

Overview of native title and joint management arrangements for protected and other conservation areas in Queensland

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Introduction and overview

Relevant Queensland legislation

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- *Wet Tropics World Heritage Protection and Management Act 1993 (Qld) and Wet Tropics Regional Agreement*

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Introduction and Overview

A number of joint management arrangements in Queensland have been achieved through Queensland State legislation and policy which can also have bearing on joint management arrangements achieved through native title. This makes for a complex joint management and partnership regime involving a range of tenures and management arrangements.

This document is valid as of August 2009. It does not account for all joint management partnership arrangements in Queensland. Rather, it provides an overview of QLD arrangements with a particular focus on native title outcomes, addressing these arrangements in greater or lesser detail. There are also a number of more or less 'informal' arrangements which may have been prompted by the *Native Title Act 1993*, where information is not readily available.

The Department of Environment and Resource Management (DERM)² relies upon the [Nature Conservation Act 1992](#) (Qld) for recognition of Indigenous interests in the management of national parks and the [Aboriginal Land Act 1991](#) (Qld) makes provision for claims to national parks. Provisions relating to the management of national parks have also been included in a number of Indigenous Land Use Agreements (ILUAs) under the [Native Title Act 1993](#), not all of which have involved a determination of native title, and a number of which are in the Wet Tropics and Cape York regions.

DERM has a number of policy documents, in particular the 2001 [Master Plan for Queensland's Park System](#), the 2005 [Looking After Country Together](#), and the 2006 DERM [Operational Policy: Indigenous partnerships regarding protected area management](#). *The Wet Tropics World Heritage Protection and Management Act 1993* (Qld), the [Wet Tropics Regional Agreement](#) and the [Cape York Peninsula Heads of Agreement](#) also establish a framework for joint management agreements in those regions.

² Formerly the Environmental Protection Authority (EPA), EPA was replaced by the Department of Environment and Resource Management (DERM) with a change of government in 2009.

The [Cape York Peninsula Heritage Act 2007 \(Qld\)](#) amended the [Nature Conservation Act 1992 \(Qld\)](#) to provide for the creation of a new class of protected area in the Cape York Peninsula Region called national park (Cape York Peninsula Aboriginal land). The joint management arrangements for each national park created under this legislation are to be contained in an '[indigenous management agreement](#)'.

The Queensland Parks and Wildlife Service (QPWS) Register of Partnership Arrangements, current as of August 2009 sets out ILUAs under the *Native Title Act 1993* (ILUAs); as well as a range of arrangements in place under the [Nature Conservation Act 1992](#) including: Conservation Agreements, Memorandum of Understanding (MOUs); [section 34](#) authorities which provide for management of protected areas in accordance with Indigenous interests; Restricted Access Areas for cultural purposes on national parks in Queensland, and Ministerial Advisory Committees under [s.132](#) of the *Nature Conservation Act 1992*. The register also notes native title claims which are currently in mediation or under negotiation; and others which may not be in active mediation or negotiation at this stage.

Not all information contained in this document is addressed in this overview where the focus is on native title consent determinations and ILUAs.

Download Document:

[Parks Services Indigenous Engagement – Register of Indigenous Partnership Agreements](#) Current as at 1 August 2009.

Relevant Queensland Legislation

Nature Conservation Act 1992 (Qld)

DERM relies upon the [Nature Conservation Act 1992 \(Qld\)](#) for recognition of Indigenous interests in the management of national parks.

The object of the Act is the conservation of nature through the development of an integrated and comprehensive conservation strategy ([s.4](#)). [Section 5\(f\)](#) recognises the interests of Aboriginal and Torres Strait Islander peoples in the natural environment and promotes cooperative involvement in conservation. The Act is to be administered

in consultation with, and having regard to the views and interests of, Aboriginal and Torres Strait Islander peoples ([s.6](#)).

[Section 17](#) states that a national park is to be managed to —

- (a) provide, to the greatest possible extent, for the permanent preservation of the area's natural condition and the protection of the area's cultural resources and values; and
 - (b) present the area's cultural and natural resources and their values; and
 - (c) ensure that the only use of the area is nature-based and ecologically sustainable.
- (2) The management principle mentioned in subsection (1) (a) is the cardinal principle for the management of national parks.

[Section 18\(2\)](#) of the Act outlines the principles for the management of national parks on Aboriginal land. This section provides that:

(2) Subject to subsection (1), a national park (Aboriginal land) is to be managed, as far as practicable, in a way that is consistent with any Aboriginal tradition applicable to the area, including any tradition relating to activities in the area.

The same principles apply to the management of Torres Strait Island and Cape York Peninsula land under [Sections 19](#) and [19AA](#) and other protected areas.

[Section 34](#) of the Act provides for the chief executive of the Environmental Protection Agency to issue authorities over protected areas, including national parks, conservation parks or resources reserves.³ Authorities must be granted in accordance with the management principles for the land and any approved management plan.

Thus, s.34 provides the potential for joint management arrangements with Indigenous Australians. It has provided for significant joint management arrangements at Langi Lagoon on Mungkan Kaanju National Park, Saxby Waterhole on Lakefield National Park and Fishers creek on Girringun National Park, not all of which have involved native title negotiations.

[Section 35](#) provides for the chief executive to grant leases, agreements or other authorities over land within national parks for the purposes of a service facility on the

³ Environmental Protection Agency, *Information Sheet: Development Works and infrastructure: Authorities issued under Section 34 of the nature Conservation Act*, Queensland Government, viewed 7 August 2009, <https://www.epa.qld.gov.au/register/p00898aa.pdf>

condition that the facility is ecologically sustainable, in the public interest and there is no reasonably practicable alternative to the use.

Other relevant provisions include a Memorandum of Understanding; or the establishment of a Ministerial Advisory Committee under [s.132](#) of the *Nature Conservation Act 1992*. DERM has a raft of Memoranda of Agreements with traditional owners that set up significant joint management arrangements such as at Albatross Bay, Green Island, and Mt Mulligan. There is one Ministerial Advisory Committee under Section 132 of the *Nature Conservation Act 1992* which provides for a joint management arrangement – Waanyi for Boodjamulla (Lawn Hill) National Park – the native title claim over which is an advanced stage of mediation.

Aboriginal Land Act 1991

Under the [Aboriginal Land Act 1991\(Qld\)](#), certain areas of available state (or crown) land including national parks, were declared by regulation to be claimable land. Aboriginal groups made claims over all national parks that had been declared claimable and a number are outstanding.

The Act provides that where the land includes a national park, then the grant of national park land automatically includes a condition that the grantees must lease the national park land back to the Crown ([section 132A](#)). This has not been acceptable to a number of Indigenous parties. Lease back can only occur when there is agreement about a management plan which has not yet occurred for any of the Parks.

