted in 1997 under the *Aboriginal Land Act 1991 (Qld)* (the Act). The Trust is comprised of Southern Kaanju people as trustees. The land comprises granted land which was former land declared claimable under the Act at Birthday Mountain (see ATNS, 2011b).
- The Wunthulpu Aboriginal Land Trust is an Aboriginal Land Trust established to hold land granted under the *Aboriginal Land Act 1991 (Qld)* in 1997 and 1998. The land held by the Trust comprises two parcels (R10 and R 11) of former Aboriginal Reserve land at Coen Aboriginal Reserve, the Cape York Peninsula. The Trust is made up of representatives of the groups from the area, significantly, Kaanju, Lamalama, Ayapathu and Wik Mungkan (see ATNS, 2011b).
- The Yintjingga Land Trust is an Aboriginal Land Trust established to hold land granted in 1992 under the *Aboriginal Land Act 1991 (Qld)*. The Trust, comprised of Lamalama people as trustees, holds land that is former Aboriginal reserve land at Port Stewart (see ATNS, 2011b).
- The Ngan Aak-Kunch Aboriginal Corporation RNTBC holds lands for the Wik and Wik Way Native title Claim Group for their determination area (see NNTT, 2014).
- The Abm Elgoring Ambung Aboriginal Corporation RNTBC holds lands for the Kowanyama people for their determination area (see NNTT, 2014).
- The Kyerrwanhdha Thingalkal Land Trust (now owns and manages a previous cattle station called 'Kalinga' that is adjacent to the Alwal National Park (CYPAL).
- The Errk Oykangand National Park Land Trust was set up to represent the Uw Oykangand people in relation to the granting of the Errk Oykangand National Park (CYPAL).
- The Kulla Land Trust was established to hold land granted in 2000 under the *Aboriginal Land Act 1991 (Qld)*. The Trust, comprised of Kaanju, Umpila, Lamalama and Ayapathu peoples (KULLA) as trustees, holds two parcels of former land transferable under the Act at Silver Plains, located in the Cape York Peninsula (see ATNS, 2011b).
- The Olkola Aboriginal Corporation Land Trust
- Cape Melville, Flinders & Howick Islands Aboriginal Corporation
- Northern Kuuku Ya'u Kanthanampu Aboriginal Corporation RNTBC Land Trust
- The Oyala Thumotang Land Trust represents the Wik Mungkan, Southern Kaanju and Ayapathu Aboriginal peoples.
- The Rinyirru (Lakefield) Land Trust represents the Lama Lama and Kuku Thaypan peoples, the Bagaarmugu, Mbarimakarranma, Muunydyiwarra, Magarrmagarrwarra, Balnggarrwarra and Gunduurwarra clans and related families.

### **Support for Processes for Aboriginal Peoples Keeping Strong**

The CYPHoA supported processes aimed at improving engagement between Aboriginal people and their partners, rather than for strengthening Aboriginal societies, cultures and customs. The subsequent Tenure Resolution Process provided/provides resources for Traditional Owner groups to come together in order to prepare reports on their country (cultural heritage analysis, genealogies,

anthropological investigations) to identify who speaks for what parts of their traditional country, and to ultimately declare the legal entities (Aboriginal Land Trust) for certain tracts of land and sea country (Leverington 2012). This amounts to significant support for *Aboriginal Peoples Keeping Strong*, enabling renewals of Aboriginal law and custom. Similarly, resources for development of IMAs again provide support to Aboriginal people to come together and consider their approaches to managing the land returned to them, important support for processes for *Aboriginal People Keeping Strong*.

### ***Delivery of Results for Aboriginal Peoples Keeping Strong***

While the CYPHoA itself delivered primarily for engagement between Aboriginal peoples and their partners, the delivery of results for strengthening Aboriginal societies from the whole Tenure Resolution Pathway has been quite significant, in the form of the return of land to the Aboriginal peoples of Cape York Peninsula. The Queensland Government spent over \$30 million on purchasing pastoral leases and negotiating the protection of natural and cultural values with the Traditional Owners of these lands (ACF, 2012a). This includes close to two million hectares of land: more than a million hectares of new national parks and around 300,000 hectares of new conservation reserves. Nearly 700,000 hectares has been returned as Aboriginal freehold for economic purposes (ACF, 2012b). From 2008-2012: ten 'state land tenure dealings' returned land to Aboriginal traditional owners; nine national parks have been returned to Aboriginal traditional owners; and a further twenty State land tenure dealings and twenty-one national parks will be returned to the Aboriginal Traditional Owners. Many of these will be converted in National Park (CYPAL) by 2016.

## ***Tenure Resolution Pathway: support for Keeping Engagement Strong?***

### ***Support for Structures for Keeping Engagement Strong***

The whole Tenure Resolution Pathway is underpinned by the CYHoA, which engaged Aboriginal people with conservations and pastoralists around the issues of managing their traditional lands. Unsurprisingly, a number of structures to support ongoing engagement have been created. The HoA parties agreed to engage with assessments of areas of high conservation and cultural value and support the landholder to enter into appropriate agreements to protect the area under State or Commonwealth provisions, including World Heritage listing. The purchase of land for the protection and management of cultural and environmental values was supported by all parties. The method of management of land purchased through the fund was stipulated to be negotiated between the Commonwealth and State governments and traditional owners and should be based on culturally and ecologically sustainable use of the lands resources to achieve Aboriginal economic viability. The Agreement in Clause 18 stipulated that negotiations would involve relevant community organisations and traditional owners on a sub-regional basis. The nomination for World Heritage listing of any land on Cape York Peninsula should only proceed where there is a management arrangement which is negotiated with all landholders who may be directly affected by such a listing (Heads of Agreement, 1996, Clause 19).

Clearly this Agreement was the precursor to subsequent structures, such the new National Park (CYPAL) under the *Cape York Peninsula Heritage Act, 2007*. The Indigenous Management Agreements (IMA) that underpin joint management of the parks are examples of structures that supports *Keeping Engagement Strong*. The provisions for the IMA are quite restrictive however. For example, it must include a lot on plan

description of the land; state the land will be managed in perpetuity as a national park (CYPAL); state how the land is proposed to be managed, include details of interim arrangements for its management before the approval of a management plan; state the responsibilities of the Environment Minister, and the chief executive under the *Nature Conservation Act, 1992*; and state the responsibilities of the trustee in relation to its management; details of process for developing a management plan, include details of areas where public access will be restricted, and information about

management of any infrastructure on the land (Division 1, section 170). These arrangements tend to a very State-directed form of engagement.

### **Support for Processes for Keeping Engagement Strong**

The Tenure Resolution Pathway has supported some innovative engagement processes between government, non-government and Aboriginal peoples. For example, the Cape York Land Tenure Resolution Implementation Group was chaired by the Queensland Premier (or delegate) with a membership including three Government Ministers and representatives from Balkanu Cape York Development Corporation, Cape York Land Council, Australian Conservation Foundation and The Wilderness Society.

The Queensland Government also provides support for Keeping Engagement Strong through the negotiation of an Indigenous Land Use Agreement (ILUA) under the *Native title Act (Cwlth), 1993* prior to transfer of land and dedication of the *National Park (CYPAL)*. Support is also provided for the Aboriginal Land Trust to enter into an Indigenous Management Agreement (IMA) with the State under the provisions of the *Aboriginal Land Act (Qld), 1991* for land that has been identified as having high natural and cultural values.

