

OUTCOMES REPORT

RAINFOREST ABORIGINAL PEOPLES REGIONAL WORKSHOP TO DISCUSS WET TROPICS WORLD HERITAGE MATTERS

21-22 October 2017, Palm Cove, Queensland



This report was compiled by the Wet Tropics Management Authority (the Authority) as a record of the workshop discussions and outcomes. It is not government policy.

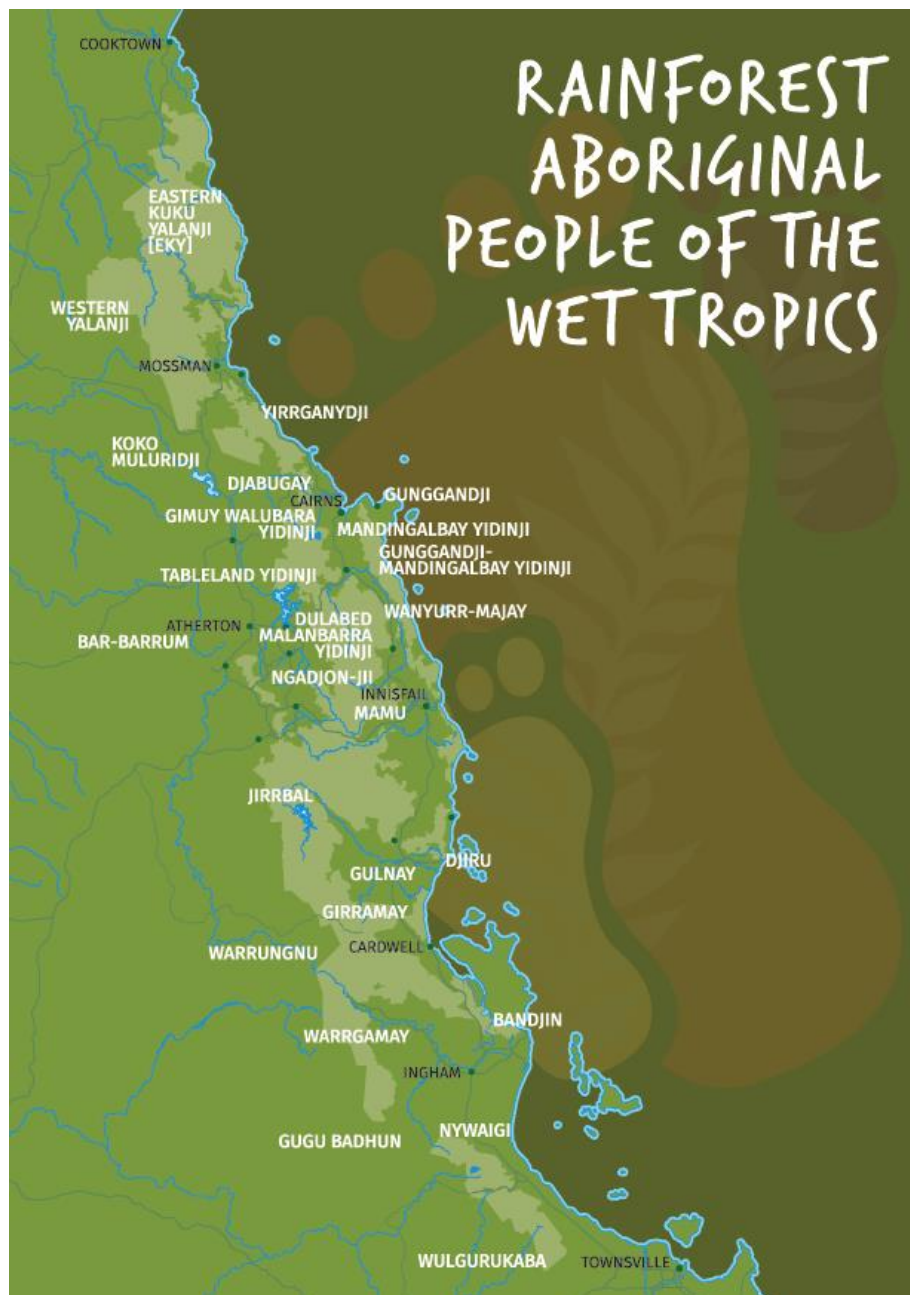
Table of Contents

Workshop context.....	1
Thanks	6
Workshop participants.....	8
Workshop overview	13
 Day 1 - Saturday 21 October 2017	 15
Welcome to Country and opening of the workshop	15
Workshop welcome	16
The Regional Agreement – our journey so far.....	20
Wet Tropics Management Plan Review – key issues and future directions.....	24
Uluru Statement From the Heart.....	28
Phase 1 Plan Review consultations – Rainforest Aboriginal submission.....	29
Directions on finalising the Rainforest Aboriginal submission	31
Closed Session – Directions on finalising the Rainforest Aboriginal submission	34
Day 1 wrap up	35
 Day 2 - Sunday 22 October 2017	 37
Recap of Day 1	37
How the Authority supports Traditional Owner capacity over the next 10 years	38
The Authority’s Community Service Infrastructure permits update.....	42
Closed Session – Directions on finalising the Rainforest Aboriginal submission	43
Feedback from closed session	43
World Heritage listing for cultural values.....	46
The Authority response to the workshop participant’s Terms of Reference for the finalising phase 1 consultations	48
Wet Tropics Management Plan Review – proposed next steps with Rainforest Aboriginal people and their organisations.....	49
 Contact details for further information	 54

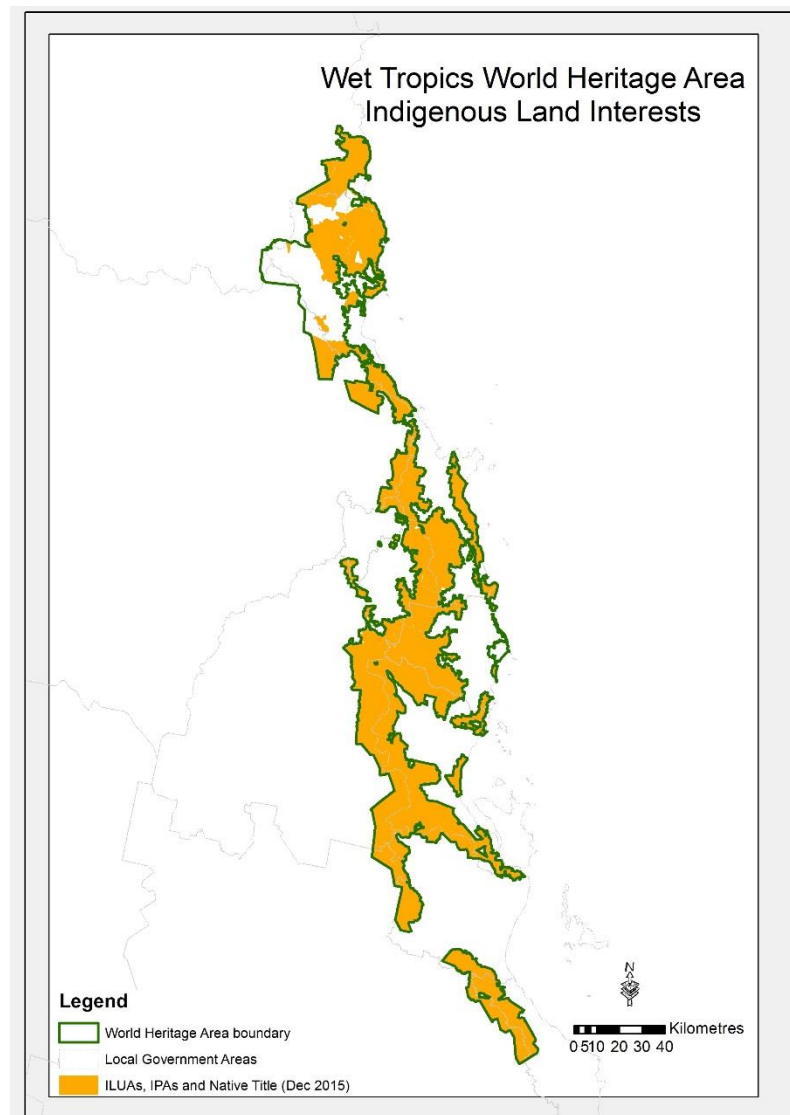
Workshop context

The Wet Tropics of Queensland World Heritage Area (the Area) encompasses approximately 900,000 hectares between Cooktown and Townsville in tropical north Queensland.

The Area spans the Ancestral homelands of some eight distinct language family groups encompassing some 20 distinct Traditional Owner groups, who today number about 20,000 Rainforest Aboriginal peoples (Rainforest Aboriginal Peoples' Alliance (RAPA), 2010). These Traditional Owner (or tribal) groups include approximately 120 clans comprising about 600 distinct family groups (Schmider, 2014b).



Native Title and other Rainforest Aboriginal land interests cover 87.5% of the Area and overlapping Rainforest Aboriginal land interests include 5.3% Native Title (exclusive), 32.4% Native Title (non-exclusive), 46.9% Indigenous Land Use Agreements and 29.2% Indigenous Protected Areas (CSIRO Land and Water 2016).



The Wet Tropics Management Authority (the Authority) acknowledges Rainforest Aboriginal people as the traditional custodians of the Area, and recognises their connection to this cultural landscape. The Indigenous cultural values of the Wet Tropics are also formally recognised on the National Heritage List.

