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Senate Environment, Communications,
Information Technology and the Arts
References Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600Australia

Dear Chairman

INQUIRY INTO NATIONAL PARKS, OTHER CONSERVATION RESERVES AND
MARINE PROTECTED AREAS.

Thank you for the opportunity to appear before your committee; to make a late submission; and to contribute to your inquiry.

As executive officer of the Aboriginal Rainforest Council Inc, I wish to use this opportunity to address the Inquiry's terms of reference and draw your attention particular to the following:

TERMS OF REF. (A): VALUES OF NATIONAL PARKS ETC

1. the biological diversity of north-east Australia's wet tropical forested region is so significant and of such value to Australia and the World, it has been World Heritage listed and it is protected in accordance with the World Heritage Convention.
2. this same World Heritage biological diversity is, to a large extent, a gift to the present from our Aboriginal ancestors who by their practices, sustained and protected small remnant patches of rainforest diversity over many thousands of years, through ice age and drought.
3. the Wet Tropics World Heritage Area is NOT a biological landscape in which no ecological role was played by Aboriginal peoples: it IS, in fact, a biocultural landscape within which Aboriginal people have played a significant ecological role

TERMS OF REF (D): RESPONSIBILITIES OF GOVERNMENTS

4. Were governments and conservation agencies fail to fully appreciate the ecological role Aboriginal people have played over many thousands of years, they could run the risk of mismanaging eco-systems and, in this way, fail national and international responsibilities prescribed by legislation and the World Heritage Convention.
5. Also, within the Wet Tropics World Heritage region: unresolved native title compensation claims have been made to the Wet Tropics Area (for the injurious effect of the Wet Tropics management plan) and a number of native title determination applications have been registered. The Federal Court of Australia has made 5 positive determinations that native title exists within the region, at least 2 within National Parks.¹
6. Were governments and conservation agencies to fail to fully engage with, involve, and enable successful native title holders to manage and benefit from their traditional lands and waters within National Park and the Wet Tropics – then they could be responsible for robbing people's title of any real meaning.

TERMS OF REF (E): RECORD OF GOVERNMENTS

7. Within the Wet Tropics World Heritage Area government conservation agencies and the Aboriginal peoples have negotiated a formal Agreement² which may go some way to improving understanding and better involving local Aboriginal peoples in the management of the World Heritage Area.
8. The Aboriginal Rainforest Council arose out of negotiations for this Agreement to give the Agreement substance and to assist the Aboriginal parties to cooperatively and collaboratively manage World Heritage together with the conservation agencies³.

TERMS OF REF (B): SUFFICIENCY OF RESOURCES

9. The Aboriginal Rainforest Council has responsibilities, and potential, but does not have anywhere near the kind of funding and resources necessary to fully implement the Agreement and begin restoring Aboriginal people to some version of their former role within the ecology, habitats and ecosystems of the World Heritage Area.

¹ 5 positive determinations within the wet tropics world heritage region to date, with at least 2 pending (see attachment B to ARC submission below)

² The Wet Tropics of Queensland World Heritage Area Regional Agreement (2005)

³ Labelled World Heritage management agencies in the Agreement

10. . Should the conservation agencies and Aboriginal peoples of the Wet Tropics World Heritage Area find they can not involve Aboriginal people in management and begin (re)filling the landscape with Aboriginal people and meanings – then it can be expected further potentially preventable loss of critical biological diversity and cultural diversity will occur⁴

TERMS OF REF (C): THREAT TO OBJECTIVES OF NATIONAL PARKS ETC

11. At present the cost of implementing the Wet Tropics of Queensland World Heritage Area Regional Agreement and fully involving Aboriginal peoples in the management of World Heritage is well beyond the existing financial capacity and resources of conservation agencies.
12. Unless significant additional financial resources are forthcoming⁵, or significant restructuring and reprioritization occurs within conservation agencies (to start managing National Parks as 'biocultural' landscapes), Australia can be expected to fail national and international responsibilities to protect, conserve, rehabilitate, present, and transmit World Heritage to future generations.

The Aboriginal Rainforest Council's full submission explaining and elaborating on the above points is attached to this covering letter.

We hope the Committee is able to have some regard to, and give some attention to the kinds of issues identified above, many of which will be common across national parks and conservation reserves throughout Australia

Kind regards

Allison Halliday
Executive Officer

⁴ Perhaps the need to restore some version of Aboriginal burning to rare Mahogany Glider habitat is a good example

⁵ The Aboriginal Rainforest Council has initially estimated it will need a minimum of \$1 million per annum to implement its part of the Regional Agreement (and see people involved in managing national parks/World Heritage)

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BEYOND THE EXISTING FINANCIAL
CAPACITY OF CONSERVATION AGENCIES.