### **Delivery of Results for Keeping Engagement Strong**

The Tenure Resolution processes that developed once the State of Queensland joined the Agreement in September, 2001, aimed to translate the long-held aspirations for Cape York Peninsula into action. Accordingly, the delivery of results from the Tenure Resolution Pathway could be argued to include the evolution of the *Cape York Peninsula Heritage Act, 2007*, and the development of a new kind of National Park (CYPAL). The on-ground park management work of CYPAL National Parks is often supported and run by already established Wild River Rangers, Land and Sea Centres (Harding, 2013).

Many co-managed national parks have now been delivered, an important result for *Keeping Engagement Strong*. CYPALs current at the time of this desk top review include the following:

- Errk Oykangand National Park (CYPAL) was the first national park to be returned to the Traditional Owners, the Uw Oykangand people as Aboriginal freehold and has been dedicated as a National Park. It is jointly managed by the Errk Oykangand National Park Land Trust and the Queensland Government in accordance with an Indigenous Management Agreement and other land management arrangements (see DNPRSR, 2014).
- KULLA (McIlwraith Range) National Park (CYPAL) is now as Aboriginal freehold land, owned by the Kaanju, Umpila, Lamalama and Ayapathu peoples. It has been dedicated as a National Park and is now managed by the Kulla Land Trust with support from the Queensland Government (see DNPRSR, 2014).
- Alwal National Park (CYPAL) is now Aboriginal freehold land that has been dedicated as a National Park by its Traditional Owners. It is now managed by the Olkola Aboriginal Corporation Land Trust with support from the Queensland Government in accordance with an Indigenous Management Agreement (see DNPRSR, 2014).
- The Cape Melville, Flinders & Howick Islands Aboriginal Corporation have been handed two areas of land listed as Aboriginal freehold land that has been dedicated as a National Park. It is the traditional country of the Daarba, Junjuu, Muli, Bagaarmugu, Wurri, Manyamarr, Gambiilmugu and Yiirku Aboriginal peoples (see DNPRSR, 2014). The Corporation now manages these two parks in partnership with the Queensland Government in accordance with an Indigenous Management Agreement.
  - Flinders Group National Park (CYPAL)
  - Cape Melville National Park (CYPAL)
- The Northern Kuuku Ya'u Kanthanampu Aboriginal Corporation RNTBC Land Trust and the Queensland Government in accordance with an Indigenous Management Agreement and other

land management arrangements manage the following five parks on behalf of the Traditional Owners the Kuuku Ya'u people (including the Kungkay people and Kanthanampu people) (see DNPRSR, 2014). These areas of land are recognised as Aboriginal freehold land that has been dedicated as a National Park by its Traditional Owners.

- Kutini-Payamu (Iron Range) National Park (CYPAL)
- Piper Islands National Park (CYPAL)
- Mitirinchin Island National Park (CYPAL)
- Wuthara Island National Park (CYPAL)
- Ma'alpiku Island National Park (CYPAL)
- Lama Lama National Park (CYPAL) and the Marpa National Park (CYPAL) are both jointly managed by the Lama Lama Land Trust and the Queensland Government in accordance with an Indigenous Management Agreement (see DNPRSR, 2014). These areas of land are recognised as Aboriginal freehold land that has been dedicated as a National Park by its Traditional Owners.
- The Oyala Thumotang National Park (CYPAL) is the traditional country of the Wik Mungkan, Southern Kaanju and Ayapathu Aboriginal peoples. It is jointly managed on their behalf between the Oyala Thumotang Land Trust and the Queensland government in accordance with an Indigenous Management Agreement and other land management agreements (see DNPRSR, 2014). The land is recognised as Aboriginal freehold land that has been dedicated as a National Park by its Traditional Owners.
- The Rinyirru (Lakefield) National Park (CYPAL) is the traditional country of the Lama Lama and Kuku Thaypan peoples, the Bagaarmugu, Mbarimakarranma, Muunydyiwarra, Magarmagarrwarra, Balnggarwarra and Gunduurwarra clans and related families. It is jointly managed on their behalf by the Rinyirru (Lakefield) Land Trust and the Queensland Government in accordance with an Indigenous Management Agreement and other land management arrangements (see DNPRSR, 2014). The land is recognised as Aboriginal freehold land that has been dedicated as a National Park by its Traditional Owners.

## World Heritage Pathway

### Background

Following the passage of the *Cape York Peninsula Heritage Act 2007*, the Queensland Government, in consultation with the Australian Government, began investigating the potential of a Cape York Peninsula World Heritage nomination. Both governments made particular reference to involving and seeking the consent of Traditional Owners for any such nomination. The Queensland Government commissioned cultural and natural values assessments. Four cultural values assessments and two natural values assessments of potential world heritage values of Cape York were conducted between 2006 and 2012. One of the cultural values studies related specifically to the cultural story of non-Aboriginal values in the region, and the related shared history (see Horsfall and Morrison, 2010). Three of the cultural values studies articulated Aboriginal values (see Cole, 2011; Greer, 2011; Sutton, 2011). A further natural values assessment highlighted the important role that Aboriginal people in general, and particular Traditional Owner groups must have in any world heritage nomination process (Valentine, 2006). A review of management arrangements for potential World Heritage listing was also undertaken (Planning for People, 2011).

In order to support Traditional Owner consent considerations, funding was provided by the Queensland Government for Aboriginal groups to engage in country-based planning. These plans provided for discussions within traditional owner groups as to whether they wished to be involved in a world heritage nomination process, and their country to be included as part of any prospective world heritage area. In the event the decision was made not to proceed with heritage listing, the plans

provided a useful foundation for ongoing environmental, cultural and economic management of their traditional lands. The Queensland Government developed a communication poster a 'Chance to Plan' to encourage Aboriginal groups to access funds for country-based planning. Guidelines for the planning were developed in consultation with relevant traditional owners groups (Smyth 2011).

**Table 7:** Summary of the World Heritage pathway to co-management on Cape York Peninsula, together with an assessment of how its components provided support for *Aboriginal People Keeping Strong* and *Keeping Engagement Strong*

Institution	Organisation	Role	Cape York Peoples keeping strong			Keeping Engagement Strong		
			Structures	Processes	Results	Structures	Processes	Results
World heritage nomination process								
Four cultural and two natural values assessments of potential world heritage, and a discussion paper on management	Indigenous: Cole, 2011; Sutton, date; Greer, 2011; non-Indigenous: Horsfall and Morrison, 2010 Valentine, 2006; Woinarski, 2012; Planning for People 2011	Various researchers documentation and assessment against relevant criteria	N	N	Y	N	N	Y
Country Based Planning	Queensland State Government funding and Guidelines (Smyth 2011)	Opportunity for Traditional Owner groups to develop plans for their country, and to consider the option of progressing world heritage nomination.	Y	Y	Y (number of CBP contracts)	Y	N	Y (number of CBP contracts)

## **World Heritage Pathway: support for Aboriginal Peoples Keeping Strong?**

### **Support for Structures for Aboriginal Peoples Keeping Strong**

The particular references made by both Australian and Queensland Governments to involving and seeking the consent of Traditional Owners for any world heritage nomination provides the foundation for *Aboriginal Peoples Keeping Strong* through the World Heritage Pathway (Planning for People 2011). The Guidelines for Country-based Planning (Smyth, 2011) provide support for relevant structures that enable *Aboriginal People Keeping Strong*. The purpose of guidelines is to “support Traditional Owner groups and their advisors to develop and implement effective plans for their traditional country that will protect and manage their many values of country, ways to communicate these values and management concerns, and ways to build capacity and partnerships to support their desired management pathway”. Although not prescriptive, the Guidelines provide suggestions about who could be involved in developing a country-based plan; the area of land and/or sea that could be included in a group’s discussion and resultant plan; the roles that a facilitator/planner could provide to any Traditional Owner group to assist with discussion for the plan; the different kinds of plan that could be included; suggestions around the format in which the plan could be expressed; and the importance of considering the role of existing or potential management arrangements for country. These guidelines can be argued to provide a culturally appropriate structure to enable Aboriginal peoples to strengthen the cultural and customary basis of management of their country.