The Wet Tropics World Heritage Protection and Management Act 1993 (Qld) and Wet Tropics Regional Agreement

The [Wet Tropics World Heritage Protection and Management Act 1993 \(Qld\)](#) provides that the Wet Tropics Management Authority (WTMA) is to ‘liaise, and cooperate with, Aboriginal people particularly concerned with land in the wet tropics area’ ([s.10](#)). In 2005, the [Wet Tropics Regional Agreement](#) was entered into by 18 Rainforest Aboriginal tribal groups in the wet tropics area, the Australian Government, the Queensland Government and the WTMA. The Regional Agreement

is not intended to create legal relations between the parties and does not affect Native Title rights and interests.

The Regional Agreement established the Aboriginal Rainforest Council (ARC) to represent Rainforest Aboriginal people on land and cultural heritage matters across the World Heritage Area and under [s.40](#) of the *Wet Tropics World Heritage Protection and Management Act 1993*, the Rainforest Aboriginal Advisory Committee (RAAC). Under the Regional Agreement the WTMA proposes to allocate \$20,000 per annum towards the operating costs of the ARC and provide the ARC with administrative support.

In addition to the ARC, the Regional Agreement led to the amendment of the board composition requirements in the [Wet Tropics World Heritage Protection and Management Act 1993](#). The Act now requires two of the seven members of WTMA board of directors be Aboriginal persons.

The Regional Agreement contains a number of employment and training provisions, including that:

- The EPA/QPWS and the ARC will conduct an annual review of progress in the recruitment and employment of Aboriginal people
- The WTMA, the EPA / QPWS and the DNR&M (now DNRW) will consult with the ARC about recruitment for Indigenous Specified and Indigenous Identified positions within their agencies
- The ARC will maintain a list of Aboriginal people suitable for casual employment or contract positions for “on country” projects including cultural heritage management, feral pest and weed management, fire management, maintenance of walking tracks or interpretation.
- The WTMA will strengthen the existing Community Liaison Officer position
- The WTMA will develop opportunities for Aboriginal people in education and interpretation of Rainforest Aboriginal cultural heritage

- The WTMA and EPA/QPWS are to establish annual business plans and work programs that provide for the involvement of Rainforest Aboriginal people in the management of the Wet Tropics World Heritage Area

The Regional Agreement also contains a number of provisions requiring consultation with the ARC and Rainforest Aboriginal people. In particular, the WTMA, the EPA / QPWS and the DNR&M (now DNRW) must notify and consult the ARC about policy development and strategic planning in the Wet Tropics. The parties to the Regional Agreement also commit to the involvement of Rainforest Aboriginal people in all stages of the development of park management plans in the Wet Tropics. Additionally, operational working groups consisting of representatives of Rainforest Aboriginal people and QPWS staff will be established to assist in the preparation of operational plans and annual programs for day-to-day management of the National Parks.

The parties to the Regional Agreement also commit to:

- Develop a Rainforest Aboriginal Cultural Heritage Management Program including a Cultural Heritage Information and Mapping System
- Develop in consultation with Rainforest Aboriginal people access and use arrangements for traditional use of natural resources, ceremonial purposes, educational purpose, living and management areas and burials
- Annually review the success and outcomes of the Regional Agreement at a regional workshop with Rainforest Aboriginal people

Sources:

<http://www.atns.net.au/agreement.asp?EntityID=3310>

http://www.wettropics.gov.au/rah/rah_pdf/regional_agreement.pdf

Relevant Queensland Government Policy

Looking After Country Together

The current strategic whole-of-government policy framework for addressing Indigenous issues in Queensland is the [Partnerships Queensland: Future directions framework for Aboriginal and Torres Strait Islander Policy in Queensland 2005–10](#). The Framework commits the Government to working with Aboriginal and Torres Strait Islander peoples to improve standards of living and is being implemented through the Department of Aboriginal and Torres Strait Islander Policy (DATSIP) and the Aboriginal and Torres Strait Islander Advisory Board (ATSIAB).

[Looking After Country Together](#) is one element of this strategic framework and is aimed at improving Indigenous participation in caring for country. The framework's vision is that:

*By 2011 Aboriginal and Torres Strait Islander Queenslanders will have more opportunities to access and manage their traditional land and sea country, in partnership with governments and other stakeholders.*⁴

DERM is the lead agency and is responsible for implementing the strategy with other government agencies and stakeholders. The strategy is linked to the goals of achieving strong families, strong cultures, and skilled and prosperous people, and contributes to the Queensland Government's [Toward Q2: Tomorrow's Queensland](#) plan to create a 'green' and 'fair' Queensland.⁵

Looking After Country Together has three objectives:

- increased Aboriginal and Torres Strait Islander access to traditional land and sea country;
- stronger Aboriginal and Torres Strait Islander involvement in the management of traditional land and sea country; and
- stronger Aboriginal and Torres Strait Islander involvement in and influence on broader natural resource planning and policy development.

⁴ Department of Environment and Resource Management, *Looking After Country Together*, Queensland Government, viewed 7 August 2009,

<http://www.nrw.qld.gov.au/indigenous/country/index.html>

⁵ Department of Environment and Resource Management, above n3

The strategy recognises that past dislocation from land and sea country has contributed to Indigenous social, economic and cultural disadvantage. It is expected that greater access to, and management of, traditional land and sea country will improve the overall wellbeing of Indigenous Queenslanders, and achieve better natural resource management outcomes.

Key deliverables of the strategy include developing policy to:

- improve government engagement with Aboriginal and Torres Strait Islander people on natural resource management;
- build Aboriginal and Torres Strait Islander landholders' capacity for effective natural resource management;
- increase Aboriginal and Torres Strait Islander employment in natural resource management; and
- align Queensland and Australian Government policies to increase efficiency in the delivery of services to Indigenous Queenslanders.⁶

Sources:

<http://www.nrw.qld.gov.au/indigenous/country/index.html>

<http://www.nrw.qld.gov.au/factsheets/pdf/land/1166.pdf>

Master Plan for Queensland's Park System 2001

The *Looking After Country Together* strategic framework follows a 2001 policy document on joint management of national parks in Queensland.