SUBMISSION TO THE SENATE ENVIRONMENT,
COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE
ARTS COMMITTEE.

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1.0 A BIOCULTURALLY DIVERSE REGION OF AUSTRALIA

1.1 BIOLOGICALLY DIVERSE

North-East Australia's wet tropical forests stretch along the ranges between Cooktown (north) and Townsville (south) and they have been described by the Australian Government to the World Heritage Committee as follows⁶:

" .. a major centre of biological diversity and provides the only habitat for numerous threatened species. Although accounting for only 0.26 percent of the Australian continent, the Wet Tropics conserves much of Australia's biodiversity" (Wet Tropics Management Authority 2002)

The biological diversity conserved within the wet tropical forested area is of such universal significance and value to Australia and the world that:

- a) it has been listed, internationally, as World Heritage - to be protected, conserved, presented, rehabilitated and transmitted to future generations in accordance with the World Heritage Convention
- b) the Australian Government, as a signatory to the World Heritage Convention, has undertaken to ensure the area, and its biological diversity are in fact protected, conserved, presented, rehabilitated and transmitted to future generations.

1.2 CULTURALLY DIVERSE

This same region is also home to one of Australia's largest regional Aboriginal populations⁷ with a number of distinctive

⁶ The Wet Tropics World Heritage Area has 42% of Australia's freshwater fish species 58% of its butterfly species and 65% of its fern species. Over 700 of its 2,800 plant species are endemic. More than 350 plant species are considered threatened and 98 of its animal species are listed as threatened (WTMA Submission 2006)

⁷ Often estimated at approximately 18 000 people with a particular interest in the Wet Tropics World Heritage Area, and is perhaps the largest regional population in Australia second only to Brisbane (ATSIC 1996 figures)

Aboriginal languages⁸ and a large body of indigenous heritage, knowledge, belief, and practice passed down to the present through many thousands of generations⁹.

This cultural diversity of the wet tropical forests is the inheritance of the Aboriginal peoples of the Wet Tropics World Heritage Area – valuable nationally and internationally. It is of such value that

- a) The Australian Heritage Commission (1988) listed Aboriginal stories telling of volcanic activity and once open eucalypt landscapes (where, now, there is rainforest) - describing a time that is a minimum of 12 000 years ago - as being among the worlds oldest dated stories/oral history
- b) Commonwealth and State Ministers arranged for a review of Aboriginal involvement in the management of the Area, which, when completed in 1998, was entitled "Which Way Our Cultural Survival?"
- c) Commonwealth and State Ministers have undertaken to nominate the cultural diversity of the Aboriginal peoples of north-east Australia's wet tropical forests for World Heritage listing, subject to the findings/outcomes of a detailed cultural mapping exercise,¹⁰ and a national listing by the Australian Heritage Council¹¹.

⁸ There are 18 'language' groups that currently make up the core of the Aboriginal Rainforest Council's membership, but the number of full language speakers within each language are too few small and there is a crisis in language loss occurring right across the region.

⁹ Dr Sandra Pannell, at the Rainforest Cooperative Research Centre has compiled, arranged and documented some of this body of heritage, knowledge, belief and practice to assist the Australian Heritage Council list and/or upgrade its listing for the Wet Tropics World Heritage Area

¹⁰ Three years national heritage trust funding was granted to the Aboriginal Rainforest Council through the Far North Queensland Natural Resource Management Body Ltd to undertake this mapping, and the project has started and is due to be complete in 2008.

¹¹ This is one of the outcomes of the Wet Tropics of Queensland World Heritage Area Regional Agreement signed in April 2005 and is consistent with the World Heritage Committee's expectations that listings be upgraded as new and further knowledge of an area is gained (see Section II of the World Heritage Committee's Format for Periodic Reporting)

1.3 A BIOCULTURALLY DIVERSE REGION OF AUSTRALIA

A recent UNESCO, Terra Lingua, and WWF report correlating geographic distributions of biological diversity with geographic distributions of linguistic and cultural diversity across the world found:

“biological diversity and cultural and linguistic diversity are not separate aspects of the diversity of life, but rather intimately related, and indeed, mutually supporting ones” (2003: 35)

A quick look at an Aboriginal language map of Australia, or Normal Tindale’s Aboriginal Tribal Boundaries map of Australia reveals a concentration of linguistic and cultural diversity coinciding with the biological diversity of north-east Australia’s wet tropical forests. (See Attachment A to this submission)

What is true for the world generally, it seems, is also true for Australia and the Wet Tropics World Heritage Area: biological diversity and Aboriginal cultural diversity coincide to make north-east Australia’s wet tropical forests one of Australia’s most bioculturally diverse regions of Australia.