### **Support for Processes for Aboriginal Peoples Keeping Strong**

The Guidelines for Country-based Planning (Smyth, 2011) also provide support for a process that enables *Aboriginal Peoples Keeping Strong*. The guidelines provide a culturally appropriate planning process. The approach takes ‘country’ as the core geographical and cultural planning scale. The process itself is based on locally derived and appropriate planning approaches (community participation, speaking with the right people and so on). The intended outcome is a plan that celebrates records and provides ways to manage the values held by the Aboriginal group, for their country (Smyth, 2011). Twelve contracts were signed with twelve Traditional Owner groups from Cape York Peninsula for the development of country based plans. These include plans developed by the communities at Mapoon (Six Traditional Owners groups), Pormpuraaw, Umpila, Kuuku Ya’u (Lockhart), Apudthama (Northern Peninsula Area), Olkola (central Cape York Peninsula), Aurukun and Wuthathi (Shelburne Bay) (Bock, Pers Com. 14/10/13).

### **Delivery of Results for Aboriginal Peoples Keeping Strong**

The cultural values assessments highlighted Cape York as a mosaic of cultural landscapes that include documented histories and specific sites (see Sutton, 2011). The outstanding Aboriginal cultural values of the region include particular rock-art and related sites, oral history, cultural knowledge, relationships with landscape (see Cole, 2011); embedded in Aboriginal cultural landscapes and inter-related cosmological systems (see Greer, 2011). The natural values assessment of potential world heritage values of Cape York

Peninsula, conducted by Valentine (2006) provides a very brief review of the cultural landscapes of Cape York, states that Cape York Peninsula should be listed for its cultural, as well as natural, values. In particular, this assessment states that any world heritage nomination process would need to involve each Traditional Owner group separately.

Twelve contracts were signed with twelve Traditional Owner groups from Cape York Peninsula for the development of country based plans. These include plans developed by the communities at Mapoon (Six Traditional Owners groups), Pormpuraaw, Umpila, Kuuku Ya’u (Lockhart), Apudthama (Northern Peninsula Area), Olkola (central Cape York Peninsula), Aurukun, Wuthathi (Shelburne Bay), Umpil (Bock, Pers Com. 14/10/13).

## **World Heritage Pathway: support for Keeping Engagement Strong?**

### **Support for Structures for Keeping Engagement Strong**

Once completed, the Country-based Plans produced and owned by relevant Traditional Owner groups from Cape York Peninsula may provide a structure to keep engagement strong. The Plan may articulate how the group wishes to manage their country, who they wish to work with to do this (partnerships), the structural institutional arrangement they already use, or wish to use to engage in management of their country, and whether or not they want to nominate their country to be a part of a world heritage area on Cape York Peninsula (and related partnerships and institutional structures necessary to enable their engagement in the process).

### **Support for Processes for Keeping Engagement Strong**

None identified. Currently processes for an engaged discussion between Aboriginal peoples and others interested in World Heritage do not seem to be occurring.

### **Delivery of Results for Keeping Engagement Strong**

The discussion paper on management for world heritage (Planning for People, 2011:5-7) could be considered as delivering a result for *Keeping Engagement Strong* as its recommendations highlighted the important of Aboriginal peoples roles. These recommendations include:

*Arrangements that operate at national, state, property and individual land tenure/area level.*

The complexities of World Heritage management at the property level and the resources required for effective cross-property coordination and achievement of desired outcomes should not be ignored.

Governance and representative structures for World Heritage management should have clear mandates to act for CYP stakeholders and communities and clearly stated roles and responsibilities.

*Development of management arrangements should be integrated into consultations on a Cape York Peninsula World Heritage area.*

The arrangements should take account of the social, economic and land aspirations of all relevant stakeholders and communities and their concerns about the impact of

World Heritage. All stakeholders should have the opportunity to be involved in development of World Heritage management and partnership arrangements. Ideally, their concerns should be addressed or agreements reached on approaches to issues prior to World Heritage listing.

*Adequate resourcing of stakeholder and community engagement processes is important to achieve*

results and build capacity among all stakeholder groups, both during consultations on World Heritage and to improve the workability of engagement and partnership mechanisms once a World Heritage area is in place.

*Sustained funding and resourcing for World Heritage management at the property, tenure and local levels is a critical factor for effective World Heritage management.* A range of funding, partnership and all stakeholders should have the opportunity to be involved in development of World Heritage management and partnership arrangements. Ideally, their concerns should be addressed or agreements reached on approaches to issues prior to World Heritage listing.



*Management arrangements should include a way to deal with future changes related to the ongoing tenure resolution process.*

## Aboriginal Agency-driven Pathway

### Background

Aboriginal peoples on Cape York Peninsula have managed their land and sea country according to their own customary laws and cultural practices for millennia. These practices, rights and responsibilities were severely disrupted by the colonization of Australia starting in 1770. Cape York Aboriginal people obtained their first form of land rights in 1984 through the *Community Services Act (Aborigines) 1984 (Queensland)* which provided for Aboriginal Councils to hold land as Deeds of Grant in Trust. Since then, Aboriginal people have driven many initiatives to regain agency in managing their land.

Soon after regaining some land rights, the Aboriginal Councils initiated a Community Ranger Program in 1988, negotiating with TAFE Queensland to establish a training program, and employing the Rangers part-time through the Community Development Employment Program (Hill 1992). Since then, Indigenous-driven initiatives have consistently sought to deploy Rangers in land management roles. Governments have been slow to respond, but Queensland Government now supports some 50 Indigenous Rangers on CYP, and the Australian Government also supports several groups through their Working on Country program.

Kowanyama Aboriginal Community Council employed their first Community Ranger in 1989 and in 1990, together with the Traditional Owners, established the Kowanyama Aboriginal Land and Natural Resources Management Office (KALNRMO). The organization, the first such on CYP, states its strategic intent as:

to achieve sustainable Aboriginal management of the natural and cultural resources of Kowanyama land and sea country, given that the continuing cultural and biological diversity of country are integrally linked and cannot be viewed as separable (Sinnamon et al. 2008, 6)

KALNRMO has undertaken an impressive array of cultural and natural resource management activities including fisheries management, fire management, wetlands restoration, recording oral histories, pest and weeds management and cultural heritage maintenance (Sinnamon et al. 2008). Many other Aboriginal groups have since set up Corporations, Land and Sea Management Units and Ranger Groups to

further their important work. There are many active groups on Cape York Peninsula and we have attempted to include all those here (as far as our internet searches allowed us). Please note that we not deliberately included or excluded any such group, rather we have included all groups that we were able to collect data on at the time of the desk top review and given our time constraints. These groups include, in no particular order:

- Balkanu Cape York Development Corporation was established in 1996 on behalf of the Aboriginal people of Cape York. It is an Indigenous organisation with a board of directors that represent the Cape York communities of Hopevale, Cooktown, Wujal Wujal, Laura, Coen, Lockhart River, Injinoo, Umajico, New Mapoon, Kaurareg, Old Mapoon, Napranum, Aurukun, Pormpuraaw and Kowanyama. The main aim of the corporation is to provide assistance to the Aboriginal and Torres Strait Islanders of the Cape York region to become self-reliant and independent (see Balkanu, 2010a). The Caring for Country Unit assists various Land Trusts and corporations to deliver Ranger programs (e.g. Kalan Ranger service/ Toolka Land Trust, Lama Lama Ranger Service/Lama Lama Land Trust, Nyungkal Ranger Service/Bana Yarralji Corporation) (see Balkanu, 2010b)