The 2001 [Master Plan for Queensland's Park System](#) committed the Queensland Parks and Wildlife Service (QPWS) to developing partnerships with Traditional Owners through the negotiation of agreements, Indigenous employment programs and support for Indigenous businesses. It contains twelve key principles to guide Queensland towards a better park system. Principle 4 states that the 'Responsibilities,

⁶ Department of Environment and Resource Management, *Looking After Country: Objectives*, Queensland Government, viewed 7 August 2009, <http://www.nrw.qld.gov.au/indigenous/country/index.html#objectives>

interests and aspirations of Indigenous peoples will be respected in relation to their lands' and that 'The parks system will be managed by partnership between Indigenous peoples and QPWS'.⁷

The Master Plan identifies a number of strategic actions needed to create Indigenous partnerships, including:

- Negotiating agreements to form active partnerships between traditional owners, Indigenous land and sea-resource management agencies and QPWS to provide for the management, protection and presentation of the parks system;
- Establishing with Indigenous groups the strategic policies, principles and procedures to apply between the QPWS and Indigenous interests concerning park management;
- Using a range of programs to provide employment for Indigenous people in all aspects of conservation management; and
- Supporting Indigenous people wishing to establish businesses linked with park management and visitation.⁸

QPWS Operational Policy: Indigenous partnerships regarding protected area management and native title

(Please note that this Operational Policy, now called 'Indigenous Partnerships in Management of Protected Areas has been updated, but is not as of 12 October 2009, available on the Department of Environment and Resource Management's web site. The information provided below is based on the version which currently appears on the web).

The QPWS [Operational Policy: Indigenous partnerships regarding protected area management](#) addresses how the QPWS may establish protected area management partnerships with Indigenous people.

⁷ Queensland Government, *Master Plan for Queensland's Park System*, Queensland Government, November 2001, viewed 7 August 2009, <https://www.epa.qld.gov.au/register/p00576aa.pdf>

⁸ Queensland Government, above n 5, p. 26

According to the Policy, partnership arrangements may be part of the resolution of a native title claim or may provide for ongoing indigenous involvement where native title has been extinguished.

Negotiations on partnerships between QPWS and Traditional Owners may include the establishment of working groups to develop management plans for the park or management protocols for issues such as fire, visitor and commercial activity and cultural heritage. Partnership negotiations may also cover employment opportunities, economic benefit through contribution to park management, commercial activities on the park, living areas and hunting rights.

As noted, formal arrangements that recognise Indigenous partnerships may include: Indigenous Land Use Agreements under the *Native Title Act 1993* (ILUAs); a section 34 authority under the [Nature Conservation Act 1992](#), which provides for management of protected areas in accordance with Indigenous interests; a Memorandum of Understanding; or the establishment of a Ministerial Advisory Committee under [s.132](#) of the *Nature Conservation Act 1992*.

http://www.epa.qld.gov.au/publications/p02291aa.pdf/Indigenous_partnerships-reagrding-protected-area-management.pdf

Overview of relevant Indigenous Land Use Agreements (ILUAs) and Consent Determinations

Provisions relating to the management of national parks have been included in a number of Indigenous Land Use Agreements registered with the National Native Title Tribunal under the [Native Title Act 1993](#), not all of which have involved a determination of native title.

ILUAs which have involved a consent determination, a number of which are located in the Wet Tropics region, include:

1. **State and Ngadjon-Jii ILUA** QI2005/024, Part of Wooroonooran National Park and Topaz Road National Park, Ngadjon Jii People

2. **Barron Gorge National Park ILUA** QI2004/051, Barron Gorge National Park, Djabugay People
3. **Mandingalbay Yidinji /State of Queensland ILUA** QI2006/02, Grey Peaks National Park and Malbon Thompson FR, Mandingalbay Yidinji People
4. **Eastern Kuku Yalanji, State of Queensland and Wet Tropic Management Authority ILUA** QI2006/026, Wet Tropics World Heritage Area including the Daintree, Cape Tribulation, Black Mountain and Cedar Bay national parks, Eastern Kuku Yalanji People
5. **Kuuku Ya'u ILUA** Quoin Island, Forbes Island, Restoration Rock, Piper Island and Iron Range and Olive River Reserve, Kuuku Ya'u People

ILUAs which have not involved a determination of native title rights and interests include:

1. **Ma:Mu Canopy Walk ILUA** QI2007/009, Palmerston Highway Corridor, Wooroonooran National Park
2. **Yuku Baja Muliku CNS** 6621-1, Annan River National Park
3. **Kalpowar ILUA** QI2005/028, Bathurst Head, west side of Cape Melville National Park to Lakefield National Park boundary
4. **Melsonby (Gaarraay) National Park ILUA**, QI2006/053
5. **Raine Island National Park (Scientific) ILUA** QI2006/044, Raine Island
6. **Archer Point ILUA** QI2006/054, Archer Point

Cape York National Parks and Cape York Peninsula Heritage Act 2007 (Qld)

1. **Lama Lama National Park Cape York Peninsula Aboriginal Land**
QI2008/017, Lilyvale
2. **KULLA (McIlwraith Range) National Park** QI2008/018, McIlwraith Range
National Park

Claims over national parks in mediation

At least three other native title claims over national parks are in advanced stages of mediation:

- The combined Dulabed/Malanbarra Yidinji claim over part of Wooroonooran NP and over the Gadgarra and Gillies Hwy FRs (awaiting determination)
- The Girramay claim over the Girramay National Park.
- The Waanyi claim over Boodjamulla (Lawn Hill) National Park.

Details of ILUAS, Native Title and Management of National Parks

ILUAs with native title determinations

1. **Ngadjon-Jii ILUA: Wooroonooran National Park, Topaz Road National Park, Malanda Falls Conservation Park, QI2005/024**

Native title

A consent determination made on 12 December 2007 ([Ngadjon-Jii People v State of Queensland \[2007\] FCA 1937](#)) recognised the Ngadjon-Jii People's non-exclusive native title rights over areas in Wooroonooran National Park, Topaz Road National Park, Malanda Falls Conservation Park and two quarry reserves near Malanda.

<http://www.nmtt.gov.au/Publications-And-Research/Publications/Documents/Multimedia%20and%20determination%20brochures/Determination%20brochure%20Ngadjon-Jii%20people%20December%202007.pdf>

Agreement details

The [Ngadjon Jii Memorandum of Understanding](#) between the Ngadjon Jii People, Wet Tropics Management Authority and the EPA was signed in February 2003. The MOU covers the Wooroonooran National Park, including Mount Bartle Frere, Topaz Road National Park and the Malanda Falls Conservation Park. The MOU aims to improve the involvement of Ngadjon Jii people in land management and allows the Ngadjon Jii to camp on the national park and bury their people in the park.

The [State of Queensland and Ngadjon-Jii Indigenous Land Use Agreement](#) was registered on 28 May 2008. The purpose of the ILUA is to manage the exercise of native title rights and interests in the Wooroonooran National Park, Topaz Road National Park and Malanda Falls Conservation Park.

Tenure

Wooroonooran National Park, Topaz Road National Park and Malanda Falls Conservation Park remain State-owned conservation areas, subject to native title rights and interests.

Other provisions

According to the terms of the ILUA the Ngadjon-Jii people may:

- Access and use the ILUA area in a manner consistent with the protection and management of the Wet Tropics of Queensland World Heritage Area
- Carry out hunting in the Wooroonooran National Park and Topaz Road National Park subject to conditions
- Use the area's natural resources in an ecologically sustainable manner
- Camp for periods of less than eight weeks in the same location, unless written permission is granted by QPWS to camp for a longer period

The Ngadjon-Jii people must not:

- Use firearms in the agreement area unless written permission is granted by QPWS

- Take or interfere with rare, endangered or valuable species in the agreement area

A Ngadjon-Jii operational working group has been established.