The Authority is responsible for ensuring that Australia's obligation under the World Heritage Convention is met, in relation to the Wet Tropics World Heritage Area. The Area contains a variety of different land tenures including national park, unallocated State land, leasehold, freehold and a range of reserves associated with community services infrastructure such as dams, roads and railways.

The preamble of the *Wet Tropics World Heritage Protection and Management Act 1993* acknowledges the significant contribution that Aboriginal people make to the future management of cultural and natural heritage within the Area. The Authority must, as far as practicable, have regard to the tradition of Aboriginal people particularly concerned with the land.

The *Wet Tropics World Heritage Protection and Management Act 1993* can be downloaded from <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1993-050/lh>

The Authority is seeking the views of Rainforest Aboriginal people about how best to promote the recognition of Aboriginal tradition and the significant role that Rainforest Aboriginal people play in cultural and natural heritage management within the World Heritage Area.

Rainforest Aboriginal people also wanted to meet to discuss the next steps with the Plan Review as well as other matters of significance including the *Wet Tropics of Queensland World Heritage Area Regional Agreement* (2005) (Regional Agreement) and the *Uluru Statement From The Heart* (2017).

The review of the statutory *Wet Tropics Management Plan 1998*

As part of the Commonwealth and State government's commitment to the Wet Tropics World Heritage Area, the Authority has undertaken to review the current statutory *Wet Tropics Management Plan 1998* (the Plan).

The Plan regulates activities that may have an impact on the natural values of the Wet Tropics World Heritage Area. The Plan includes: zoning maps to designate areas for conservation, infrastructure and visitor sites; road classifications for the use of motorised vehicles; and a permit system which allows the Authority to assess the potential impact of regulated activities. When assessing permit applications the Authority must have regard to the likely effect of the proposed activity on Rainforest Aboriginal people.

The *Wet Tropics Management Plan 1998* can be downloaded from <https://www.legislation.qld.gov.au/view/html/inforce/current/sl-1998-0161>

The Plan Review process includes two formal rounds of public consultation:

- **Phase one consultations** were held from March to June 2017 (with an extension to 15 September 2017 for Rainforest Aboriginal people). This provided Rainforest Aboriginal people, landholders and other stakeholders with opportunities to comment on issues and make suggestions about how the Plan could be improved. The Authority engaged an independent consultant, BioCultural ConneXions, to support the Phase one consultation.

The Authority and BioCultural ConneXions met with Rainforest Aboriginal people to:

- discuss the Plan Review process and how further consultation should proceed for individual tribal groups
- elaborate on proposed changes to the Plan and how they may affect Rainforest Aboriginal people
- discuss documentation of the consultation process with a view to seeking formal acknowledgement of free, prior and informed consent for each tribal group
- discuss a formal submission to the Plan Review on behalf of Rainforest Aboriginal people and potential for other individual submissions.

The Authority invited two representatives from Wet Tropics registered native title applicant groups and Registered Native Title Bodies Corporates (RNTBCs) to attend a Rainforest Aboriginal peoples regional workshop on 21-22 October 2017 to discuss World Heritage related matters. This was to ensure that native title representative groups were informed and had an opportunity to work with the Authority to guide the development of an amendment Plan well before a Future Act Notice is issued.

The workshop also provided an opportunity for Rainforest Aboriginal people to discuss other matters of significance including the Regional Agreement and the Uluru Statement.

Information from North Queensland Land Council website -
<http://nqlc.com.au/index.php/faqs/>

- The **RNTBC** has the responsibility of the dealing with all issues affecting native title post determination, including entering into ILUAs and other arrangements concerning the native title land.
- A **Future Act** is any proposed activity or act which has the potential to affect native title.

- **Phase two consultations** will commence in late 2018 and will provide opportunities for Rainforest Aboriginal people, landholders and other stakeholders to comment on a draft amendment plan and zoning maps.

The Regional Agreement

The Regional Agreement provides a framework to involve Rainforest Aboriginal people in the management of the Wet Tropics World Heritage Area.

Key components of the Regional Agreement include: recognition of cultural values; participation in decision making; establishment of an Aboriginal Rainforest Council; and participation in policy, planning, permitting and management. The Regional Agreement also includes principles, guidelines and protocols for effective consultation and involvement of Rainforest Aboriginal people.

The Regional Agreement can be downloaded from
https://www.wettropics.gov.au/site/user-assets/docs/regional_agreement.pdf.

Uluru Statement from the Heart

The 2017 First Nations Constitutional Convention was held at Uluru from 23-26 May 2017. Over 250 delegates from around Australia made the historic *Uluru Statement from the Heart* in hopes of improving the lives of future generations.

The conversations built on six months of discussion held around the country, including in Cairns, where Aboriginal and Torres Strait Islander peoples considered five options presented in the Referendum Council's discussion paper.

The Uluru Statement From the Heart can be downloaded from
https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru_Statement_From_The_Heart_0.PDF.



Thanks

We acknowledge Yirrganydji Traditional Owners for allowing this workshop to proceed on their traditional country. We thank all Traditional Owners of the Wet Tropics region for participating in consultation meetings prior to and at this regional forum. We value Rainforest Aboriginal people's feedback and advice during the Wet Tropics Management Plan Review process.

Sincere thanks to the 60 participants from registered native title applicant groups, Prescribed Bodies Corporate (PBCs) and Registered Native Title Bodies Corporate (RNTBCs) who willingly gave their valuable time, thoughts and ideas at this two-day regional workshop. Thanks also to representatives from Terrain NRM; the Department of National Parks, Sport and Racing (NPSR); the Department of Environment and Heritage Protection (EHP); North Queensland Land Council (NQLC); and other guest presenters who shared their knowledge, and provided technical expertise and thoughtful responses to questions and concerns raised from the floor throughout the proceedings.

A special thanks goes to facilitators Ellie Bock and Eric Wason for making the workshop flow smoothly throughout the weekend, and for keeping us all on track to achieve positive outcomes while remaining flexible enough to deal with important issues that emerged over the two days.

We acknowledge the Wet Tropics Management Authority Chair, the Indigenous Advisory Members (i.e. two Indigenous Directors on the Board, two Indigenous members on the Community Consultative Committee and two Indigenous members on the Scientific Advisory Committee) and staff who helped facilitate clear directions for moving forward collaboratively.

We also thank Joann Schmider for providing copies of Rainforest Aboriginal Peoples Alliance (RAPA) documents and t-shirts for participants attending this forum. The Central Wet Tropics Institute for Country and Culture Aboriginal Corporation (CWTICCAC) was the body tasked by the RAPA quorum leadership to complete the 2012-15 Cultural Values project. Permission for the authority to finalise that work and distribute the documents at this forum came through the chair of the corporation, Allison Halliday.

RAPA Documents include:

Eight 2020 Directions Statements - based on the outcomes of the 2010, 2012, 2013 and 2014 regional gatherings of the Rainforest Aboriginal peoples

Benefiting Economically

Managing our Reef and Rainforest Waters

Looking after Rainforest Country and Conservation Areas

Rainforest Aboriginal People Participating

Planning Now and For Our Future

Protecting and Promoting Our Rainforest Culture and Heritage

Securing Organised Investment Partnerships

Utilising Our Rainforest Aboriginal People's Knowledge

Three discussion papers: 'Which Way Australia's Rainforest Culture'

- Towards Indigenous-Led Management
- Valuing the Values – Economic Development and Sustainable Livelihoods
- Relisting the Cultural Values for World Heritage

RAPA documents can be downloaded from

<https://www.dropbox.com/sh/858vk742r30agsv/AAADm7xBJqnkaRDNYoJN4ygaa?dl=0>



Workshop participants

Rainforest Aboriginal representatives from the Wet Tropics region

Name	Representative from native title applicant group or RNTBC, the Authority's Indigenous Advisory Members and other invited Rainforest Aboriginal people.	Tribal group / Clan group (where provided)
Patrick Ahmat	Wanyurr-Majay Aboriginal Corporation RNTBC (Executive Officer)	
Warren Kulka	Jabalbina Yalanji Aboriginal Corporation RNTBC	Eastern Kuku Yalanji
Jim Turnour	Jabalbina Yalanji Aboriginal Corporation RNTBC (Chief Executive Officer)	
Liam Roberts	Wabubadda Aboriginal Corporation RNTBC	Jirrbal
Ruth Miller	Wabubadda Aboriginal Corporation RNTBC	Jirrbal
Charles Morganson	Goondaloo Aboriginal Corporation RNTBC	Warrungu
Marion McCarthy	Goondaloo Aboriginal Corporation RNTBC	Warrungu
Janie Eaton	Goondaloo Aboriginal Corporation RNTBC	Warrungu
Ethan Rist	Nywaigi Land Aboriginal Corporation	Nywaigi
Barry Hunter	Djabugay Native Title Aboriginal Corporation RNTBC	Djabugay
William Duffin	Djabugay Native Title Aboriginal Corporation RNTBC	Djabugay
Victor Maund	Mamu Aboriginal Corporation RNTBC	Waribarra / Mamu
Whitney Rassip	Djiru Warrangbura Aboriginal Corporation RNTBC	Djiru