2.0 NATIONAL & INTERNATIONAL RESPONSIBILITIES

2.1 INSTITUTIONAL ARRANGEMENTS

To fulfill Australia’s international undertakings and associated responsibility to protect, conserve, rehabilitate, present and transmit the universally significant biological diversity of the Wet Tropics World Heritage Area:

- inter-governmental agreements between the Commonwealth and Queensland State were entered into,
- a Wet Tropics Ministerial Council was established,
- a Wet Tropics Management Authority was formed to take primary responsibility for ensuring Australia’s international undertakings and responsibilities are fulfilled;

- significant funding was arranged/provided to the Wet Tropics Management Authority to assist establish itself within the wet tropics region and develop management plans;
- complementary legislation was passed forming the Wet Tropics Management Authority as a statutory body and empowering it to perform its role fulfilling Australia's international responsibilities;
- a Wet Tropics management plan was negotiated and gazetted as a regulation under the Wet Tropics World Heritage legislation – to become the Authority's primary statutory management tool¹²;
- the Authority assumed responsibility for managing, monitoring and reporting to government and the World Heritage Committee on the state of the world heritage area, in accordance article 29 of the World Heritage Convention.
- Service agreements have been entered into with the Queensland Environmental Protection Agency/ Queensland Parks and Wildlife Service for the protection, conservation, rehabilitation, presentation and transmission of World Heritage

2.2 THE MARCH OF POSITIVE NATIVE TITLE DETERMINATIONS

Since the north-east Australia's wet tropical forests were World Heritage listed, subsequent to the passing of *the Native Title Act* in 1993, the Federal Court of Australia has been systematically determining the traditions, laws, and customs of Aboriginal peoples across the Wet Tropics World Heritage Area are extant.

When determining native title exists in Barron Gorge National Park, for instance, Justice Spender, in December 2004, noted the opinion/fact:

¹² s53(1) of the Wet Tropics World Heritage Protection and Management Act requires this Plan to be reviewed no later than 10 years after its approval (2005) .. and is now overdue for review and possible amendment.

It is a matter of some misfortune that, as part of this review, Queensland crown law appears to have advised that the Authority is unable, within its current legislative limits, to adopt a 'biocultural' zone scheme (Authority advice provided to ARC regional conference June 2006)

'For Djabugay people, the physical features of the claim area not only affirm the veracity of Bulurru Law but they also stand as tangible proof of the continued presence of Bulurru ancestral and totemic beings on and in Djabugay country (bulmba).

In summary, the physical landscape, and in particular the "Storyplaces" and "Storywaters" associated with Bulurru, serves as evidence of the inalienable connection that exists between the Djabugay claimants, ancestral Bulurru beings and the lands and waters which comprise the claim area.' [2004] FCA 1652

There is, in fact, a slow progressive march of Federal Court native title determinations of this kind working through almost the whole of the Wet Tropics World Heritage Area, confirming and demonstrating to the World, the Wet Tropics remains a truly rich, bioculturally diverse part of Australia¹³. Included in this submission, and attached, are

2.3 ENCOUNTERING A BIOCULTURAL LANDSCAPE

The conservation agencies charged with managing the World Heritage Area, strive from within existing financial and resource bases to respond to the increasingly evident biocultural nature of the landscape they are managing.

Both the Wet Tropics Management Authority and Queensland Environmental Protection Agency have established programs and/or units within their offices to assist encourage awareness of the cultural aspect of the landscape, and to facilitate cooperation and liaison with the Aboriginal peoples of the Wet Tropics¹⁴:

The web page for the Wet Tropics Management Authority (2006) describes, explains, and promotes awareness of the Aboriginal cultural aspect of the landscape, stating:

¹³ To date - positive native title determinations have been made for:

- i. the Bar-Barrum people - [2001] FCA 868
- ii. the Djabugay people - [2004] FCA 1652
- iii. the Western Yalanji people - [2006] FCA 72
- iv. the Mandingalbaj Yidinji people - [2006] FCA 436

¹⁴ The Authority has an 'Aboriginal Resource Management Program' within its structure, which includes 3 Aboriginal community liaison officers & the Environmental Protection Agency has an 'Indigenous Engagement Unit' with at least 2 Aboriginal officers committed to the Wet Tropics region.