2. Barron Gorge National Park ILUA, QI2004/051

Native title

A consent determination made on 17 December 2004 ([*Djabugay People v State of Queensland* \[2004\] FCA 1652](#)) recognised that non-exclusive native title rights exist in relation to the land and waters within Barron Gorge National Park excluding certain parcels of land.

<http://www.nntt.gov.au/Publications-And-Research/Publications/Documents/Multimedia%20and%20determination%20brochures/Determination%20brochure%20Djabugay%20people%20December%202004.pdf>

Agreement details

The [Barron Gorge National Park Indigenous Land Use Agreement](#) commenced on 10 December 2004. The ILUA will expire on the commencement of a Management Plan for the area or on 31 December 2010. The parties agreed to continue with bona fide negotiations towards a long term agreement about land management, employment, cultural heritage protection and any other matters.

A Draft Barron Gorge National Park Management Plan was released by the Environmental Protection Agency in September 2008. The Djabugay people expressed disappointment in the draft management plan in a letter to the EPA in 2008, and in particular, that the Draft Plan which suggests that they become members of an advisory steering committee appears to approach them as just another stakeholder. Negotiations are ongoing.

http://djabugay.org.au/index.php?option=com_content&view=article&id=70:djabugay-rejects-draft-managment-plan-for-barron-gorge-national-park&catid=34:latestnews&Itemid=65

Tenure

The Barron Gorge National Park remains a State-owned conservation area, subject to native title rights and interests.

Governance arrangements

The ILUA contains no provisions relating to governance arrangements.

The 2008 draft management plan states that the park will be managed cooperatively by the EPA, Traditional Owners, Skyrail and Queensland Rail. The draft management plan also states that Indigenous involvement in park management and decision making will be encouraged.

The draft management plan also provides for the establishment of a Barron Gorge National Park Steering Committee comprising representatives of the EPA and Djabugay Native Title Aboriginal Corporation. The Terms of Reference for the committee will be jointly developed. The Djabugay Native Title Aboriginal Corporation will be advised of management activities within the park (e.g. works programs and permit applications).

Employment and training

The ILUA contains no provisions relating to employment and training.

The draft management plan states that the EPA will continue to support the endorsement of the Djabugay Rangers Agency under the [*Nature Conservation Act 1992*](#) and involve them in projects and day-to-day management activities within the park. However the Ranger agency is defunct and there are no resources attached to the plan to provide this support.

Other provisions

According to the terms of the ILUA the Djabugay people may:

- Carry out hunting in the Barron Gorge National Park subject to conditions
- Camp for periods of less than four weeks in the ILUA, unless the further agreement of QPWS is obtained for a longer period

The Djabugay people must not:

- Use firearms in the agreement area unless expressly authorised by QPWS
- Take or interfere with rare, endangered or valuable species in the agreement area

Draft management plans suggest that:

- Traditional Owners will be consulted and involved in fire management
- Traditional Owners will be exempt from restrictions on group size numbers within the park if undertaking non-commercial cultural activities
- Access to some cultural places will only be permitted with a Djabugay guide.
- Some visitor capacity will be reserved to facilitate commercial opportunities undertaken by Traditional Owners
- Access to the restricted area of the gorge, falls and river will only be allowed with a permit. The Djabugay Native Title Aboriginal Corporation must be consulted in relation to such a request and may wish to be present at the time of access.

3. Mandingalbay Yidinji ILUA (State Parks and Forests Agreement): Grey Peaks National Park and Malbon Thompson Forest Reserve, Q12006/02

Native title

A consent determination made on 24 April 2006 ([Mundraby v State of Queensland \[2006\] FCA 436](#)) recognised the non-exclusive rights of Mandingalbay Yidinji people to Giangurra Reserve, Malbon Thompson State Forest and Greys Peaks National Park.

<http://www.nntt.gov.au/Publications-And-Research/Publications/Documents/Multimedia%20and%20determination%20brochures/Determination%20brochure%20Mandingalbay%20people%20April%202006.pdf>

Agreement details

The [Mandingalby Yidinji Indigenous Land Use Agreement \(State Parks and Forests Area Agreement\)](#) was registered on 6 April 2006

The purpose of the ILUA is to ensure good management of the park and reserve. The ILUA provides that the Mandingalby Yidinji people will access and use the ILUA area in a way that is consistent with the protection and management of the Wet Tropics of Queensland World Heritage Area, the public enjoyment of the Area and management principles of national parks and forest reserves.

The ILUA will expire on the commencement of a Management Plan for the area or on 31 December 2012.

Tenure

The Grey Peaks National Park remains a State-owned conservation area, subject to native title rights and interests. The Malbon Thompson and Giangurra reserves are designated as state forest reserve.⁹

4. Eastern Kuku Yalanji, State of Queensland and Wet Tropic Management Authority ILUAs QI2006/026, QI2005/007

Native title

A consent determination made on 9 December 2007 ([Eastern Kuku Yalanji v Queensland \[2007\] FCA 1907](#)) recognised native title over 126,900 ha in Queensland's pristine World Heritage Daintree area. Eastern Kuku Yalanji have the right to exclusively possess, occupy and use 30,300 ha of Unallocated State Land. They will also have recognition of their non-exclusive rights over 96,600 ha, including the right to access the area to camp, hunt, gather natural resources for personal needs and conduct ceremonies.

http://www.nntt.gov.au/Applications-And-Determinations/Search-Determinations/Pages/Eastern_Kuku_Yalanji_People_QC9413.aspx

⁹ Environmental Protection Authority, *Map 9 Tenure: Cairns City and Yarrabah DOGIT including coastal areas*, Queensland Government, viewed August 7 2009, <http://www.epa.qld.gov.au/register/p01159a1.pdf>

<http://www.nntt.gov.au/News-and-Communications/Media-Releases/Pages/NativetitolerecognisedinDaintree.aspx>

Agreement details

15 ILUAs resulted from the Eastern Kuku Yalanji 1994 native title claim. Of these, two relate specifically to protected areas. The [Eastern Kuku Yalanji, the State of Queensland & Wet Tropics Management Authority - Freehold Grants Indigenous Land Use Agreement](#) was registered on 5 October 2007, and the [Eastern Kuku Yalanji, the State of Queensland & Wet Tropics Management Authority - National Parks Indigenous Land Use Agreement](#) was registered on 19 October 2007.

Freehold Grants ILUA

Under the freehold grants agreement, the parties to the ILUA consent to, among other things, the:

- declaration of certain land as freehold Aboriginal Land;
 - dedication of a new national park;
 - the surrender of any native title rights over the Cartaar Road opening area;
- and
- the creation of the South Arm Permit area which will include a reserve to be used for cultural and environmental purposes.