Leonard Andy	Djiru Warrangbura Aboriginal Corporation RNTBC	Djiru
Neil Leo	Girramay Aboriginal Corporation RNTBC	Girramay
Virginia Wyles	Applicant for Gurambilbarra Wulgurukaba	Gurambilbarra Wulgurukaba
Dale Mundraby	Mandingalbay Yidinji Aboriginal Corporation RNTBC	Mandingalbay Yidinji
Dawn Kyle	Mandingalbay Yidinji Aboriginal Corporation RNTBC	Mandingalbay Yidinji
Helen Tait	Gunggandji-Mandingalbay Yidinji Peoples PBC Aboriginal Corporation RNTBC (Executive Officer)	
Dewayne Mundraby	Gunggandji-Mandingalbay Yidinji Peoples PBC Aboriginal Corporation RNTBC	Gunggandji-Mandingalbay Yidinji
Yvonne Cadet-James	Gugu Badhun Aboriginal Corporation RNTBC	Gugu Badhun
Patricia Hoolinhan	Gugu Badhun Aboriginal Corporation RNTBC / Girringun Aboriginal Corporation	Gugu Badhun
Allison Halliday	Dulabed Malanbarra and Yidinji Aboriginal Corporation RNTBC	Malanbarra / Yidinji
Kaylene Malthouse	Dulabed Malanbarra and Yidinji Aboriginal Corporation RNTBC / North Queensland Land Council (Chair)	Malanbarra / Yidinji
Dianne Brim	Applicant for Cairns Regional Claim	Bulway / Djabugay
Alwyn Lyall	Western Yalanji Aboriginal Corporation RNTBC	Kuku Yalanji
William Lyall	Western Yalanji Aboriginal Corporation RNTBC	Kuku Yalanji
Jeanette Singleton	Yirrganydji Gurabana Aboriginal Corporation	Yirrganydji
Gavin Singleton	Dawul Wuru Aboriginal Corporation	Yirrganydji

Gudju Gudju	Representative for Gimuy Walubara Yidinji (Agriculture Director)	Gimuy Walubara Yidinji
Jenny Lynch	Representative for Gimuy Walubara Yidinji (Agriculture Director)	
Joanne Kinjun	Representative for Gulnay	Gulnay
Anne-Marie Keating	Muluridji Tribal Aboriginal Corporation RNTBC	Koko Muluridji
Phil Rist	Wet Tropics Management Authority (Indigenous Advisory Member / Board Director)	Nywaigi
Leah Talbot	Wet Tropics Management Authority (Indigenous Advisory Member / Board Director)	Eastern Kuku Yalanji
John Locke	Wet Tropics Management Authority (Indigenous Advisory Member / Scientific Advisory Committee)	Malanbarra / Yidinji
Joann Schmider	Wet Tropics Management Authority (Indigenous Advisory Member / Scientific Advisory Committee)	Waribarra / Mamu
Seraeah Wyles	Wet Tropics Management Authority (Indigenous Advisory Member / Community Consultative Committee)	Girramay / Warrgamay
Dennis Ah Kee	Wet Tropics Management Authority (Indigenous Advisory Member / Community Consultative Committee)	Wanyurr-Majay
Chrissy Grant	Independent environmental services professional with a background in World Heritage and cultural heritage management in various roles at the national and international level (CTG Services)	Eastern Kuku Yalanji
Terry O'Shane	Delegate at the First Nations Regional Dialogue in Cairns 24-26 March 2017 and the First Nations National Constitutional Convention at Uluru 23-26 May 2017 / North Queensland Land Council (Director)	Kuku Yalanji

Workshop facilitators and representatives from the Authority, government departments, North Queensland Land Council, Terrain NRM and BioCultural ConneXions		
Name	Organisation	Position
Ellie Bock	Regional Advisory & Innovation Network (RAIN) Pty Ltd	Workshop facilitator
Eric Wason	Djungan and Bar-Barrum man / Senior Project Officer, Department of Aboriginal and Torres Strait Islander Partnerships	Workshop facilitator
Leslie Shirreffs	Wet Tropics Management Authority	Chair
Rebecca Lagerroth	Wet Tropics Management Authority	Acting Executive Director
Max Chappell	Wet Tropics Management Authority	Manager Planning and Conservation
Mark Simmons	Wet Tropics Management Authority	Acting Manager World Heritage Partnerships
Bruce Jennison	Wet Tropics Management Authority	Project Manager Assessments and Regulation
M'Lis Flynn	Wet Tropics Management Authority	Project Officer – Community Engagement
Alicia Haines	Wet Tropics Management Authority	Project Officer – Aboriginal Partnerships
Eli Taylor	Wet Tropics Management Authority	Project Officer – Aboriginal Partnerships

Cara Sanders-Wall	Wet Tropics Management Authority	Intern
Bruce Rampton	Department of National Parks, Sport and Racing (NPSR)	Team Leader, Policy and Legislation
Wade Oestreich	Department of National Parks, Sport and Racing (NPSR)	Acting Director General, Department of National Parks Sport and Racing
Rachael Cole-Hawthorne	Department of National Parks, Sport and Racing (NPSR)	Senior Project Officer, Strategic Policy and Racing Industry Governance
Delys Wilson	Department of National Parks, Sport and Racing (NPSR)	Senior Ranger Joint Management
Angela Siggery	Department of Environment and Heritage Protection (EHP)	Director – Conservation and Biodiversity Programs,
Steve Ducksbury	North Queensland Land Council (NQLC)	Chief Executive Officer
Bart Dryden	Terrain Natural Resource Management (Terrain NRM)	Community Partnerships Manager
Vanessa Drysdale	Terrain Natural Resource Management (Terrain NRM)	Community Partnerships (Douglas)
Bruce White	BioCultural ConneXions	Consultant preparing Rainforest Aboriginal submission for Plan Review.

Workshop overview

The Rainforest Aboriginal peoples regional workshop was held on 21-22 October 2017 at the Grand Chancellor Hotel Palm Cove, as part of a commitment by the Authority to meaningfully engage Rainforest Aboriginal people in the review of the *Wet Tropics Management Plan 1998* (the Plan) for the Wet Tropics World Heritage Area.

This aligns with the Authority's ongoing commitment to strengthen engagement with Traditional Owners and all stakeholders in the Area.

WORKSHOP OBJECTIVES

- Review and acknowledge the shared work and significant progress made in relationships between Rainforest Aboriginal people, the Authority and other government departments with World Heritage management responsibilities.
- Review outcomes and key issues arising from consultation for phase 1 of the Plan Review.
- Seek direction on meaningful ongoing engagement from Rainforest Aboriginal people to ensure the review of the Plan adequately addresses priority issues for Traditional Owners.
- Discuss Rainforest Aboriginal people's issues and concerns that may have fallen outside of the original scope of the Plan Review.
- Provide an opportunity for Rainforest Aboriginal people of the Wet Tropics region to come together and provide advice on priority issues at a regional level.

WORKSHOP OUTCOMES

The workshop participants:

1. Supported the commitment of the Authority to improve the way it does business, in collaboration with Rainforest Aboriginal people and other government departments. This includes moving towards a better understanding of 'good practice' and strengthening enabling conditions for a rights-based approach to World Heritage conservation (**Page 18**).
2. Reaffirmed the support of Traditional Owner representatives at the workshop for the Regional Agreement principles and protocols to inform the way forward, subject to consideration of contemporary native title outcomes, agreements and aspirations (**Page 23**).

3. Acknowledged the commitment from North Queensland Land Council to help identify an appropriate legal process to honour original signatories to the Regional Agreement and identify appropriate Rainforest Aboriginal signatories for moving forward, noting priority for regional collaboration and local decision making (**Page 23**).
4. Agreed on the list of issues with the existing *Wet Tropics Management Plan 1998*, noting issues were captured on a group-by-group basis. These issues will need to be addressed by the Authority in consultation with Rainforest Aboriginal people in the pre-phase 2 consultation process (**Page 27**).
5. Agreed to develop an addendum to the Regional Agreement, noting that Rainforest Aboriginal people do not want to alter the Agreement as it is currently known (**Page 34**).
6. Confirmed the importance of establishing a five-year health check process to monitor, evaluate and improve involvement of Rainforest Aboriginal people in World Heritage Area management (**Page 34**).
7. Acknowledged the commitment of the Authority and other government departments to undertake an internal review of government's role in implementing the Regional Agreement to date. This includes clarifying roles and responsibilities of the Authority and relevant government departments and investigating policy and legislative opportunities to achieve Regional Agreement aspirations in a contemporary context (**Page 41**).
8. Identified an opportunity to develop a collaborative regional funding submission with the Authority and relevant government departments to support Traditional Owner-led management and livelihood (i.e. cultural, social and economic) opportunities within the Wet Tropics World Heritage Area (**Page 41**).
9. Provided clear directions for the consultant, BioCultural ConneXions, to finalise the Rainforest Aboriginal peoples' submission to the Plan Review process by 6 November 2017, including the eight key areas to be addressed to ensure meaningful involvement of Rainforest Aboriginal people in the management of the Wet Tropics World Heritage Area. Submission of this report will conclude phase 1 of the Plan review consultations (**Page 45**).
10. Supported the Authority's revised approach for the Plan Review process (i.e. Part A policy context and Part B regulation), including revised timelines, noting that the pre-phase 2 stage will be a very important part of finding culturally appropriate solutions to issues raised through the phase 1 consultation (**Page 50**).

Day 1 - Saturday 21 October 2017

Welcome to Country and opening of the workshop



Aunty Jeanette Singleton, Yirrganydji Traditional Owner welcomed representatives to Yirrganydji Country and provided a brief history of Yirrganydji people. Jeanette shared a story about a culturally significant breast plate belonging to the King of the Barron River which was returned to her from North Dakota, USA.