“To Rainforest Aboriginal people, the Wet Tropics World Heritage Area is a series of complex “living” cultural landscapes. This means that natural features are interwoven with Rainforest Aboriginal people's religion, spirituality, economic use (including food, medicines, tools) and social and moral organisation..”

“...Story places (natural features such as mountains, rivers, waterfalls, swimming holes, trees) are parts of the Wet Tropics landscape that are important to Rainforest Aboriginal people ... These places have powerful meaning and properties. They may be considered dangerous to approach or take resources from, except in prescribed ways or by the right person. These places must be respected, not damaged and must be managed carefully by the expert guidance of the relevant Traditional Owners.”

As conservation agencies work and strive to fulfil their national and international responsibilities; even as positive native title determinations march onwards, it is becoming increasingly evident (self evident to some!) that the World Heritage Area:

- a) is not, in fact, a biological landscape to be emptied of human agency, but,
- b) it is, rather, a biocultural landscape which may need to be (re)filled with some version of Aboriginal agency¹⁵

Included and attached to this submission is a sketch of some of the research is beginning to describe and highlight the extent to which human/Aboriginal agency has played a significant part promoting and sustaining the universally significant biological diversity of the Wet Tropics World Heritage Area (see Attachment B).

2.3 NATIONAL AND INTERNATIONAL RESPONSIBILITIES

A quick review of the World Heritage Convention and its Operational Guidelines reveals that at the national and international level there a growing expectation that nation

¹⁵ ie it is in fact a bio-physical landscape within which many thousands of generations of Aboriginal peoples have played a key role within local eco-systems co-evolving within those eco-systems, affecting distributions of flora and fauna, critical to sustaining contemporary biological diversity.

states will adopt a biocultural approach to fulfilling their responsibilities to protect, conserve, rehabilitate, present and transmit World Heritage to future generations.

It can be seen for instance:

- a) The World Heritage Convention is a "Convention concerning the protection of World cultural AND natural heritage" .
- b) The World Heritage symbol authenticating World Heritage within the meaning of the World Heritage convention, is a square (culture) within a circle (nature)
- c) Article 1 of the World Heritage Convention includes within its definition of cultural heritage:

" .. the combined works of nature and man .. of outstanding universal value .."

- d) The operating guidelines for the World Heritage Convention combine cultural and natural criteria for World Heritage listing into a single set of criteria including criteria for World Heritage Areas to:

"(v) be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change;

(vi) be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria)"

- e) Article 29 of the World Heritage Convention requires nation states to report on the state of world cultural and natural heritage and the operational guidelines specifically request nation states to periodically reconsider "Statements of Universal Value" and they ask

"In the view of the State Party, does the Statement of Outstanding Universal Value adequately reflect the outstanding universal value of the property or is a re-

submission necessary? This could be considered, for example, to recognise cultural values of a World Heritage property inscribed for its outstanding natural value, or vice-versa. This may become necessary either due to the substantive revision of the criteria by the World Heritage Committee or due to better identification or knowledge of specific outstanding universal value of the property.'

At present the next periodic date for Australia to reconsider the Statement of Universal Significance for the Wet Tropics World Heritage Area is approaching (due approx 2008)

As a Commonwealth funded 'cultural mapping' exercise is being completed (in time for the next report) – the statement of universal significance for the Wet Tropics World Heritage Area may be resubmitted to more accurately and properly the area as a biocultural landscape of universal significance.¹⁶

2.4 DIFFICULT RESPONSIBILITIES TO FULFIL

At present environmental scientists' and conservation agencies remain are still in a poor position to fully understand the part Aboriginal people have played sustaining biological diversity.

The cooperation and collaboration of the Aboriginal peoples of the Wet Tropics region is necessary to improve this position.

Without a full understanding of the ecological role Aboriginal peoples have played over many thousands of years and many thousands of generations, conservation agencies are in a poor position to see and effectively manage the Wet Tropics World Heritage Area for what it is: ie a biocultural landscape

Again, the cooperation and collaboration of the Aboriginal peoples of the wet Tropics region is necessary to improve this position

Were conservation agencies to fail to gain the effective cooperation and collaboration of the Aboriginal peoples of the Wet Tropics World Heritage Area, then, it can be expected there will be further, preventible loss of World Heritage biological diversity.

¹⁶ This is an outcome of the Commonwealth/State review "Which Way Our Cultural Survival" plus the Wet Tropics of Queensland World Heritage Area Regional Agreement for the involvement of Rainforest Aboriginal people.."