This ILUA includes agreement that 'future acts' may be done. The parties also agree that the right to negotiate provisions of the *Native Title Act 1993* (Cth) do not apply to future acts, as the alternative consultation provisions are to be followed instead. Under this Act any activity, such as a grant of land, that may affect native title rights is defined as a 'future act' and must comply with the future act provisions of the Act in order to be valid.

National Parks Indigenous Land Use ILUA

This ILUA provides that the EPA must consult the PBC before undertaking certain activities.

For procedural activities the EPA must have regard to any comments provided by the RNTBC. For significant activities the EPA must obtain written consent from the PBC that the significant activity (where it is a future act) is permitted. Where the significant activity is a not a future act the EPA must consult with the PBC and have regard to any comments provided by them.

Operational plans for the parks can only be made with the agreement of the PBC. Operational plans include a visitor plan, an Aboriginal cultural resources plan, a weed and feral animal plan, a fire plan, and another plan in relation to the operation management of a National Park.

Tenure

The agreements cover approximately 250,000 hectares of land. The majority of this land will be co-managed by the Eastern Kuku Yalanji People and the Queensland Parks and Wildlife Service. About 64,000 hectares is granted as freehold. Most of this land is to be used for conservation purposes, but 16,500 of this proportion is to be set aside for residential or economic development.

<http://statements.cabinet.qld.gov.au/MMS/StatementDisplaySingle.aspx?id=51330>

5. Kuuku Ya'u ILUAs

Native Title

On 25 June 2009, the Federal Court handed down a determination of native title over three island national parks (Quoin, Piper, and part of Forbes Island) off Cape York Peninsula, [Kuuku Ya'u People v State of Queensland \[2009\] FCA 679 \(25 June 2009\)](#). This was the first determination in Queensland to recognised native title over traditional sea country through agreement.

The Federal Court recognised the Kuuku Ya'u People's exclusive native title rights over 10sq km of land and their non-exclusive rights over about 1,970sq km of the sea

on the east of Cape York Peninsula, far north Queensland. The consent determination area includes land in the vicinity of the Portland Roads township, Rocky Island, Sandy Islet, Pigeon Island, Quoin Island National Park, Piper Islands National Park, part of Forbes Islands National Park and surrounding seas.

<http://www.nntt.gov.au/Applications-And-Determinations/Search-Determinations/Pages/QLD-NativeTitledeterminationssummary-Kuuku%20Ya'u.aspx>

Agreement Details

The Kuuku Ya'u people are party to ILUAs related to protected areas:

- A marine park ILUA between Kuuku Ya'u People, the Queensland Government and the Great Barrier Reef Marine Park Authority relating to the exercise of any native title rights in the ILUA areas to ensure good management of these areas.
- A protected area ILUA between the Kuuku Ya'u People and the state government relating to the exercise of native title rights and protection, use and management of the Forbes Islands National Park, Quoin Island National Park and Piper Islands National Park

<http://www.nntt.gov.au/Publications-And-Research/Publications/Documents/Multimedia%20and%20determination%20brochures/Determination%20brochure%20Kuuku%20Ya'u%20June%202009.pdf>

ILUAs without determinations

1. MaMu Canopy Walk Agreement, QI2007/009

Native title

There is an active native claim over the area ([Mamu People claimant application QUD6014/01](#)). A Heads of Agreement was signed on 24 March 2002, followed by an Indigenous Land Use Agreement which was registered by the NNTT on 15 March 2008.

Heads of Agreement details

The [MaMu Canopy Walk Innisfail Heads of Agreement](#) was signed on 24 March 2002 by the Mamu native title applicants, North Queensland Land Council, the Wet Tropics Management Authority, QPWS and Johnstone Shire Council. The parties agreed that nothing in the agreement is intended to lessen the native title rights of the Mamu people. The agreement provides for the development of a canopy walk and associated visitor facilities. The parties committed to negotiating an ILUA or equivalent to establish cooperative management arrangements in the Wooroonooran National Park.

<http://www.jsc.qld.gov.au/council/Management/Economic%20Development/Heads%20of%20Agreement.pdf>

Indigenous Land Use Agreement

An Indigenous Land Use Agreement was registered by the NNTT on 15 March 2008. The Mamu Rainforest Canopy Walkway is managed and operated by DERM.

A map of the ILUA can be found at http://www.nntt.gov.au/Indigenous-Land-Use-Agreements/Search-Registered-ILUAs/Documents/QI2007_009.pdf

Tenure

The Agreement did not affect the tenure of the Wooroonooran National Park. The Agreement provides that the Mamu Aboriginal Corporation will be included in any Trust, Body or Corporate entity that is established for the effective ownership of the Canopy Walk and associated freehold land.

Governance arrangements

All parties commit to work together to develop a participatory management regime for the ecologically, economically, socially and culturally sustainable management of the Wooroonooran National Park and surrounding tenures.

Employment and training

There are no provisions directly relating to employment and training.

Other provisions

All parties agree to explore options for the flow on of sustainable economic benefits to the Mamu people from the canopy walk.

The parties agree that an agreement relating to co-operative management arrangements may include the exclusion of the general public from culturally sensitive areas or other locations important to Traditional Owners.

2. Yuku Baja-Muliku

An ILUA was signed between the Yuku Baja-Muliku People and the Queensland Government on 29 June 2007. The agreement authorises a range of tenure management outcomes for the Green Hills and Dowling Range land aggregations in Cape York Peninsula, south of Cooktown. As part of the agreement, a new Annan River (Yuku Baja-Muliku) National Park will be created.

<http://www.cabinet.qld.gov.au/MMS/StatementDisplaySingle.aspx?id=47918>

Tenure

The protected area will include 8,830 hectares of Annan River (Yuku Baja-Muliku) National Park 2280 hectares of the Annan River Resources Reserve.

More than 360 hectares of Aboriginal freehold land will also be created and a further 1,320 hectares of freehold and leasehold land transferred to the Yuku Baja-Muliku people.

3. Kalpowar ILUA, QI2005/028

Native title

There is a registered native claim over the area ([Kalpowar Holdings claimant application QUD6155/98](#)).

Agreement details

The [Kalpowar Indigenous Land Use Agreement](#) was registered on 25 September 2005. The ILUA provides for the creation of areas of Aboriginal freehold land, the new Jack River National Park, an addition to the Cape Melville National Park, a new nature refuge, and public-purpose reserves, and the development of a Conservation Agreement and advisory activities.¹⁰

The ILUA provides for the following:

- a) for the deed of grant to the land trust for an ALA area
- b) for the dedication of a National Park
- c) declaration of a nature refuge
- d) the dedication of a reserve for community purposes
- e) entering into a Conservation agreement
- f) and other routine activities
- g) advisory activities subject to clause 15.2 (of the ILUA)
- h) agreement activities subject to clause 15.3 (of the ILUA)
- i) construction of infrastructure
- j) the road opening
- k) and the granting of a license and easement. (NNTT)

According to the Queensland Minister for Environment, Local Government, Planning and Women, a new national park will be created on the Cape York Peninsula while the Kalpowar people will be granted ownership of traditional land in the area. Also, Queensland Parks and Wildlife Service will work together with the Kalpowar owners to jointly undertake land management in the newly protected area.