Ellie Bock and Eric Wason, workshop facilitators introduced themselves and declared conflicts of interest. Ellie Bock is a consultant facilitator and country planner. Ellie declared she is also member of the Authority's Community Consultative Committee. Eric Wason is a Djungan and Bar-Barrum man. He declared he also works for the Department of Aboriginal and Torres Strait Islander Partnerships.

Acknowledging those who have passed – Workshop participants observed a minute of silence in honour of Rainforest Aboriginal people across the Wet Tropics region who have passed away.

Workshop welcome

The purpose of this session was to discuss the objectives of the workshop in the context of the review of the *Wet Tropics Management Plan 1998*, and to provide an update on the Authority's efforts to enhance Rainforest Aboriginal engagement in the management of the Wet Tropics World Heritage Area.



Leslie Shirreffs, the Authority's Chair recognised Yirrganydji Traditional Owners and all Traditional Owners of the Wet Tropics region. She also acknowledged the important advice that the Aboriginal members of the Board, Scientific Advisory Committee (SAC) and Community Consultative Committee (CCC) provide to the Authority.

Leslie reported on the efforts the Authority has made to enhance Rainforest Aboriginal engagement in the management of the World Heritage Area during her term, including:

- A partnership with Terrain NRM to deliver a combined Rainforest Aboriginal grant program, support to Traditional Owner led networking and knowledge sharing events, re-establishing the Rainforest Aboriginal News and promotion of good news stories through the People Country Culture calendar.
- Involvement of Rainforest Aboriginal people through the Yellow Crazy Ant Eradication Program including fee for service arrangements.
- Employment of five Indigenous staff in the Authority.
- A ministerial forum paper detailing the Authority's support for the joint management arrangements in Cape York and the Daintree to be extended south through the Wet Tropics region.

Leslie advised that the Authority's Board is committed to moving towards a better understanding of 'good practice' and strengthening enabling conditions for a rights-based approach to World Heritage conservation. She emphasised the importance of identifying

solutions for key issues raised throughout the Plan Review process. Leslie also acknowledged:

- The current and ongoing collaboration with the North Queensland Land Council to ensure Native Title rights are appropriately considered in the Plan Review process.
- The cooperation of other government departments with World Heritage management responsibilities to progress the Regional Agreement.
- That the Plan is a regulatory device and not a conventional management plan. Where possible, the Authority will explore ways to ensure practices and protocols are embedded in the way it does business.

Leslie provided an opportunity for staff from the Authority, other government agencies and Terrain NRM to introduce themselves and their roles. Staff acknowledged the importance of this being a Traditional Owner led workshop and that they would listen and provide responses to questions and/or provide advice when requested to do so by workshop participants.

Questions / comments from workshop participants	Response
<p>We are encouraged by the Authority's endorsement of a rights-based approach to involvement in management of the World Heritage Area. What does a rights-based approach and free, prior and informed consent look like in a World Heritage Area context?</p> <p>The Australian Government has recognised the United Nations Declaration of the Rights of Indigenous Peoples. The six key sections include:</p> <ol style="list-style-type: none"> 1. Rights to Indigenous peoples' life and security in the world 2. Rights to Indigenous culture, languages, and spirituality 3. Rights to education and employment 4. Rights for economic and social development 5. Rights to stay on country and to access resources 	<p>From the Authority Chair: The Authority has refreshed its Rainforest Aboriginal Engagement Strategy. We would like to work with Traditional Owners to crystalise the exact nature of a rights-based approach and free, prior and informed consent in a Wet Tropics World Heritage Area context.</p>

-
6. Rights to self-determination of representation and self-identification.
-

Outcome:

The workshop participants:

1. Supported the commitment of the Authority to improve the way it does business, in collaboration with Rainforest Aboriginal people and other government departments. This includes moving towards a better understanding of 'good practice' and strengthening enabling conditions for a rights-based approach to World Heritage conservation.
-



What does a rights based approach mean in a World Heritage context?

See the link below:

http://cmsdata.iucn.org/downloads/world_heritage_and_rights_based_approaches_2014_oslo_report.pdf

WORLD HERITAGE AND RIGHTS-BASED APPROACHES



REPORT FROM WORKSHOP IN OSLO 1-3 APRIL 2014
BUILDING CAPACITY TO SUPPORT RIGHTS-BASED APPROACHES IN
THE WORLD HERITAGE CONVENTION: LEARNING FROM PRACTICE

Want to know more about the UN Declaration of the Rights of Indigenous Peoples?

The Declaration can be found at the link below:

www.humanrights.gov.au/publications/un-declaration-rights-indigenous-peoples-1

A youth-friendly publication of the declaration is also available at:

http://files.unicef.org/policyanalysis/rights/files/HRBAP_UN_Rights_Indig_Peoples.pdf



The journey so far and the way ahead

The purpose of this session was to acknowledge the unwavering determination of Rainforest Aboriginal people in asserting their rights and aspirations to self-determination and management of their estates in the Wet Tropics.



Allison Halliday, Dulabed Malanbarra Yidinji Traditional Owner / Director of Terrain NRM, with assistance of M'Lis Flynn from the Authority spoke about the extensive body of work, agreements and turning points that have contributed to the current natural and cultural resource management landscape.

Allison acknowledged the hard work of Elders and others over the past 30 years, referring to the 'our collective journey' diagram below. Allison highlighted the importance of the framework set by the Regional Agreement and the Aboriginal Cultural and Natural Resource Management Plan (the Bama Plan) in 2005.

A few of the key milestones that Allison referred to include:

- 1992: Rainforest Aboriginal Network
- 1994: Bama Wabu
- 1998: Which Way Our Cultural Survival – a document that provided a suite of recommendations and became the catalyst for an Interim Negotiating Forum (INF)
- 2001 – 2004: The INF facilitated more than 4 regional workshops of 200-300 people and 10 x 2 day negotiation forums between the Aboriginal Negotiation Team (ANT) and Government Negotiating Team (GNT)
- 2004: Aboriginal Rainforest Council (ARC) established
- 2005: The Regional Agreement was launched and a Rainforest Aboriginal Advisory Committee (RAAC) established

- 2005: The Bama Plan was launched
- 2008: ARC closed its doors
- 2010: Rainforest Aboriginal Peoples Alliance (RAPA) established – RAPA held a Rainforest Aboriginal summit and the 5 + 2 agenda prepared
- 2013: RAPA held the Warrama gathering
- 2014: RAPA held the Booran gathering
- 2014: RAPA established a partnership with James Cook University and Cairns Institute
- 2015: The RAPA, JCU and Cairns Institute partnership produced three Which Way Rainforest Bama Culture discussion papers: relisting the cultural values for World Heritage; Rainforest Aboriginal peoples-led management of the Wet Tropics; and economic development and sustainable livelihoods.



Allison acknowledged that it has been a combination of all of these important processes, the many organisations past and present, all of the documents, sheer hard work and determination which have led to this point today and shaped outcomes for Rainforest Aboriginal people. She emphasised a need to take the time to reflect, to pull out whatever remains relevant today and shape that into our path for the future.

Regional Agreement

The Regional Agreement was a catalyst for many things and it is important to recognise that not all Traditional Owner groups of the Wet Tropics partook in the development or signing of the document. The Regional Agreement is just one of the tools we can use to leverage opportunities for World Heritage management. Allison discussed the Regional Agreement in

more detail, explaining the outcomes which have been delivered and the elements of the Agreement that remain relevant and applicable today.

Elements of the Regional Agreement that have been implemented include:

- Aboriginal representation on the Authority's Board and inclusion on all committees i.e. the Community Consultative Committee (CCC) and the Scientific Advisory Committee (SAC)
- Creation of two Indigenous-identified Project Officer positions in the Authority and commitments to further Aboriginal employment within the Authority's Yellow Crazy Ant Eradication Program
- Creation of the Aboriginal Rainforest Council
- Establishment of the Rainforest Aboriginal Advisory Committee and the convening of the committee quarterly for seven years
- Facilitation of the listing of the Wet Tropics on the National Heritage List for its Aboriginal cultural values through the Regional Agreement
- Informing the way the Authority and the NPSR Queensland Parks and Wildlife Service did business and held meetings through the use of Agreement engagement protocols .
- The mapping of cultural values was achieved for several groups
- Aboriginal representation on land management boards such as Terrain NRM.

Aspects of the Regional Agreement that remain relevant today:

- Meaningful inclusion of Rainforest Aboriginal people in the management of the Wet Tropics World Heritage Area
- Culturally appropriate approaches to management and engagement.
- Support to develop a management plan for the National Heritage listing of Indigenous values.
- International listing of Aboriginal cultural values for the World Heritage Area. The National Heritage listing in 2012 was a necessary step but provides limited funding and protection.

Questions / comments from workshop participants	Responses
How does the Authority engage with Rainforest Aboriginal people that don't have native title, PBC or RNTBC but are involved in the management of the area?	From the Authority: We have invited PBCs, RNTBCs, and native title applicants to this workshop in light of a significant number of native title determinations in the Wet Tropics World Heritage Area. We have also invited native title applicants and groups without

established PBCs to ensure all tribal groups have the opportunity to participate. We have sought to be as inclusive as possible in our engagement approach and acknowledge that there are a diversity of Rainforest Aboriginal interests, and groups that are not at this workshop. We will continue to engage and work with all Rainforest Aboriginal interests and groups after this workshop through the Plan Review process and other engagement activities.