- The Mapoon Land and Sea Centre employs the Mapoon Land and Sea Rangers to look after 183,000 ha of the Mapoon Deed of Grant of Land in Trust (DOGIT). The DOGIT includes the traditional lands of the Tjungundji, Yupungatti, Warrangju, Toeprrthiggi and Mpokwithic clans (see NAILSMA, 2012; Environment, 2013b; Mapoon, 2014). The Rangers undertake a range of environmental works including the development of a traditional knowledge and cultural heritage geographic information system (GIS) database, weed and feral animal control, protection and conservation of wetlands and so on (Environment, 2013b).
- Kalan Aboriginal Corporation works in partnership with the Toolka Land Trust and Balkanu Aboriginal Corporation to employ the Kalan Rangers who work to look after their traditional country. A Conservation Agreement developed between the Toolka Land Trust and the Queensland Government to establish the Mt Croll Nature Refuge guides the Ranger work (see CfoC, 2012; Environment, 2013b).
- Lockhart River Aboriginal Shire Council employs a team of Rangers to address environmental problems on the Mangkuma Land Trust, the rangers work out of the Kawadji-Kanidji Indigenous Natural Resource Land and Sea Management Centre (see Environment, 2013b).
- The Kowanyama Aboriginal Shire Council employs the Kowanyama Rangers to protect the ecological and cultural assets of the Mitchell River and surrounding area (in the Deed of Grant of Land in Trust lands), and to tackle environmental problems (see Environment, 2013b). They are also involved in tourism and visitor management, conduct patrols in closed and open waters, and are active in the Ghost net program. The Rangers work out of the Kowanyama Aboriginal Land and Natural Resources Management Office (KALNRMO) (see Kowanyama, 2011). It must be noted that the community's efforts for self-governance and community based natural resource management were formalised in May 1988 with the establishment of the Kowanyama community ranger service, and the KALNRMO in 1990 (Larsen, 2007). Further, in 1991 and 1996 respectively the Council purchased neighbouring pastoral leases of 'Oriners' and 'Sefton' (Larsen, 2007).
- The Chuulangun Aboriginal Corporation, centred on the Wenlock and Pascoe Rivers, runs four programs that include homelands development; land and resource management; Indigenous knowledge, language and research; and economic development, employment, training and capacity building. The Corporation has developed a number of formal and informal networks with a range of businesses, individuals, and organisations to enable them to carry out their important work (see CAC, 2013). The Chuulangun Rangers work to undertake activities to manage their important area of country (see Environment, 2013b).
- The Lama Lama Land Trust was established under the *Aboriginal Land Act, 1991 (Qld)* to hold in trust Running Creek and develop a Conservation Agreement with the Queensland government to manage the Running Creek Nature Refuge. This Agreement provides the framework for the Lama Lama Rangers to manage the area. The Rangers are employed between the Land Trust and the Balkanu Cape York Development Corporation, to focus on land management in the Nature Refuge and surrounding Aboriginal freehold land (see Environment, 2013b).
- Yuku-Baja-Muliku Ranger group based at Archer Point, Cooktown, conduct on-ground management, cultural heritage mapping, heritage site management and so on for protected areas in Yuku-Baja-Muliku country (see Environment, 2013b).
- The Bana Yarralji Bubu Inc. in partnership with the Balkanu Aboriginal Corporation managed the Nyungkal Ranger Service from 2009-2013 when their funding ceased. The Nyungkal Rangers implemented the Kuku Nyungkal country based plan which set out the vision of some Kuku Nyungkal people, for the future.

Aboriginal Agency-driven planning was initiated by the Wuthathi Land Trust (2004) to provide an Indigenous-driven basis to protect their land and sea country. Since then, Indigenous driven planning has gained impetus through the concept of "country-based planning", with several initiated both before and as part of the world heritage pathway (Smyth 2011).

Indigenous Protected Areas (IPA) are areas of Indigenous-owned or multi-tenured land or sea on Cape York Peninsula where the traditional owners have entered into an agreement with the Australian Government to promote biodiversity and cultural resource conservation (see Australian Government, 2013). IPAs are developed through a process that provides support for Indigenous-driven planning (Hill *et al.* 2011, Davies *et al.* 2013). Current IPAs on Cape York Peninsula include the following:

- the Eastern Kuku Yalanji IPA,
- the Angkum IPA stage 1 (stage 2 is and Indigenous Protected Area consultation project) and
- The Kaanju Ngaachi IPA declared in June 2008 under the IUCN Category V – Protected Area managed mainly for landscape/seascape conservation and recreation. It stretches across nearly 2,000 square kilometres of wet tropical forest and sand ridge country between Lockhart River, Coen and Weipa. It is managed by the Chuulangun Aboriginal Corporation (Environment, 2013).
- A further IPA consultation project is the Wik, Wik Way and Kugu project (Figure 4).

## ***Aboriginal Agency-driven Pathway: support for Aboriginal Peoples Keeping Strong?***

### ***Support for Structures for Aboriginal Peoples Keeping Strong***

The Ranger initiatives and Indigenous Land and Sea Management Corporations all provide support for structures aimed at *Aboriginal Peoples Keeping Strong*. These include processes for ensuring that customary institutions are supported together with those necessary for meeting nation-state requirements. The Kowanyama Aboriginal Council's policy and by-laws development process is a good example (Sinnamon *et al.* 2008) (Figure 3).

## POLICY AND BY-LAWS DEVELOPMENT FOR ABORIGINAL LAND

A BOTTOM UP WAY TO SELF GOVERNANCE FOR KOWANYAMA



**Figure 3:** Bottom up self-governance in Kowanyama

Indigenous Protected Areas are noted for the support provided to customary institutions for governance (Davies et al 2013)

**Table 8:** Summary of the World Heritage pathway to co-management on Cape York Peninsula, together with an assessment of how its components provided support for *Aboriginal People Keeping Strong* and *Keeping Engagement Strong*

Institution	Organisation	Role	Cape York Peoples keeping strong			Keeping Engagement Strong		
			Structures	Processes	Results	Structures	Processes	Results
Aboriginal Agency led processes								
Ranger Groups			Y	Y	Y (number)	Y	Y	Y (number)
Land and Sea Management organisations			Y	Y	Y (number)	Y	Y	Y (number)
Aboriginal -driven and country-based plans			Y	Y	Y (number)	Y	Y	Y (number)
Indigenous Protected Areas			Y	Y	Y (number)	Y	Y	Y (number)