<http://statements.cabinet.qld.gov.au/MMS/StatementDisplaySingle.aspx?id=44046>

Tenure

¹⁰ Queensland Government, *New national park part of agreement with Kalpowar traditional owners*, Ministerial Media Statement, 15 December 2005, viewed 6 August 2009, <http://statements.cabinet.qld.gov.au/MMS/StatementDisplaySingle.aspx?id=44046>

Under the ILUA, the new Jack River National Park, totalling 166,000 hectares, will be created. More than 34,000 hectares will be added to Cape Melville National Park and areas of Aboriginal freehold land totalling 192,800 hectares will be created, along with public-purpose reserves.¹¹ The National Parks remain a State-owned conservation area.

4. Melsonby (Gaarraay) National Park ILUA, QI2006/053

Native title

There is a registered native claim over the area ([Melsonby \(Gaarraay\) People claimant application QUD452/06](#)).

Agreement details

The [Melsonby and State Indigenous Land Use Agreement](#) was registered on 3 July 2007. The ILUA provides for the handover of 10710 hectares of land in the form of Aboriginal freehold to the Melsonby (Gaarraay) Land Trust with part of the land to become the Melsonby (Gaarraay) Nature Reserve.

Melsonby (Gaarraay) Land Trust. Part of this land is to become a protected area, known as the Melsonby (Gaarraay) Nature Reserve. The nature reserve will be co-managed by the Traditional Owners and the Queensland Parks and Wildlife Service, which, the Minister for Environment and Multiculturalism Ms Lindy Nelson-Carr is quoted as saying, ‘will be especially vital in delivering integrated fire management, weed and feral animal control and cultural heritage site protection.’

This ILUA includes agreement that ‘future acts’ may be done. The parties also agree that the right to negotiate provisions of the *Native Title Act 1993* (Cth) do not apply to future acts, as the alternative consultation provisions are to be followed instead. Under this Act any activity, such as a grant of land, that may affect native title rights is defined as a ‘future act’ and must comply with the future act provisions of the Act in order to be valid.

¹¹ Queensland Government, above n 9

This agreement is in accordance with the Cape York Heads of Agreement.

5. Archer Point Conservation Park ILUA, QI2006/054

Native title

There is an active native claim over the area ([Archer Point People claimant application QUD352/06](#)).

Agreement details

The [Archer Point Indigenous Land Use Agreement](#) was registered on 29 June 2007. The parties agree to the dedication, use and management of certain lands as national park, resources reserve and nature refuge under the *Nature Conservation Act 1992*.

The parties to the ILUA consent to:

- the designation of certain land as *Aboriginal Land Act 1991* (Qld) land, to be transferred to the indigenous owners as Aboriginal freehold title;
- the dedication, use and management of certain lands as national park, resources reserve and nature refuge under the *Nature Conservation Act 1992*;
- the dedication, use and management of certain lands as reserves for community purposes under the *Land Act 1994*; and
- the granting of an authority to investigate the possibility of establishing a wind farm over certain land.

The parties agree that the right to negotiate provisions of the *Native Title Act 1993* (Cth) do not apply to future acts, as the alternative consultation provisions are to be followed instead. Under this Act any activity, such as a grant of land, that may affect native title rights is defined as a 'future act' and must comply with the future act provisions of the Act in order to be valid.

This agreement is in accordance with the Cape York Heads of Agreement.

<http://www.atns.net.au/agreement.asp?EntityID=3963>

6. Raine Island National Park ILUA, QI2006/044

Agreement details

The [Raine Island National Park \(Scientific\) Indigenous Land Use Agreement](#) was registered on 13 August 2007. The parties to the ILUA are the State of Queensland, the Wuthathi People, Erubam Le, Meriam Le and Ugarem Le. The ILUA was the first between Aboriginal and Torres Strait Islander peoples.

The purpose of the ILUA is to declare a national park (scientific) over the ILUA area.

A [management statement](#) for the National Park is available on the EPA/DERM website.

Governance arrangements

The management statement provides that Aboriginal and Torres Strait Islander will be meaningfully involved in the planning for, and management of, resources in the National Park.

QPWS will collaborate with the Torres Strait Regional Authority and the Wuthathi Land Trust on research and management initiatives to facilitate the involvement of the Indigenous Parties.

Other provisions

Access to Raine Island National Park (Scientific) will be by permit. The Indigenous Parties will be involved in the assessment of permits. It is proposed in the management statement that a delegate from one or more of the Indigenous Parties will accompany permit holders, at the cost of the permit holder.

The management statement provides that QPWS will inform the Indigenous Parties about unlawful activities in the Agreement Area.

Cape York Peninsula Heads of Agreement

The [Cape York Peninsula Heads of Agreement](#) is an agreement to ensure coexistence and joint protection of the environment on Cape York. The agreement was signed on 5 February 1996 and modified in September 2001. The parties to the 2001 modified agreement are the Cape York Land Council, Peninsula Regional Council of the Aboriginal and Torres Strait Islander Commission, Balkanu Cape York Development Corporation, Peninsula Cattlemen's Association, Australian Conservation Foundation, The Wilderness Society, the Cairns and Far North Environment Centre and the State of Queensland.

http://www.nrw.qld.gov.au/cape_york/pdf/map.pdf

Cape York National Parks and Cape York Peninsula Heritage Act 2007 (Qld)

The Queensland Government's general approach has been to negotiate ILUAs to effect further land dealings without determinations that native title exists (Melsonby, Jack River, and Archer Point on Cape York Peninsula, for example). This continued with the [Cape York Peninsula Heritage Act 2007 \(Qld\)](#) which amended the [Nature Conservation Act 1992 \(Qld\)](#) to provide for the creation of a new class of protected area in the Cape York Peninsula Region called 'national park' (Cape York Peninsula Aboriginal land) where Aboriginal land and unallocated State land can be dedicated as national park (CYPAL). Prior to the dedication of land as national park (CYPAL) the land trust or registered native title body corporate must enter into an indigenous management agreement with the State about the proposed management of the land. The land must also be granted as Aboriginal land (if it is not already) prior to the dedication of the land as national park (CYPAL).