North Queensland Land Council: the Authority has employed an open approach with robust discussions and we will continue to work together to ensure that native title is appropriately considered during the Plan Review process. NQLC offered their planning expertise in any discussions that intersect planning and actions in padding out ways forward that intersect native title and other related matters etc.

The journey described (see image on page 18) has a natural resource management focus. Traditional Owners have a broader lens that includes a stronger focus on native title determined lands, economic development and social outcomes.

Outcomes:

The workshop participants:

2. Reaffirmed the support of Traditional Owner representatives at the workshop for the Regional Agreement principles and protocols to inform the way forward, subject to consideration of contemporary native title outcomes, agreements and aspirations.
 3. Acknowledged the commitment from North Queensland Land Council to help identify an appropriate legal process to honour original signatories to the Regional Agreement and identify appropriate Rainforest Aboriginal signatories for moving forward, noting priority for regional collaboration and local decision making.
-

Wet Tropics Management Plan Review – key issues and future directions

The purpose of this session was to report back on feedback from Rainforest Aboriginal people during earlier consultations as part of the Plan Review process, and to check that all issues had been captured appropriately. The Authority also sought to provide advice on its proposal to expand the Plan Review process to consult with Rainforest Aboriginal people on the development of a policy framework to complement the existing regulation (the Plan).



Max Chappell, the Authority's Manager Planning & Conservation reported on the way in which the Authority had undertaken consultation with Traditional Owners to date, noting that 30 meetings were held with PBCs, RNTBCs and Aboriginal Shire Councils. The Authority has received nine formal submissions from Aboriginal parties in relation to phase 1 of the Wet Tropics Plan Review.

Max noted that many issues raised by Rainforest Aboriginal people fell outside of the original scope of the phase 1 review, and also reflected the nature of issues raised by the wider community. Max stated that there are several issues which are not able to be addressed under the current Plan.

Max reported that in response to feedback from Rainforest Aboriginal people and the wider community, the Authority will recommend to its Board that the review scope be expanded to include consultations on:

- A strategic policy framework (part A). The policy framework will include policies, strategies and objectives of the Authority which address issues the Plan cannot address.

- A regulation component i.e. the Plan (part B). The regulation component will be updated to better accommodate the use of cooperative management agreements by Traditional Owners to realise economic and social development aspirations.

The outcomes of this workshop will help to shape the future direction of part A and part B of a new management system. The Authority acknowledges that it will need to formally address concerns raised by individual Rainforest Aboriginal groups during consultation and through formal submissions.

Key issues raised by Rainforest Aboriginal people at meetings during phase 1 and in formal submissions:

Topics raised in 'Have Your Say' booklet	Other topics raised outside scope of Phase 1 review
Recognising Aboriginal tradition, Cooperative Management Agreements, country-based planning	Cultural heritage protection, management, awareness
Wet Tropics zoning system	Caring for country / NRM issues
Changes to Zone D visitor sites	Permit issues – research, commercial tourism
Roads in the World Heritage area	Land tenure issues
Community services infrastructure	Economic and employment opportunities
Activities allowed under permit	Regional Agreement
Undesirable plants and animals	

The Authority's Plan Review presentation can be downloaded from:

<https://www.dropbox.com/sh/ioms9o0wadcnjdw/AAA1bT-TTmFKq72fyy7DBrU8a?dl=0>

Questions / comments from workshop participants	Responses
<p>Recognising Aboriginal tradition – In the Plan Review information brochures it sounds like you are considering addressing and responding to native title issues but this is not evident in the presentation of key issues. From a Yalanji perspective it's critical that the yellow and pink zones in our Cooperative Management Agreement (CMA) are retained to allow Traditional Owners to move back onto country and create economic development opportunities.</p>	<p>From the Authority: The Authority will recognise existing CMAs and is committed to working with Traditional Owners on their social and economic development aspirations though the development of new CMAs.</p>
<p>Plan Review timelines – 2019 is a long time for the plan to be in review before the amendment plan is endorsed. When do Rainforest Aboriginal people review it again?</p>	<p>From the Authority: The Authority will continue conversations with groups and the North Queensland Land Council to work through the issues in the lead up to phase two consultations in late 2018.</p>
<p>Future review process – Is there an opportunity to review the plan without going through the entire review process?</p> <p>The Terrain NRM idea of a digital version that can be periodically amended was identified as an idea to consider.</p>	<p>From the Authority: The regulation part of the Plan (part B) is reviewed every 10 years. The policy framework (part A) is more flexible. The Authority is exploring options such as a process to recognise Traditional Owner plans (e.g. country based plans and master plans) as the basis for CMAs to allow activities which would not otherwise be allowed under the Wet Tropics Management Plan.</p>
<p>Commercial activity permit quotas – Is there a number or quota of permits issued to non-Indigenous commercial bodies, and is there a way that a number of permits might be set aside for Aboriginal people to operate commercial operations when they are ready?</p> <p>A number of permits were set aside and outlined through the Regional Agreement. This fell down when ARC closed its doors. Unfortunately the government signatories didn't move to realise the permit allocation.</p>	<p>From NPSR: Permits for commercial activity are managed by the Queensland Parks and Wildlife Service though an application process, noting that there is a moratorium on granting new permits in the Daintree.</p>

Permitting process and timeframes – The permitting process whether it is with National Parks, the Authority or Marine Parks is lengthy with limited time available for Traditional Owners to address permit requests.

Outcome:

The workshop participants:

4. Agreed on the list of issues with the existing Wet Tropics Management Plan 1998, noting issues were captured on a group-by-group basis. These issues will need to be addressed by the Authority in consultation with Rainforest Aboriginal people in the pre-phase 2 consultation process.
-



Uluru Statement from the Heart

Rainforest Aboriginal people organised this session to provide an update on the outcomes of the 2017 First Nations Constitutional Convention held at Uluru from 23-26 May 2017. This included information on the Referendum process and the *Uluru Statement from the Heart*.



Terry O'Shane, a Director on the North Queensland Land Council Board was invited to the workshop by Rainforest Aboriginal people who attended the First Nations dialogues with him earlier in the year. Terry provided background information on the Referendum Council. He explained that the constitutional reform/recognition discussion goes back to the way that Australia was colonised. Terry said that Indigenous Australians are not recognised in a legal capacity and the referendum is an opportunity to talk about structural reform and change and to have people recognised as citizens.

Terry advised that the Referendum Council held 13 regional dialogues across Australia earlier this year, including in Cairns from 24-26 March 2017. This was followed by an assembly of First Nations people at Uluru from 23-26 May 2017 where 400 representatives from across Australia voiced their concerns from their own country. A *Statement from the Heart* was prepared to present the voice of Aboriginal people to the Australian parliament.

Terry shared his views about native title, Indigenous Land Use Agreements and the Authority's Plan review process. He reinforced that the Wet Tropics is Rainforest Aboriginal country. Terry suggested that Rainforest Aboriginal people talk to the Authority about how they want to sit at the table.

Phase 1 Plan Review consultations – Rainforest Aboriginal submission

The purpose of this session was to provide feedback on key themes emerging from consultations to date and seek direction and endorsement from the gathered representatives on finalising the Rainforest Aboriginal submission.



Bruce White, BioCultural ConneXions explained that his company was contracted by the Authority to prepare a Rainforest Aboriginal submission. Bruce acknowledged the Mandingalbay Yidinji Elder who passed away recently and was working with him on this contract. He also referred to the Which Way Our Cultural Survival document and recommendations. Bruce sought direction from participants regarding finalisation of the Rainforest Aboriginal submission.

Bruce presented the following summary of the key issues which he proposed form the basis of the Rainforest Aboriginal submission:

i. Duty of care:

The Wet Tropics Management Plan is a regulation or a law. It creates zones and defines what is permitted (i.e. allowed and not allowed). The Authority can change the way that permits are issued to better support Traditional Owners.

Cultural heritage duty of care Guidelines are not automatically triggered in the Wet Tropics World Heritage Area because the National Heritage listing of cultural values is not on the state register. A State cultural heritage listing could be pursued so that duty of care is triggered.

ii. Aboriginal Zoning in the Wet Tropics World Heritage Area

The Aboriginal estate is currently invisible on the Plan zoning maps. Native title has been determined in many of the areas affected by the Plan's zoning and regulation. To recognise these areas is to recognise a different management intent i.e. management where one would expect Aboriginal presence.

Proposal for an Aboriginal Management Zone where there is a contract between Authority and rangers for the management of the area. This could replace a CMA and be one streamlined agreement.

iii. Joint Management

Joint management is mentioned in the Act. This has been on the agenda since the beginning. Traditional Owners want management of the area. It is in the Authority's power to change zoning maps to reflect the Aboriginal estate.

Create a permit condition that there is Traditional Owner consent for an activity to proceed. Some people have freehold and they already have this condition. There is no ability to do this on National Parks.

iv. Development of the Aboriginal estate

Living on country and making money off that land. Develop guidelines so that approval of these kind of activities, permits or initiatives is not a barrier to Traditional Owners.

v. Income opportunities for Traditional Owners arising from your interests and rights in the Area

Many Rainforest Aboriginal groups have popular National Parks on their country. There is income generated on this land by tourism operations but nothing in place to channel funding to Traditional Owner organisations.

Is it in the power of the Plan to charge a fee although it is unclear whether there is a head of power for the Authority to do this. It is politically challenging to make this happen.

Directions for finalising the Rainforest Aboriginal submission

The purpose of this session was for Rainforest Aboriginal representatives to discuss the issues raised in the BioCultural ConneXions presentation. Workshop participants elected to keep the session open for an extended period to ask a number of strategic and technical questions of the government departments.