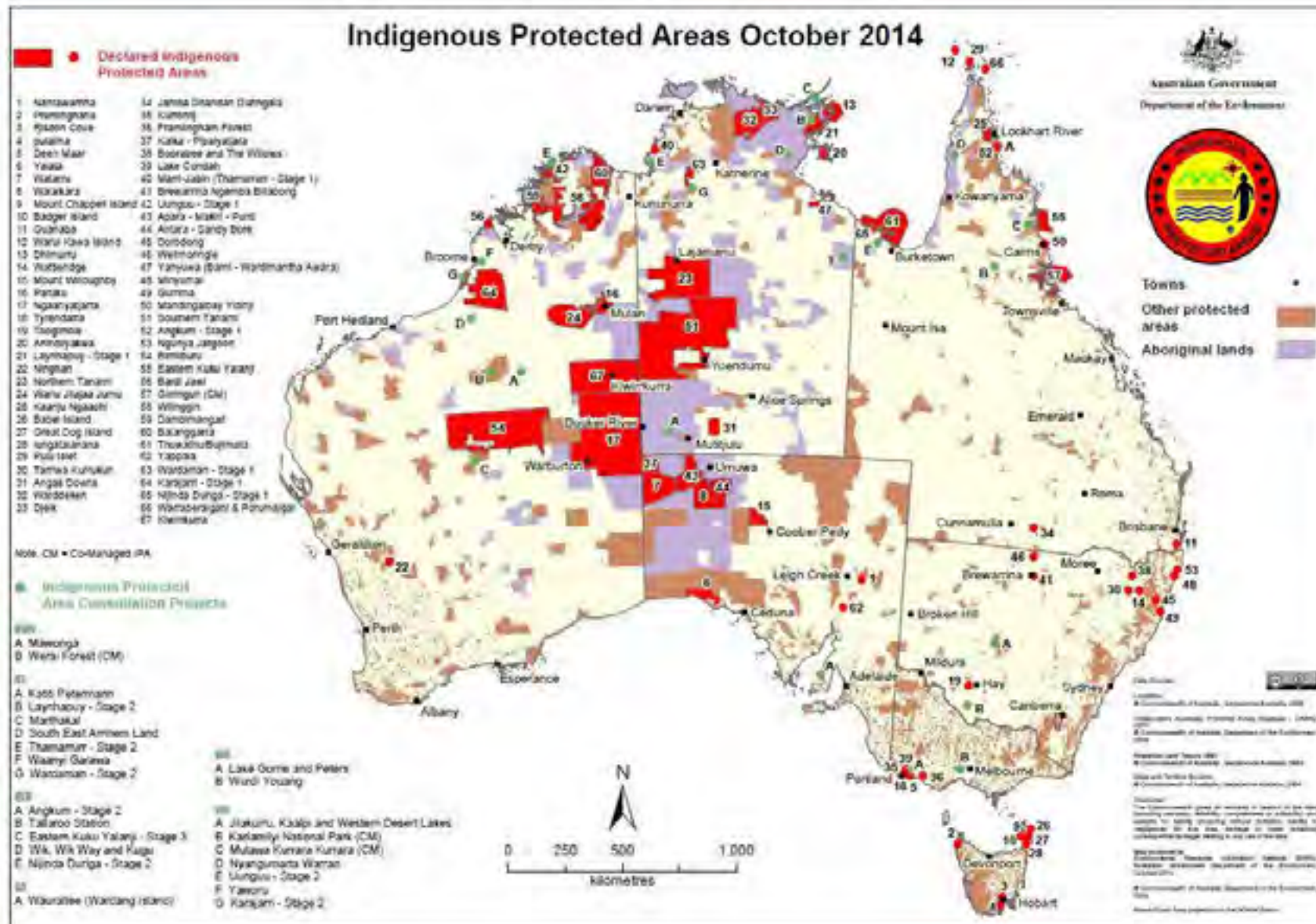


Figure 4: Map of Indigenous Protected Areas (Source: Australian Government, 2014).



## **Support for Processes for Aboriginal Peoples Keeping Strong**

The Aboriginal Rangers, Land and Sea Management organizations, Aboriginal-driven plans and IPAs all place great emphasis on processes such as language revival, passing on of traditional knowledge, time spent on country between elders and youth. Extensive support is provided for processes for *Aboriginal Peoples Keeping Strong*.

## **Delivering Results for Aboriginal Peoples Keeping Strong**

The proliferation of Aboriginal Rangers, activities, and the leveraging of resources for the Land and Sea Management organizations demonstrate that results are being delivered.

## **Aboriginal Agency-driven Pathway: support for Keeping Engagement Strong?**

### **Support for Structures for Keeping Engagement Strong**

Indigenous Land Use Agreements (ILUAs) can provide Aboriginal-driven ways of engaging with others. ILUAs are voluntary agreements between a native title group and others about the use of land and waters. The agreements allow the parties to negotiate flexible agreements to meet their needs. Once signed, they bind all parties and native title holders to the terms of the agreement. An ILUA can be over areas where native title has/has not yet been determined; entered into regardless of whether there is a native title claim over the area or not; be part of a native title determination or settled separately from a native title claim (NNTT, 2014). It might cover topics to do with a future development, how native title rights co-exist with the rights of other people, access to an area, compensation, cultural heritage, mining, employment opportunities for native title groups (see NNTT, 2014).

There are many ILUAs on Cape York Peninsula and these all represent institutional structures that support *Keeping Engagement Strong*. We have not included every existing ILUA here but rather a selection. We have not deliberately included or excluded particular ILUAs, rather we have included a selection here as a representative sample for this desk top review (time constraints meant that we were not able to include every ILUA in this review).

These ILUAs include, in no particular order:

- KULLA (McIlwraith Range & Mt Croll) Indigenous Land Use Agreement (ILUA). The purpose of this ILUA is to give effect to an Indigenous Management Agreement that provides for the joint management of the KULLA (McIlwraith Range) National Park on the Cape York Peninsula (see ATNS, 2011b).
- Errk Oygangand National Park (Cape York Peninsula Aboriginal Land) Indigenous Land Use Agreement (ILUA). The ILUA area is located southeast of Pormpuraaw and east of Kowanyama in the vicinity of the Mitchell River. It covers approximately 383 square kilometres and falls within the jurisdiction of the Carpentaria Shire Council. The purpose of the ILUA is to provide prospective and retrospective consent for a number of 'Agreed Acts'. (see ATNS, 2011b)
- Seven National Parks Bama-Bi Bubu ILUA between The State of Queensland and the Cape Melville, Flinders and Howick Islands Aboriginal Corporation, the Buubu Gujin Aboriginal

Corporation and specified individuals. The purpose of the ILUA is to provide prospective and retrospective consent for a number of 'Agreed Acts' (see ATNS, 2011b).

- Oyala Thumotang National Park (CYPAL) and adjacent Aboriginal Land Indigenous Land Use Agreement (ILUA) (see ATNS, 2011b). It is an agreement between The State of Queensland; and Victor Lawrence, Allan Creek and Phillip Port on their own behalf & on behalf of the Wik Mungkan People, the Southern Kaanju People and the Ayapathu People. The purpose of the agreement is for the parties to give their consent to the doing of Agreed Future Acts, namely, to the granting of land as Aboriginal Land under the *Aboriginal Land Act 1991(Qld)* and as national park under the *Nature Conservation Act 1992 (Qld)*.(see ATNS, 2011b).
- Rinyirru (Lakefield) National Park (Cape York Peninsula Aboriginal Land) Indigenous Land Use Agreement (ILUA). Is between n the State of Queensland; and Tommy George (Snr), Eric Harrigan (Snr), Elizabeth Lakefield, Francis Lee Cheu, Lewis Musgrave, Hans Pearson and Paul Turpin. The purpose of this agreement is to arrange co-management of the Rinyirru (Lakefield) National Park between the State and the native title holders (see ATNS, 2011b).

### ***Support for Processes for Keeping Engagement Strong***

Some country based plans (detailed above) include the partnerships that the Aboriginal community wishes to develop to enable them to manage their country. These include details about the processes by which they anticipate ongoing discussions between interest groups to occur, potential conflict between interest groups to be resolved and so on.

### ***Delivery of Results for Keeping Engagement Strong***

These Aboriginal Agency-driven initiatives do engage a wide number of partners, which can be argued as demonstrating a clear positive outcome for engagement.