Two national parks - Lama Lama National Park (CYPAL) and the KULLA (McIlwraith Range) National Park (CYPAL) – have been created where ILUAs were negotiated and **Indigenous Management Agreements** were attached as schedules, but there was no determination that native title exists. (The area identified in the Eastern Kuku Yalanji, the State of Queensland & Wet Tropics Management Authority ILUA QI2006/007 is excluded from the Cape York Peninsula Region.)

The [Nature Conservation Act 1992](#) provides that the Minister for Sustainability, Climate Change and Innovation must establish a Regional Protected Area Management Committee to advise the Minister about matters relating to the protected areas in the Cape York Peninsula Region, including:

- employment opportunities for indigenous people;
- the management plans for the areas; and
- the provision of resources for the management of the areas.

The Regional Protected Area Management Committee is to consist of indigenous people who have an interest in a protected area in the Cape York Peninsula Region.

The Minister may establish sub-regional committees to advise the Minister about matters relating to particular protected areas in the Cape York Peninsula Region.

http://www.epa.qld.gov.au/parks_and_forests/managing_parks_and_forests/joint_management_of_cape_york_peninsula_national_parks/

Indigenous Management Agreements

Under the *Aboriginal Land Act 1991* ([s.83G](#)) an indigenous management agreement must:

- include a lot on plan description of the land;
- state the land will be managed as a national park in perpetuity;
- state how the land is proposed to be managed;
- include details of any interim arrangements for its management before the approval of a management plan for the land;
- state the responsibilities of the environment Minister, and the chief executive under the [Nature Conservation Act 1992](#), in relation to the management of the land;
- state the responsibilities of the grantees of the land in relation to its management;
- include details of the process for developing a management plan for the land;

- include details of areas of the land to which general public access may be restricted;
- include information about the management of any infrastructure on the land; and
- state how existing interests in the land will be managed and how future interests in the land will be created and managed.

1. Lama Lama National Park Cape York Peninsula Aboriginal Land
 QI2008/017, Lilyvale

Agreement details

The Native Title Parties and the State entered into an ILUA on 10 July 2008. The [Lilyvale ILUA](#) was registered on 27 January 2009.

Under the ILUA, the Native Title Parties consented to the Lama Lama Land Trust entering into an [Indigenous Management Agreement](#). The Indigenous Management Agreement was entered into on 10 July 2008.

A management plan for the National Park (CYPAL) is to be prepared.

Tenure

The National Park (CYPAL) is to become Aboriginal land held by the Land Trust. The National Park (CYPAL) Area will be dedicated, used and managed as a national park (CYPAL) in perpetuity.

Governance arrangements

The Land Trust, the Minister and the Chief Executive of the EPA are responsible for the management of the National Park (CYPAL).

Under the IMA, the responsibilities of the Land Trust include:

- Protecting and maintaining Aboriginal Cultural Resources and places
- Advising the EPA on Indigenous Cultural Information

- Preparing and approving management plans jointly with the Minister

The IMA divides park management activities into three categories: routine, procedural and significant. The EPA does not need to seek Land Trust comment or approval before conducting routine activities, including emergency response activities, granting camping permits, maintaining infrastructure, or activities conducted in accordance with an agreed Protocol.

Before conducting procedural activities the EPA must give the Land Trust notice of its intention to conduct the activity and seek the Land Trust's comments about the activity. Procedural activities include granting permits for scientific / education purposes, pest management (until a Protocol is in place) or erecting signs. Before conducting significant activities the EPA must obtain the written consent of the Land Trust. Significant activities include constructing infrastructure, producing interpretive materials, fire management (until a Protocol is in place) and granting commercial activity and special activity permits.

The IMA also provides that the parties may agree to increase the Land Trust's management responsibilities by transferring responsibilities from the Chief Executive to the Land Trust. The parties will use their best endeavours to enhance the Land Trust's capacity to undertake increased management responsibilities.

The EPA budget allocation for the National Park (CYPAL) will comprise:

- the EPA labour, operational and capital budget; and
- the park works and services expenditure.

For the labour, operational and capital budget, the EPA will discuss with the Land Trust at least annually how the resources allocated in each budget for day-to-day management will be used. For the three years from 10 July 2008 the EPA will provide \$75,000 each year for park works and services. These funds are to be expended by the Land Trust under a contract with the EPA. The EPA may expend the funds if the Land Trust agrees or the Land Trust does not complete the parks works and services in accordance with the contract.

The EPA will meet reasonable costs incurred by the Land Trust or its members for:

- Participating in meetings and site visits in preparation of the Management Plan;
- Obtaining independent technical advice in preparation of the Management Plan; and
- Travel costs and out-of-pocket expenses for Land Trust members to participate in meetings.

Employment and training

The EPA will use its best endeavours to achieve Indigenous employment targets of 30% within 3 years of the dedication of the National Park (CYPAL) and 50% within 10 years of the dedication of the National Park (CYPAL).

The EPA will use its best endeavours to:

- Increase Indigenous employment in all areas of EPA activities relevant to the National Park (CYPAL) including administrative, research and planning roles;
- Provide adequate funding for ranger employment within the National Park (CYPAL);
- Create Indigenous Identified Ranger Positions and Indigenous Specified Ranger Positions

The EPA will consult with the Land Trust about procedures for selection of staff for the National Park (CYPAL) and as far as possible will ensure that the beneficiaries may participate or be represented on all selection panels for ranger positions.

The EPA and Land Trust will contribute to the development of a regional Indigenous recruitment, retention, training and development strategy.

The EPA will provide training and support related to day-to-day park management and administration to the Land Trust and help the Land Trust to identify programs and

opportunities offered by government and private providers for enterprise and capacity development.

The EPA will provide scholarships for secondary and post-secondary education of based on criteria developed by the EPA and the Land Trust.

Other provisions

The beneficiaries may camp in the National Park (CYPAL) for periods of up to 8 weeks in one location. The IMA provides for an indigenous Living Area. The Land Trust and the Chief Executive must agree to the construction of any infrastructure in the Living Area. The IMA also provides for temporary occupation by traditional owners.

The IMA allows the beneficiaries to take, use, keep or interfere with the Cultural Resources and Natural Resources of the National Park (CYPAL), including hunting subject to certain conditions.

Under the IMA public access is not permitted to Living Areas and other specified Areas without Land Trust consent. The Land Trust may give the EPA an access restriction notice to restrict public access to other areas for a specified period.

The Land Trust will have the first option to take up new tourism opportunities. The EPA will use its best endeavours to notify the Land Trust about tourism opportunities.

The EPA will use its best endeavours to notify the Land Trust when the EPA requires the provision of services on the National Park (CYPAL). If the Land Trust notifies the EPA that it wishes to provide the services and provides a fee offer and if the fee offer meets the value for money objective, the EPA and the Land Trust will enter into a contract for the services.