The Authority's Indigenous Advisory Members, Leah Talbot, Phil Rist, John Locke, Joann Schmider and Seraeah Wyles helped to facilitate the discussion.

Questions / comments from workshop participants

User pays in National Parks: What precedent is there for Traditional Owners to derive an income from the National Park estate?

Responses

From NPSR: There are two areas where there is specific legislation that allows Traditional Owners to own the land and derive an income stream through camping fees and support for joint management.

- Cape York – under the *Cape York Peninsula Heritage Act (CYPHA)*. The Cape York boundary was extended to include Eastern Kuku Yalanji protected areas but there are no current plans to extend further south into the Wet Tropics.
 - Stradbroke Island – under the *Stradbroke Island Sustainability Act*.
-

	<p>From the Authority: We would like to see the economic benefit generated in the Wet Tropics providing benefit to Traditional Owners. The Authority is open to supporting a regional funding or investment proposal to government about a way forward.</p>
<p>Joint Management: Joint management is a common interest of Rainforest Aboriginal people. 85% of the Wet Tropics World Heritage Area is National Park estate. Traditional Owners would welcome discussion of a joint management template with NPSR Queensland Parks and Wildlife Service and the Authority.</p> <p>Joint management does provide additional resources and has been a beneficial process, particularly in the Cape. However it is critically important to invest in the capacity of organisations before jumping on big aspirational issues.</p>	<p>From the Authority: The Authority has signed a new MOU with NPSR which has an emphasis on Aboriginal employment and a closer working relationship with the Queensland Parks and Wildlife Service to collectively make changes to involvement of Aboriginal people in the management of the World Heritage Area.</p> <p>The Authority has written to and met with Ministers to support the push for joint management to expand from the Daintree down into the Wet Tropics.</p>
<p>Future management of the National Parks Estate: What is the future management intent for National Parks in Queensland and how does that connect with aspirations of Rainforest Aboriginal people?</p>	<p>From NPSR: The National Park estate is forecast to grow from 8% to 17% of the State. The State can no longer be the sole managers with this projected growth and is exploring different ways to manage the protected area estate particularly in collaboration with Traditional Owners. The State is reviewing the Cape York Joint Management model to learn from the outcomes and move forward. The State doesn't want to assume that everyone wants to commit to the same model of Joint Management that we see in Cape York which is driven by legislation and government. There are other models in the Wet Tropics which are Traditional Owner led, like Indigenous Protected Areas.</p>
<p>Reviewing the Regional Agreement and the Wet Tropics Management Plan: There is a need to build in more consideration of economic development opportunities that are Traditional Owner priorities today.</p>	

Question to the Indigenous representatives on the Authority's committees: We have been here before, what are the mechanisms to make some change where there needs to be change?

The Regional Agreement has already been reviewed by Aboriginal people and reports are available. The Authority and other government departments need to review their role in implementing the Regional Agreement.

Ministers and Traditional Owners signed that – we need to dust it off and move forward now. The Regional Agreement revisions should be made as an addendum to the original document.

Authority's Indigenous Advisory Members:

This is one of the few opportunities with this Board to make some real change.

In 2005 around the time of the Bama Plan and Regional Agreement was when Rainforest Aboriginal people were most unified. Since then native title processes have led groups to focus locally.

This is the same conversation that we had back then and that we are having now. We all need to honour the Regional Agreement and move forward.

At its core the Regional Agreement was a set of principles and protocols—they still stand. In reaffirming the Agreement we are seeking to understand what those principles mean in today's context.

Where possible the principles of the Regional Agreement should be embedded in legislation – for example the Authority's Plan via policy and regulation to ensure that they do not fall off the table again as government and organisational priorities shift.

A revisited Regional Agreement needs to have a periodic health check built in to make sure it stays on track. This needs to include tools and procedures to evaluate our progress and should include ongoing support for the Indigenous Advisory Members.

Wet Tropics Management Plan Review – Respecting Rainforest Aboriginal tradition and existing agreements: From a Yalanji perspective Traditional Owners have been upset by the fact that the Wet Tropics Management Plan does not reflect our negotiated economic development areas and areas that we have negotiated agreements to move back onto country. The statutory plan is worse for Yalanji rights and interest.

From the Authority Chair: I will take this opportunity to formally apologise to Jabalbina for the zoning maps released in the consultation draft of the Plan not recognising the pink and yellow zones. This was a regrettable mistake. The Authority can confirm that the final zoning maps will recognise and enable the existing negotiated agreements.

Outcome:

The workshop participants:

5. Agreed to develop an addendum to the Regional Agreement, noting that Rainforest Aboriginal people do not want to alter the Agreement as it is currently known.
6. Confirmed the importance of establishing a five-year health check process to monitor, evaluate and improve involvement of Rainforest Aboriginal people in World Heritage Area management.

Closed Session – Directions on finalising the Rainforest Aboriginal submission

The purpose of this session was to further consider the key issues raised by BioCultural ConneXions and provide time for groups to discuss issues and consider directions in breakout groups.

Government and non-government organisation representatives respectfully left the room.

The facilitator, Ellie Bock, circulated the closed session notes and resolutions to participants separately to this outcomes report in the week following the workshop.



Day 1 wrap up

The purpose of this session was for representatives to provide feedback to the Authority and other government departments on the closed session deliberations. Given the importance of closed session discussions, there was limited time for reporting back.



Chrissy Grant, independent environmental services professional presented the outcomes of the break out group discussion focused on duty of care:

- Bama duty of care – to our lore and customs, duty of care to our peoples, our land and our country, this is something we need to work on ourselves and build into our Traditional Owner governance.
- Agency or organisational duty of care – this is unique to each agency e.g. the Authority, NPSR Queensland Parks and Wildlife Service, but should link with the Bama duty of care and broader agreements and plans.
- There should also be a code of ethics or guideline for researchers about appropriate ways of doing business on country.
- Each of these duties of care should link with each other and could be embedded in the Regional Agreement.

Workshop participants advised the Authority and other government departments that further time was needed to confirm outcomes from the other breakout groups.

Questions / comments from workshop participants**Responses**

Breaches in duty of care, protocols and agreed guidelines – If the duty of care guidelines are established, who do Traditional Owners seek support from when or if there are breaches of the protocols or guidelines? Perhaps the Authority could play a role here.

Chrissy Grant – We don't need to reinvent the wheel here, the Great Barrier Reef Marine Park Authority are developing similar protocols and the Aboriginal Cultural Heritage Act duty of care guidelines had input from the Aboriginal Rainforest Council. At the Traditional Owner group level, there is an opportunity to prepare your own guidelines and research priorities.



Day 2 - Sunday 22 October 2017

Recap of Day 1



Ellie Bock and Eric Wason, workshop facilitators provided the following summary of key messages from day 1:

- Recognition by the Authority that there is a need to improve the way business is done with Traditional Owners.
- National Parks, Sport and Racing are invested in strengthening collaboration.
- Support from NQLC to engage constructively with the Authority through a positive evolving relationship.
- Terrain NRM assists in supporting Traditional Owner management in the region through partnership and funding opportunities.
- There is goodwill but there are also real challenges in bringing about an enhanced, appropriate Plan that can support a strengthening of real and meaningful collaboration in managing this exceptional region into the future.

Questions / comments from workshop participants

Responses

The Authority's Board is committed to a rights based approach, in acknowledgement that most of the World Heritage Area is Native Title determined. Rainforest Aboriginal representatives here should take up the offer for the Authority and other government departments to review their role in the Regional Agreement.

How the Authority supports Traditional Owner capacity over the next 10 years

The purpose of this session was to respond to requests from Traditional Owners over the course of the workshop and to provide information on other support available through the Rainforest Aboriginal Engagement Framework. Also to clarify the agency position on the internal review of obligations under the Regional Agreement.



Rebecca Lagerroth, the Authority's Acting Executive Director acknowledged the frustration around the room, and the comments that we have heard this all before and what is the difference now. The opportunity we have now is that there is a group of people within the Authority, the Authority's Board and in other government and non-government organisations who have a shared vision and belief about the right way to do things and a desire to build this into the way we all do business in the Wet Tropics.

Rebecca handed out an information sheet that detailed the support currently available to Traditional Owners through the Rainforest Aboriginal Engagement Framework.



Sustainable Livelihoods

The Authority supports collaborative projects that contribute to the social, economic and cultural development of Rainforest Aboriginal people and the conservation and presentation of the Wet Tropics World Heritage Area.

There are opportunities for Rainforest Aboriginal people to:

- Get involved in the Wet Tropics Tour Guide Program, training and network events.
- Provide input into scientific research protocols to guide research activities and outcomes in the World Heritage Area.
- Develop strategies and products for presenting and promoting the Wet Tropics cultural landscape.
- Strengthen partnerships with the tourism industry and support emerging Aboriginal enterprises.

World Heritage Partnerships

The Authority supports projects, activities and events that empower Rainforest Aboriginal people to implement on-country management activities within and adjacent to the Wet Tropics World Heritage Area.

There are opportunities for Rainforest Aboriginal people to:

- Ask for the Authority's support towards Indigenous planning processes e.g. country based plans, master plans, and Indigenous Protected Areas.
- Formalise partnership arrangements within the World Heritage Area through Indigenous Land Use Agreements (ILUAs) and Cooperative Management Agreements (CMAs) - may include working groups for involvement in National Park management.
- Apply for Rainforest Aboriginal Grants from the Authority and Terrain to implement collaborative projects and support learning, mentoring between Rainforest Aboriginal people (including through Indigenous Ranger programs).
- Promote good news stories through the Rainforest Aboriginal News (RAN) and an annual People Country Culture Calendar.
- Participate in yellow crazy ant program taskforce activities to help with eradication efforts and get involved in other community group activities or events around the region.