## Conclusion

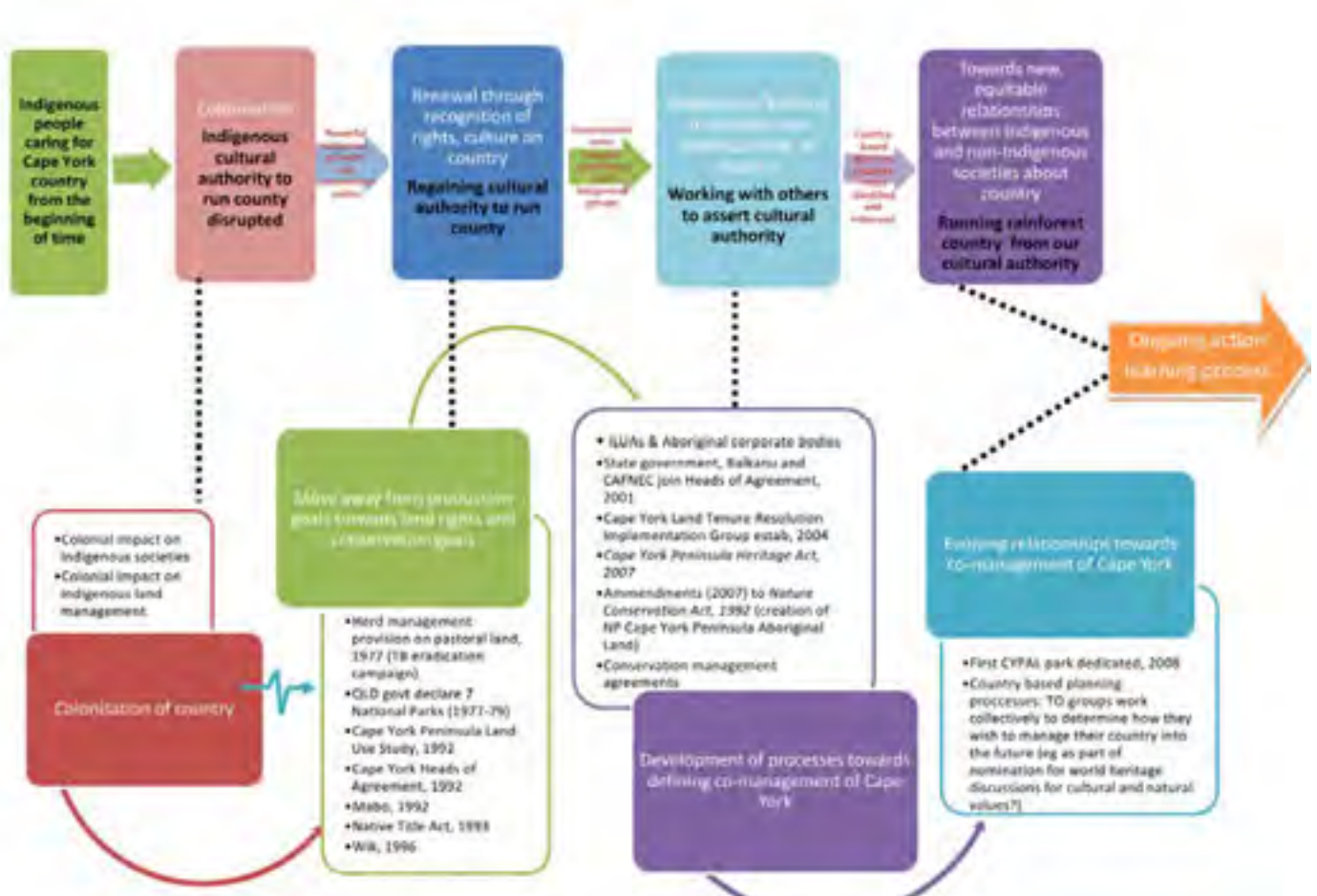
This review has identified five interconnected pathways that intermingle in the journey towards co-management of biodiversity on Cape York Peninsula (see Figure 5). These include an Aboriginal Agency-driven Pathway, beginning with the community Rangers employed after the first form of land rights in the mid-1980s; a Knowledge-Building Pathway through the Cape York Peninsula Land Use Study and its partial implementation through the Natural Heritage Trust Plan; a Judicial Pathway, beginning with *Mabo vs. State of Queensland* in 1992, and resultant *Native Title Acts*; the ongoing Tenure Resolution Pathway started in 1996 with the Cape York Heads of Agreement; and ongoing World Heritage (with Traditional Owner Consent) Pathway that began with state government funded 'national values assessments' in 2006. The report has assessed how each of these processes has enabled some support for 'structures', 'processes' 'results', that enable Aboriginal peoples from Cape York to strengthen their own societies, laws and customs, and to strengthen their partnerships with their non-Aboriginal counterparts (for the co-management of biodiversity) strong. The Aboriginal Agency-driven pathway was the only one that uniformly supported structures, processes and results for both *Keeping Aboriginal Peoples Strong* and *Keeping Engagement Strong*, with all the other pathways showing patchy support.

These intersecting pathways and initiatives present a picture of enormous institutional complexity. The institutional complexity is a result in part of an ongoing contest about *steering* the collaborative governance arrangements on Cape York Peninsula. For example, the *Wild Rivers Act 2005 (Queensland)* largely reflected steering by the conservation sector, with complex retro-fitting to better account for Aboriginal rights and interests. The growing significance of Aboriginal Rangers largely reflects Aboriginal-driven steering. The array of ILUAs, IMAs, Land Trusts, Aboriginal Corporations and joint-managed parks represents a set of arrangements that has fundamentally changed the context of Aboriginal rights recognition on Cape York Peninsula. The Tenure Resolution Pathway has returned millions of hectares to Aboriginal ownership.

Given the scale of resetting of the recognition of Aboriginal rights and interests through these multiple intersecting pathways, the level of complexity and contestation is perhaps not surprising. Many of these institutional change processes are still under way. Judicial Pathways continue to be important for recognition of native title for many Traditional Owner groups in the region. Further, designation of areas suitable heritage listing as envisaged in the *Cape York Peninsula Heritage Act, 2007* is still underway. The ongoing Cape York Peninsula Land Tenure Resolution Process continues to deliver National Parks (CYPAL) on the CYP and Indigenous Management Agreements to enable relevant groups to continue to negotiate management of country and biodiversity with state government agencies. Each of these processes can be represented as part of a larger inter-connected pathway towards co-management of biodiversity on Cape York Peninsula (see Figure 5).

However, it is important to realize that the delivery of these institutional structures, processes and outcomes essentially represents a *settlement* of rights— a set of agreements that together change the region fundamentally. While not negotiated as an overall regional agreements, such as those that have occurred in similar contexts of rights-recognitions such as Canada, the changes constitute a fundamental reshaping to place Aboriginal peoples in a centrally driving role. Despite the two decades from the HoA to now, Aboriginal management of Cape York Peninsula, and collaboration with others, is actually now just starting—the system is primed to move from settling rights, to implementing rights. Much work is needed to build the capacities, and capabilities that can realize the full potential of this new institutional landscape. This assessment highlighted the strengths of Aboriginal-driven approaches in building Aboriginal peoples' capacity to strengthen their own societies, laws and customs, and simultaneously strengthen their partnerships with their non-Aboriginal counterparts (for the co-management of

biodiversity). Greater attention to these Aboriginal-driven partnerships is likely to support the necessary capability to realize the full potential of co-management going forward.