<http://statements.cabinet.qld.gov.au/MMS/StatementDisplaySingle.aspx?id=59121>

2. KULLA (McIlwraith Range and Mt Croll) ILUA (Cape York Peninsula Aboriginal Land), QI2008/018

Native Title

There is a registered native claim over the area ([Kaanju, Umpila, Lamalama, Ayaputhu peoples #2 QUD6117/98](#)). The Native Title Parties to the ILUA agreed not to exercise any native title rights and interests in relation to the National Park (CYPAL) except in accordance with the conditions set out in the Indigenous Management Agreement.

Agreement details

The Native Title Parties and the State entered into an ILUA on 6 August 2008. The [KULLA \(McIlwraith Range and Mt Croll\) ILUA](#) was registered on 13 May 2009.

Under the ILUA, the Native Title Parties consented to the Kulla Land Trust entering into an Indigenous Management Agreement. The IMA was entered into on 6 August 2008. A Management Plan for the National Park (CYPAL) is to be prepared.

Tenure

The National Park (CYPAL) is to become Aboriginal land held by the Land Trust. The National Park (CYPAL) Area will be dedicated, used and managed as a national park (CYPAL) in perpetuity.

Governance arrangements

The Land Trust, the Minister and the Chief Executive are responsible for the management of the National Park (CYPAL).

Under the IMA, the responsibilities of the Land Trust include:

- Protecting and maintaining Aboriginal Cultural Resources and places
- Advising the EPA/DERM on Indigenous Cultural Information
- Preparing and approving management plans jointly with the Minister

The IMA divides park management activities into three categories: routine, procedural and significant. The EPA/DERM does not need to seek Land Trust comment or approval before conducting routine activities, including emergency

response activities, granting camping permits, maintaining infrastructure, or activities conducted in accordance with an agreed Protocol.

Before conducting procedural activities the EPA/DERM must give the Land Trust notice of its intention to conduct the activity and seek the Land Trust's comments about the activity. Procedural activities include granting permits for scientific / education purposes, pest management (until a Protocol is in place) or erecting signs. Before conducting significant activities the EPA/DERM must obtain the written consent of the Land Trust. Significant activities include constructing infrastructure, producing interpretive materials, fire management (until a Protocol is in place) and granting commercial activity and special activity permits.

Either party may request a meeting to discuss proposed procedural or significant activities.

The IMA also provides that the parties may agree to increase the Land Trust's management responsibilities by transferring responsibilities from the Chief Executive to the Land Trust. The parties will use their best endeavours to enhance the Land Trust's capacity to undertake increased management responsibilities.

The EPA/DERM budget allocation for the National Park (CYPAL) will comprise:

- the EPA/DERM labour, operational and capital budget; and
- the park works and services expenditure.

For the labour, operational and capital budget, the EPA/DERM will discuss with the Land Trust at least annually how the resources allocated in each budget for day-to-day management will be used. The EPA/DERM will provide \$175,000 each year for three years for park works and services. These funds are to be expended by the Land Trust under a contract with the EPA/DERM. The EPA/DERM may expend the funds if:

- the Land Trust requests the EPA/DERM to expend a portion of the \$175,000 on a particular activity;

- the Land Trust does not enter into a contract with the EPA/DERM or does not enter a contract for the full \$175,000; or
- the Land Trust does not complete the parks works and services in accordance with the contract.

The EPA/DERM will meet reasonable costs incurred by the Land Trust or its members for:

- Participating in meetings and site visits in preparation of the Management Plan;
- Obtaining independent technical advice in preparation of the Management Plan; and
- Travel costs and out-of-pocket expenses for Land Trust members to participate in meetings.

Employment and training

The EPA/DERM will use its best endeavours to achieve Indigenous employment targets of 30% within 3 years of the dedication of the National Park (CYPAL) and 50% within 10 years of the dedication of the National Park (CYPAL).

The EPA/DERM will use its best endeavours to:

- Increase Indigenous employment in all areas of EPA/DERM activities relevant to the National Park (CYPAL) including administrative, research and planning roles;
- Provide adequate funding for ranger employment within the National Park (CYPAL);
- Create Indigenous Identified Ranger Positions and Indigenous Specified Ranger Positions

The EPA/DERM will consult with the Land Trust about procedures for selection of staff for the National Park (CYPAL) and as far as possible will ensure that the beneficiaries may participate or be represented on all selection panels for ranger positions.

The EPA/DERM and Land Trust will contribute to the development of a regional Indigenous recruitment, retention, training and development strategy.

The EPA/DERM will provide training and support related to day-to-day park management and administration to the Land Trust and help the Land Trust to identify programs and opportunities offered by government and private providers for enterprise and capacity development.

The EPA/DERM will provide scholarships for Indigenous secondary and post-secondary education of recipients based on criteria developed by the EPA/DERM and the Land Trust.

Other provisions

The beneficiaries may camp in the National Park (CYPAL) for periods up to 8 weeks in one location. The IMA provides for an indigenous Living Area. The Land Trust and the Chief Executive must agree to the construction of any infrastructure in the Living Area. The IMA also provides for temporary occupation by traditional owners.

The IMA allows the beneficiaries to take, use, keep or interfere with the Cultural Resources and Natural Resources of the National Park (CYPAL), including hunting subject to certain conditions.

Under the IMA public access is not permitted to Living Areas and other specified Areas without Land Trust consent. The Land Trust may give the EPA/DERM an access restriction notice to restrict public access to other areas for a specified period.

The Land Trust will have the first option to take up new tourism opportunities. The EPA/DERM will use its best endeavours to notify the Land Trust about tourism opportunities.

The EPA/DERM will use its best endeavours to notify the Land Trust when the EPA/DERM requires the provision of services on the National Park (CYPAL). If the Land Trust notifies the EPA/DERM that it wishes to provide the services and

provides a fee offer and if the fee offer meets the value for money objective, the EPA/DERM and the Land Trust will enter into a contract for the services.

The EPA/DERM will contribute \$100,000 over two years from 1 January 2009 towards a program to improve natural and cultural resource management including habitat management, fire management, pest control and protection of key cultural sites.

http://www.nntt.gov.au/News-and-Communications/Public%20Notifications/Documents/2008%20Notifications/QI2008_018.pdf

<http://statements.cabinet.qld.gov.au/MMS/StatementDisplaySingle.aspx?id=59590>

Ministerial Advisory Committees

Boodjamulla (Lawn Hill) National Park

There is no joint management arrangement for this national park. However, the [Waanyi Ministerial Advisory Committee](#) advises the Minister and QPWS on the management of the Lawn Hill National Park. The Committee was established in 1995 under [s.132](#) of the [Nature Conservation Act 1992](#). This is the only indigenous advisory committee in Queensland.

Sources:

<http://governmentbodies.premiers.qld.gov.au/board-details.aspx?bid=857>

<http://governmentbodies.premiers.qld.gov.au/list-board.aspx?list=act&act=294>

http://www.austlii.edu.au/au/legis/qld/consol_act/nca1992237/s132.html