Cultural Recognition

The Authority facilitates discussions with Rainforest Aboriginal people and other government agencies about the National Heritage Listing of Indigenous values and strengthening recognition of Aboriginal tradition in the management of Area and the potential World Heritage Listing of cultural values.

There are opportunities for Rainforest Aboriginal people to:

- Help improve the cultural capability of the Authority (and other agencies) by offering fee for service cultural awareness training on-country.
- Apply for positions with the Authority and support the involvement of Rainforest Aboriginal people on the Board, Community Consultative Committee (CCC) and Scientific Advisory Committee (SAC).
- Have a say in the review of the *Wet Tropics Management Plan 1998* to promote the recognition of Aboriginal tradition and the significant role that Rainforest Aboriginal people play in cultural and natural resource management in the World Heritage Area.
- Participate in upcoming processes (e.g. regional forums and/or working groups) to develop a joint action plan to progress Regional Agreement commitments through contemporary governance arrangements (in partnership with other agencies).

Rebecca referred to positive discussions between the Authority and the other government departments with World Heritage management responsibilities while Traditional Owners were in closed sessions. She invited Leslie Shirreffs and Wade Oestreich to report back on what the agency representatives had discussed during the closed sessions on Day 1:

Leslie Shirreffs, the Authority's Chair, noted that the key issues raised through phase 1 consultation and the directions from the floor at this workshop will be taken to the Authority's next Board meeting. She advised the participants that the government department representatives agreed to undertake a collaborative review of their respective roles and responsibilities under the Regional Agreement. This will determine what has and hasn't been done. It was acknowledged that a regular health check is critical for any agreements going forward.

Wade Oestreich, Acting Director General of National Parks, Sport and Racing noted the consistent messages he had heard from participants this weekend and that it's important we are realistic about what we can deliver. He advised participants that we will work together and invest our efforts in pursuing this, noting that the issues are complex and involve many different players e.g. the Department of Natural Resources and Mines is also a partner to the Regional Agreement. We also have a strong desire to understand why the Agreement didn't go anywhere from an agency perspective, this is critical in avoiding coming back to this same conversation in five or ten years.

Questions / comments from workshop participants	Responses
<p>Participants welcomed Leslie and Wade's comments and emphasised that it means following through on things agreed to a long time ago. It is also important to consider the body of work undertaken by Rainforest Aboriginal people in their 2010 Review. Considerable work has already gone into identifying key areas that require support e.g.</p> <ul style="list-style-type: none"> • Considerable gaps in support for Traditional Owner involvement in management of the Wet Tropics in the central region. We don't have any rangers in these areas and that must be addressed. • Support for cultural values database for each Traditional Owner group across the Wet Tropics – this has been initiated and completed by some groups however it is critical that others who have not started this process are supported to do so. "Our Traditional Knowledge is our global currency". • Recognise that there have been some regional level Indigenous Advancement Strategies prepared – these would be valuable in guiding future applications. 	<p>Leslie Shirreffs offered the Authority's support to progress a collaborative regional funding submission to resource the aspirations of Rainforest Aboriginal peoples.</p>
<p>Aboriginal Employment: Yesterday the Authority touched on its significant efforts in increasing Aboriginal employment from one to five. Is there a commitment or workforce plan to guide this into the future?</p> <p>Please also consider enhancing Traditional Owner involvement at all levels, from on-ground works to management and in light of the reason we are here today - planning.</p>	<p>From the Authority: We have a strategic workforce plan in place that confirms this is a priority of the Authority. We are also using other means like fee for service contracts to increase involvement and employment opportunities for Traditional Owners.</p>

Cultural Capability: The culture within Commonwealth and State agencies needs to improve for change to occur and for many of these issues to move forward.

From NPSR: The Director General is pushing cultural competency training down through all management positions in the Department of National Parks, Sport and Racing.

In response to cultural capability training raised by NPSR: We also need to see cultural competency incorporated into policy and legislation.

Outcomes:

The workshop participants:

- 7 Acknowledged the commitment of the Authority and other government departments to undertake an internal review of government's role in implementing the Regional Agreement to date. This includes clarifying roles and responsibilities of the Authority and relevant government departments and investigating policy and legislative opportunities to achieve Regional Agreement aspirations in a contemporary context.
- 8 Identified an opportunity to develop a collaborative regional funding submission with the Authority and relevant government departments to support Traditional Owner-led management and livelihood (i.e. cultural, social and economic) opportunities within the Wet Tropics World Heritage Area.



The Authority's Community Service Infrastructure permits update

The purpose of this session was to notify Rainforest Aboriginal people that Community Service Infrastructure (CSI) maintenance permits issued by the Authority are up for renewal. This was an opportunity to inform Traditional Owners about the CSIs on their land and provide an opportunity to provide any feedback about how the maintenance of this infrastructure is going.



Bruce Jennison, the Authority's Principal Conservation Officer detailed the Authority's responsibility to issue five-year permits for the maintenance of existing CSI. The Authority's CSI permits require that there be no additional disturbance beyond the area where the infrastructure already exists.

The renewal of the permits is an opportunity to discuss with Traditional Owners how the maintenance of this infrastructure is going and an opportunity for Traditional Owners to raise any issues with CSI providers. Examples of CSI providers include:

- Local governments - road and water supply maintenance
- Queensland government departments such as the Department of Transport and Main Roads and Queensland Rail
- Electricity Companies such as Powerlink and Ergon.

Bruce advised that letters and emails would be sent to RNTBCs over the next few days and this will include information on what CSI occurs where on their lands within the World Heritage Area. The letter advises the Authority wants to make sure Rainforest Aboriginal people have an opportunity to provide comment as part of the Authority's permit renewal assessment process. The letter seeks any feedback by 30 November 2017 but offers to provide additional time if this is sought by the RNTBC.

Closed Session – Directions for finalising the Rainforest Aboriginal submission

The purpose of this session was to further consider the key issues raised by BioCultural ConneXions and provide more time for groups to discuss issues and consider directions in breakout groups.

Government and non-government organisation representatives respectfully left the room.

The facilitator, Ellie Bock, circulated the closed session notes and resolutions to participants separately to this outcomes report in the week following the workshop.



Feedback from closed session

The purpose of this session was for the Rainforest Aboriginal representatives at the workshop to provide feedback to the Authority and other government departments regarding the offer to review their roles under the Regional Agreement, provide direction on the Rainforest Aboriginal submission and direction regarding finalisation of phase 1 of the plan review and commencement of phase 2.

The Authority's Indigenous Advisory Members, Leah Talbot, Phil Rist, John Locke, Joann Schmider and Seraeah Wyles formally presented the following action from the closed session discussions:

Phase 1 and Phase 2 – Wet Tropics Management Plan Review Consultations

This meeting welcomes the undertaking of the agencies to review their own roles under the Regional Agreement, acknowledging that Traditional Owners have reviewed the Agreement since 2010. The outcomes of the agencies review will be critical as part of phase 2 consultations.

This meeting agrees that:

BioCultural ConneXions draft Phase 1 Report, to include:

- the minutes from the Regional Traditional Owner Workshop 21-22 October 2017 at Palm Cove
- the notes from the workshop's closed sessions
- information collated to date from consultations
- presented phase 1 consultations summary presentations
- Review submissions, with confirmed consent from the submitting organisations.

The workshop participants agree that these key points form the basis of the Terms of Reference for finalising phase 1.

1. Cultural values not 'heritage' - Rainforest Aboriginal knowledge systems, traditional laws and customs
2. Duty of Care
3. Aboriginal Zoning in the Wet Tropics World Heritage Area
4. Aboriginal Management of Country
5. Land tenure related issues within the Area
6. Income opportunities for Traditional Owners arising from our interests and rights in the Area
7. Culturally informed approaches that strengthen the relationships and understanding the implications of Wet Tropics World Heritage Area, National Parks and other tenures and agreements, Native Title / Future Act Notices (as an example, the Wet Tropics Management Plan can override ILUAs and local government planning regulations and zonings)
8. Rights and interests of Traditional Owners (United Nations Declaration on the Rights of Indigenous Peoples, the Convention on Biodiversity, World Heritage Convention, the Nagoya Protocol and other applicable national and international conventions)

The finalised Phase 1 Report is to be submitted to the Authority by COB Monday 6 November 2017. Once phase 1 consultations have been concluded, the above eight points culturally inform phase 2 consultations including the guiding principles.

Outcome:

The workshop participants:

9. Provided clear directions for the consultant, BioCultural ConneXions, to finalise the Rainforest Aboriginal peoples' submission on the Plan Review process by 6 November 2017, including the eight key areas that need to be addressed to ensure meaningful involvement of Rainforest Aboriginal people in the management of the Wet Tropics World Heritage Area. Submission of this report will conclude phase 1 of the Plan review consultations.



World Heritage listing for cultural values

The purpose of this session was to provide information regarding listing of the Wet Tropics World Heritage Area for cultural heritage values.



Chrissy Grant, independent environmental services professional provided information about her professional background in World Heritage and cultural heritage management in various roles at the national and international level.