**Figure 5:** Pathway towards co-management of biodiversity on Cape York Peninsula

## References

- Abrahams, H., M. Mulvaney, D. Glasco, and A. Bugg. 1995a. Areas of conservation significance on Cape York Peninsula. In *Cape York Peninsula Land Use Study*, eds. Cape York Peninsula Land Use Study. Canberra: Australian Government.
- Abrahams, H., M. Mulvaney, D. Glasco, and A. Bugg. 1995b. Areas of conservation significance on Cape York Peninsula: Appendix 1. In *Cape York Peninsula Land use Study*, eds. CYPLUS. Canberra: Australian Government. ABS (Australian Bureau of Statistics). 1995. Year Book Australia <http://www.abs.gov.au/Ausstats/abs@.nsf/Previousproducts/1301.0Feature%20Article21995> (accessed 25/06/2013).
- ACF (Australian Conservation Foundation). 2012a. Cape York Peninsula Land Tenure Reform - returning homelands to Traditional Owners; a 20 year work-in-progress. Australian Conservation Foundation.
- ACF (Australian Conservation Foundation). 2012b. Finding good conservation and Indigenous outcomes on Cape York. Australian Conservation Foundation.
- ATNS (Agreements, treaties and negotiated settlements project). 2011a. The Wik Peoples v The State of Queensland <http://www.atns.net.au/agreement.asp?EntityID=775> (accessed 25/06/2013).
- ATNS (Agreements, treaties and negotiated settlements project). 2011b. Agreements, treaties and negotiated settlements project <http://www.atns.net.au/default.asp> (accessed 24/09/14).
- Australian Government. 2014. Indigenous Protected Areas <http://www.environment.gov.au/indigenous/ipa/> (accessed 04/03/15).
- Balkanu (Balkanu Aboriginal Corporation). 2010a. Our aims and objectives [http://www.balkanu.com.au/index.php?option=com\\_content&view=article&id=33&Itemid=36](http://www.balkanu.com.au/index.php?option=com_content&view=article&id=33&Itemid=36) (accessed 24/09/14).
- Balkanu (Balkanu Aboriginal Corporation). 2010b. Caring for country business unit [http://www.balkanu.com.au/index.php?option=com\\_content&view=article&id=9:caring-for-country-business-unit&catid=2&Itemid=27](http://www.balkanu.com.au/index.php?option=com_content&view=article&id=9:caring-for-country-business-unit&catid=2&Itemid=27) (accessed 24/09/14).
- Bauman, T., and C. Ganesharajah. 2009. Second National Meeting of Registered Native Title Bodies Corporate: Issues and Outcomes Melbourne, 2 June 2009. Canberra. Online: [http://aiatsis.gov.au/\\_files/ntru/PBCMeeting2009.pdf](http://aiatsis.gov.au/_files/ntru/PBCMeeting2009.pdf): AIATSIS Native Title Research Report No 2./2009.
- Bauman, T., C. Haynes, and G. Lauder. 2013. Pathways to co-management in Australia. Canberra: Australian Institute of Aboriginal and Torres Strait Islander Studies Research Discussion Paper No 32. Online: [http://www.aiatsis.gov.au/\\_files/ntru/BaumanHaynesDP\\_web.pdf](http://www.aiatsis.gov.au/_files/ntru/BaumanHaynesDP_web.pdf). CfoC (Caring for Our Country). 2012. Case study working on country: Kalan Rangers, Queensland. Canberra. Commonwealth of Australia.
- CAC (Chuulangun Aboriginal Corporation). 2013. Kuuku I'yu Northern Kaanju Ngaachi <http://www.kaanjungaachi.com.au/index.htm> (accessed 24/09/14).
- Cape York Natural Resource Management Ltd. 2014. Indigenous Reference Groups. Online: <http://www.capeyorknrm.com.au/irg.html>. Accessed: 28 February 2015: Cape York NRM. Cape York Regional Advisory Group, 1997. Cape York Peninsula Land Use Strategy – Our Land Our Future: A Strategy for Sustainable Land Use and Economic and Social Development. CYPLUS, Department of Local Government and Planning, Cairns, and Department of Environment, Sport and Territories, Canberra.
- Charlesworth, H. 2014. Internal and external affairs: the Koowarta case in context. *Griffith Law Review* **23**:35-43.
- Cole, N. 2011. Cape York Peninsula Indigenous Cultural Values Assessment: Indigenous and cultural landscape values of Cape York Peninsula.

- Commonwealth of Australia. 2014. Green Paper on Developing Northern Australia. Canberra. Online: [http://northernaustralia.dpmc.gov.au/sites/default/files/papers/green\\_paper.pdf](http://northernaustralia.dpmc.gov.au/sites/default/files/papers/green_paper.pdf): Commonwealth of Australia.
- Cordell, J. 1995. *Indigenous Management of Land and Sea and Traditional Activities in Cape York Peninsula. A report for CYPLUS*. Office of the Co-ordinator General of Queensland, Brisbane, and the Department of Environment, Sport and Territories, Canberra.
- Crowley, G. M. 1995. *Fire on Cape York Peninsula. A CYPLUS report*. Office of the Co-ordinator General of Queensland, Brisbane, and the Department of Environment, Sport and Territories, Canberra.
- Cullen-Unsworth, L. C, R Hill, J. R. A. Butler, and M. Wallace. 2011. Development of linked cultural and biophysical indicators for the Wet Tropics World Heritage Area. *The International Journal of Science in Society* 2(4):181-194.
- Dale AP (2013) Governance Challenges for Northern Australia. Cairns: James Cook University's Cairns Institute.
- Dale AP, Lane MB, Taylor B, McAllister RRJ, Marinoni O, Heyenga S, Coggan A, Paascoe S, Ward J, and Measham T (2013) Land Tenure in northern Australia: Opportunities and challenges for investment. Cairns: CSIRO and James Cook University's Cairns Institute.
- Davies, J., R. Hill, F.J. Walsh, M. Sandford, D. Smyth, and M.C. Holmes. 2013. Innovation in Management Plans for Community Conserved Areas: Experiences from Australian Indigenous Protected Areas. *Ecology and Society* 18 (2):14. Online: <http://www.ecologyandsociety.org/vol18/iss2/art14/>.
- DNPRSR (Queensland Government Department of National Parks, Recreation, Sport and Racing), 2014. Parks and forests within Cape York Peninsula <http://www.nprsr.qld.gov.au/parks/list.php?region=59> (accessed 24/09/14).
- DSEWPoC (Department of Sustainability, Environment, Water, Population and Communities), 2010. Cape York Peninsula Land Use Strategy <http://www.environment.gov.au/archive/erin/cyplus/index.html> (accessed 17/06/2013).
- Environment Australia and Queensland Department of Natural Resources. 1998. Memorandum of Understanding on the Cape York Natural Heritage Trust Plan. Brisbane and Canberra, Australia: Queensland and Australian Commonwealth Governments.
- Environment (Australian Government Department of the Environment). 2013a. Kaanju Ngaachi Wenlock and Pascoe Rivers Indigenous Protected Area <http://www.environment.gov.au/indigenous/ipa/declared/kaanju.html> (accessed 24/09/14).
- Environment (Australian Government Department of the Environment). 2013b. Working on country funded projects Queensland. <http://www.environment.gov.au/indigenous/workingoncountry/projects/qld/index.html> (accessed 24/09/14).
- Environment Science and Services (NQ). 1995. 'Stage 1 Overview Reports: Thematic Report 1 of 3 - Natural Resources and Ecology'. Department of Premier, Economic and Trade Development, Brisbane, Department of Environment, Sport and Territories, Canberra.
- Greer, S. 2011. Cape York Peninsula Indigenous Cultural Values Assessment: Northern Cape York, the Northern Peninsula Area. Townsville. James Cook University.
- Harding, E. K. 2013. An evaluation of the effectiveness and impact of ACF in the Cape York Tenure Resolution Program. Thrivability Consulting.
- Heads of Agreement (Cape York Land Use Heads of Agreement). 1996. Cape York Land Council, Peninsula Regional Council of the Aboriginal and Torres Strait Islander Commission, the Cattlemen's Union of Australia Inc, The Australian Conservation Foundation, the Wilderness Society.
- Hill, R. 1992. *Cross Cultural Management of Natural and Cultural Heritage*. Cairns: Cairns College of TAFE.
- Hill, R. 2005. Creating an Ecologically Sustainable Northern Australia. In *The State of the North*, eds. T. Lea and B. Wilson, pp.95-114. Darwin: Charles Darwin University Press.