Chrissy Grant and Leah Talbot, the Authority's Indigenous Advisory Member

acknowledged that there are only four World Heritage Areas in Australia listed for their cultural heritage values: Kakadu National Park, Tasmanian Wilderness, Uluru-Kata Tjuta National Park and the Willandra Lakes Region.

Traditional Owners have sought to pursue a cultural listing for the Wet Tropics in the past however an area must be successfully listed for cultural values at a national level first. A cultural listing of the Wet Tropics on the National Heritage List was commenced in 2006. Rainforest Aboriginal people successfully achieved cultural heritage listing for Wet Tropics in 2012.

Now that this process is complete Rainforest Aboriginal people can nominate the Wet Tropics for World Heritage listing for its cultural values if they so desire. The issue of boundaries not following traditional country can also be addressed as part of a submission and re-assessment. However, Rainforest Aboriginal People have made it clear that they want to see outcomes from the National Heritage Listing work including a management plan for the cultural values before proceeding before considering relisting of the World Heritage area for cultural values. Additional funding needs to be secured to support a cultural heritage management plan and progressing a World Heritage cultural listing.

Management of the World Heritage Area using a rights-based approach must recognise that Australia is a signatory to numerous international agreements and declarations such as:

- The Convention on Biological Diversity and the Nagoya Protocol – The Nagoya Protocol refers to access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation.
- United Nations Declaration on the Rights of Indigenous Peoples – the Declaration includes the right to Free Prior and Informed Consent (FPIC).

Questions / comments from workshop participants	Responses
It is critical that the Board of the Authority see that they are not just limited by the Wet Tropics World Heritage Area legislation.	From the Authority Chair: While Australia is a signatory to many of these agreements, the Australian government has not translated this into policy at this time.
The review of the Plan should try to leverage the fact that the Australian Government is a signatory to these agreements.	These kinds of discussions are broader than the Wet Tropics Management Plan. However the Authority will continue discussions with North Queensland Land Council and the Indigenous Advisory Members to see what we can do by bringing together the available legislative tools to deliver on these aspirations.
Rainforest Aboriginal people successfully achieved a cultural heritage listing for the Wet Tropics in 2012. More information about the listing can be found here: http://www.environment.gov.au/heritage/places/world/wet-tropics	



The Authority response to the workshop participant's Terms of Reference for the finalising phase 1 consultations

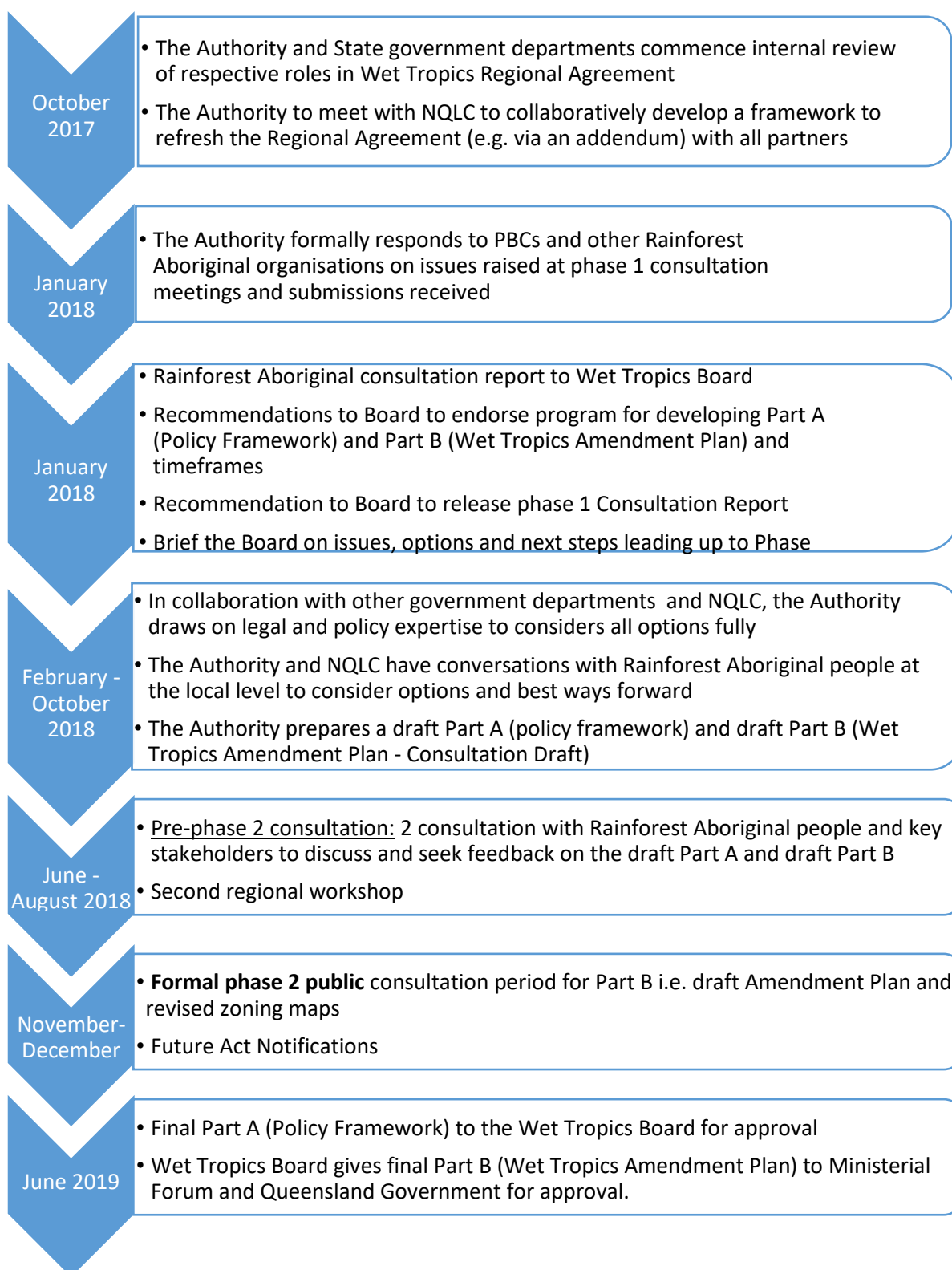
The purpose of this session was for the Authority to formally respond to the workshop participant's Terms of Reference and to present the proposed next steps for the Plan Review process.



Leslie Shirreffs, the Authority's Chair acknowledged the strong direction and advice provided by Rainforest Aboriginal representatives and calls for revised timeframes for the review of the Wet Tropics Management Plan.

Rebecca Lagerroth, the Authority's Acting Executive Director provided updated actions and timeframes for the Plan Review process, noting that this revised approach would need to be presented to the Board for approval at its next meeting.

Wet Tropics Management Plan Review – proposed next steps with Rainforest Aboriginal people and their organisations



Questions / comments from workshop participants	Responses
<p>Youth Forum: There is a need for future support for a youth forum which brings young people together and prepares them to support their Elders and become involved in decision-making in the Wet Tropics as future leaders of the Wet Tropics.</p>	
<p>Strategic work of the Aboriginal Partnerships team: Proposal that there is consideration of strategically aligning a portion of the work of the Aboriginal Partnerships team to the strategic aspirations of Bama at a regional level.</p>	
<p>The role and authority of RNTBCs and PBCs: PBCs don't hold the cultural authority the cultural authority comes from the people.</p>	
<p>Outcome:</p>	
<p>The workshop participants:</p>	
<p>10. Supported the Authority's revised approach for the Plan Review process (i.e. Part A policy context and Part B regulation), including revised timelines, noting that the pre-phase 2 stage will be a very important part of finding culturally appropriate solutions to issues raised through the phase 1 consultation.</p>	



Kaylene Malthouse, Chair of the North Queensland Land Council informed participants that the NQLC seeks a resolution from the floor about the ongoing involvement of the land council, the Authority's Indigenous Advisory Members, applicants, PBCs, RNTBCs, other Traditional Owners and other relevant organisations like Terrain NRM in revisiting the Regional Agreement and providing advice regarding the Wet Tropics Management Plan Review.





Rainforest Aboriginal representatives discussed the following resolution, making special provisions to include Traditional Owner groups who are not currently progressing their native title claims through the NQLC and to reflect emergence of organisations not in existence at the time the Regional Agreement was signed.

Resolution

In recognising Traditional Owner-led governance and shared resources involving the Board of the North Queensland Land Council, the Indigenous Advisory Members to the Authority and the Indigenous Director of Terrain NRM Ltd.

Regarding the agreement made by participants at this workshop about the eight points to culturally inform phase 2 consultations, including the guiding principles.

The resolution is that Traditional Owners across the Wet Tropics through their Prescribed Bodies Corporate and other representative organisations negotiate a collaborative framework with the Wet Tropics Management Authority and the Queensland Government in a series of negotiations to refresh the Regional Agreement with all partners and make the Wet Tropics Management Plan a document that recognises the rights and interests of Traditional Owners in 2018 and going forward.

Moved: John Locke **Seconded:** Alwyn Lyall
No objections. Carried unanimously.



Contact details for further information

If you have any questions about the regional workshop or the Plan Review process please don't hesitate to contact:

Eli Taylor

Project Officer – Aboriginal partnerships
Wet Tropics Management Authority
Phone: 07 4241 0505
Email: eli.taylor@wtma.qld.gov.au

Alicia Haines

Project Officer – Aboriginal partnerships
Wet Tropics Management Authority
Phone: 07 4241 0510
Email: alicia.haines@wtma.qld.gov.au