- Hill, R., F. Walsh, J. Davies, and M. Sandford. 2011. Our Country Our Way: Guidelines for Australian Indigenous Protected Area Management Plans. Cairns: Australian Government, CSIRO Ecosystem Sciences and Department of Sustainability, Water, Environment, Population and Communities. <http://www.environment.gov.au/indigenous/ipa/toolkit/management.html>.
- 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. Cairns Online <http://www.nerptropical.edu.au/publication/project-121-technical-report-indigenous-peoples-and-biodiversity-protection-wet-tropics>: Report to the National Environmental Research Program. Reef and Rainforest Research Centre Ltd.
- Hill, R., P.L. Pert, J. Davies, C.J. Robinson, F. Walsh, and F. Falco-Mammone. 2013. Indigenous Land Management in Australia. Diversity, scope, extent, success factors and barriers. Cairns, Canberra: CSIRO Ecosystem Sciences. [http://www.daff.gov.au/\\_\\_data/assets/pdf\\_file/0010/2297116/ilm-report.pdf](http://www.daff.gov.au/__data/assets/pdf_file/0010/2297116/ilm-report.pdf).
- Holmes, J. 2011. Contesting the Future of Cape York Peninsula. Australian Geographer 42(1):53-68.
- Holmes, J. 2012. Cape York Peninsula, Australia: A frontier region undergoing a multifunctional transition with indigenous engagement. Journal of Rural Studies 28(3):252-265.
- Horsfall, N., and M. Morrison. 2010. Cape York Peninsula Cultural Story Non-Indigenous and Shared History.
- Jabalbina. 2014. Jabalbina Aspirations, Functions, Governance and Operations <http://www.jabalbina.com.au/> (accessed 24/09/14).
- Kowanyama Aboriginal Shire Council. 2011. Kowanyama Aboriginal Land and Natural Resource Management Office <http://www.kowanyama.qld.gov.au/kac/lands> (accessed 24/09/14).
- Lane, M.B., B. Taylor, and C.J. Robinson, eds. 2009. *Contested Country: Local and Regional Environmental Management in Australia*. Canberra, Australia: CSIRO Publishing.
- Larsen, K. 2007. Aboriginal Traditional Owner aspirations for national park homelands and the *Cape York Peninsula Heritage Act 2007 (QLD)*. In *Protecting Country*, pp.51-70. Canberra: AIATSIS.
- Leverington, A. 2012. Opportunities for enhancing conservation management and resilience through tenure resolution in Cape York Peninsula. In *Innovation for 21st Century Conservation*, eds. P. Figgis, J. Fitzsimons and J. Irving, pp.94-98. Sydney: Australian Committee for IUCN.
- Maclean, K., R. Hill, P.L. Pert, E. Bock, P. Barrett, R. Bellafquih, M. Friday, V. Mundraby, L. Sarago, S. Schmider, and L. Talbot. 2012. Framework analysis: towards Indigenous co-management and biodiversity in the Wet Tropics. Cairns: Published online by the Reef and Rainforest Research Centre Limited. Report to the National Environmental Research Program.
- Mackey, B., H. Nix, and P. Hitchcock. 2001. The National Heritage significance of Cape York Peninsula. Canberra. ANUTECH Pty Ltd and the Queensland Government Environmental Protection Agency. Planning for People. 2011. Management Arrangements for potential World Heritage Listing for Cape York Peninsula. Jindabyne. Planning for People.
- Mapoon (Mapoon Shire Council). 2014. Mapoon Shire Council <http://www.mapoon.com/> (accessed 24/09/14).
- Memmott P, and Blackwood P (2008) Holding Title and Managing Land in Cape York - Two Case Studies. Canberra: Australian Institute of Aboriginal and Torres Strait Islander Studies, Research Discussion Paper
- Minister for Environment and Resource Management. 2011. New Wild Rivers initiative gives power to Indigenous Cape Communities. Brisbane. Online: <http://statements.qld.gov.au/Statement/Id/73891>: The Queensland Cabinet and Ministerial Directory. NAILSMA (Northern Australia Indigenous Land and Sea Management Alliance). 2012. Mapoon Land and Sea Rangers

- <http://nailsma.org.au/working-together/group/mapoon-land-and-sea-rangers> (accessed 24/09/14).
- Neale, T. 2011. Duplicity of Meaning. *Griffith Law Review* 20 (2):310-332.
- Neale, T. 2012. Contest and consent: The legacy of the wild rivers act 2005 (Qld) *Indigenous Law Bulletin* 8 (3):6-9. Availability: <<http://search.informit.com.au/documentSummary;dn=017275320371227;res=IELIND>>
- NNTT (National Native Title Tribunal). 2014. National Native Title Tribunal <http://www.nntt.gov.au/Pages/Home-Page.aspx> (accessed 24/09/14).
- Pert PL, Hill R, Maclean K, Dale A, Rist P, Talbot LD, Tawake L, and Schmider J (2015) Mapping cultural ecosystem services with Rainforest Aboriginal peoples: integrating biocultural diversity, governance and social variation. *Ecosystem Services*.
- Queensland Government. 2009. Joint management of Cape York Peninsula national parks [http://www.nprsr.qld.gov.au/managing/joint\\_management\\_of\\_cape\\_york\\_peninsula\\_national\\_parks.html](http://www.nprsr.qld.gov.au/managing/joint_management_of_cape_york_peninsula_national_parks.html) (accessed 26/06/2013).
- Schneider, L. 1999. Cape York - A Shared Vision. *Chain Reaction* 80:<http://www.wilderness.org.au/articles/cape-york-shared-vision>.
- Sinnamon, V., R. O'Brien, C. Munnely, and K. Kerr. 2008. Managing Aboriginal Lands and Culture. Kowanyama. Online: <http://www.kowanyama.qld.gov.au/kac/assets/Documents/KALNRMO-Prospectus2.pdf>: Kowanyama Aboriginal Land & Natural Resources Management Office.
- Smyth, D. 2011. Guidelines for Country-based Planning. Atherton. Smyth and Bahrdt Consultants.
- Stevenson, B. 1998. Cape York land use Heads of Agreement. Publications and Resources Section Queensland Parliamentary Library. Queensland Parliamentary Library, Publications and Resources Section.
- Sutton, P. 2011. Cape York Peninsula Indigenous Cultural Story: Preliminary Outline.
- TWS, ACF, QCC and CAFNEC. 2003. Cape York Peninsula Natural Heritage Trust Review. Online: [https://www.acfonline.org.au/sites/default/files/resources/cape\\_york\\_natural\\_heritage\\_trust\\_review.pdf](https://www.acfonline.org.au/sites/default/files/resources/cape_york_natural_heritage_trust_review.pdf): The Wilderness Society, Australian Conservation Foundation, Queensland Conservation Council and Cairns and Far North Environment Centre.
- Valentine, P. S. 2006. Compiling a case for World Heritage on Cape York Peninsula. James Cook University. James Cook University.
- Woinarski, J. 2012. Review of Potential Natural World Heritage Values for Cape York Peninsula.
- Wuthathi Land Trust. 2004. *Integrating Culture and Conservation Wuthathi Land and Sea Management Framework*. Cairns: Wuthathi Tribal Council.