Loss of World Heritage biological diversity would represent a failure by the Australia government to meet our international responsibility to protect, conserve, present, rehabilitate and transmit biological diversity to future generations.

3.0 CWLTH & STATE STATUTORY OBJECTIVES

3.1 COMMONWEALTH STATUTORY OBJECTIVES.

The Commonwealth Parliament effectively recognised, in part, the biocultural nature of the Wet Tropics World Heritage Area and the need to involve Aboriginal people in management when it passed the *Wet Tropics of Queensland World Heritage Area Conservation Act 1994* and stated in the Preamble:

“Aboriginal people have occupied, used, and enjoyed land in the Area since time immemorial.

The Area is part of the cultural landscape of Rainforest Aboriginal peoples and is important spiritually, socially, historically and culturally to aboriginal people particularly concerned with the land.

It is .. the intention of the Parliament to recognise a role for Aboriginal peoples particularly concerned with land and waters in the Area, and give Aboriginal peoples a role to play in its management.”

3.2 STATE STATUTORY OBJECTIVES

The Queensland Parliament similarly recognised, in part, the biocultural nature of the Wet Tropics World Heritage Area when it signalled its intention for Aboriginal peoples to make a significant contribution to the future management of the Area. In passing the *Wet Tropics World Heritage Protection and Management Act 1993* it was stated in the Preamble

“It is .. the intention of the Parliament to acknowledge the significant contribution that Aboriginal people can make to the future management of cultural and natural heritage within the area, particularly through joint management agreements. ”

The Queensland Parliament supplemented its intention for Aboriginal people to make a significant contribution to

management, by making it a function of the Wet Tropics Management Authority (the Authority) to:

10 (1)(f) "enter into, and facilitate the entering into of, cooperative management agreements (including joint management agreements) with .. Aboriginal people particularly concerned with land in the wet tropics area"

plus requiring the Authority, in performing all of its functions, to:

10 (5)(a) "have regard to the Aboriginal tradition of Aboriginal people particularly concerned with land in the wet tropics area

10 (5)(b) "liaise and cooperate with Aboriginal people particularly concerned with land in the wet tropics area"

3.3 STATUTORY OBJECTIVES - SOUND MANAGEMENT PRACTICE!

Accepting the wet tropical forests are not a natural biological landscape empty of human/Aboriginal agency, but rather, in fact, a biocultural landscape within which Aboriginal people have played (and may still play) a significant ecological role sustaining biological diversity –

It would seem the statutory objectives outlined above make sound management practice:

- a) encouraging awareness of Aboriginal traditions and promoting cooperation with Aboriginal peoples in the management of the World Heritage Area; and
- b) providing for conservation agencies to involve Aboriginal peoples and manage the Wet Tropics World Heritage Area as a biocultural landscape; and
- c) going some way towards fulfilling national and international responsibilities and preventing potential loss of biological (& cultural) diversity through lack of regard for the role and place of Aboriginal peoples in the ecology of the Wet Tropics World Heritage Area

4.0 ARRANGEMENTS TO FULFIL RESONSI BILITIES AND OBJECTIVES.

4.1 AN AGREEMENT TO INVOLVE ABORIGINAL PEOPLE

Wet Tropics Management of Queensland World Heritage Area Regional Agreement for the involvement of Rainforest Aboriginal people in the management of the Wet Tropics of Queensland World Heritage Area signed by:

- the Parliamentary Secretary to the Minister for the Environment and Heritage representing Minister Ian Campbell;
- the Queensland Minister for Environment, Local Government, Planning and Women;
- the Queensland Minister for Natural Resources and Mines
- the Chair of the Wet Tropics Management Authority
- representatives for each of the 18 rainforest Aboriginal groups with a particular interest in the Wet Tropics World Heritage Area.

The effect of this agreement is to give some substance to the Commonwealth and Queensland Parliaments intentions to see Aboriginal people make a significant contribution to the management of the Wet Tropics World Heritage Area.

The Preface to this Agreement reads as follows:

The Wet Tropics of Queensland World Heritage Area Regional Agreement provides for the cooperative management of the Wet Tropics of Queensland World Heritage Area by Rainforest Aboriginal people and the Australian and Queensland Governments..

..The Australian and Queensland Governments acknowledge Rainforest Aboriginal peoples' aspirations, cultural values, spiritual links and obligations to the land and the waters of the wet tropics area

The Rainforest Aboriginal people acknowledge that World Heritage Management agencies have statutory responsibilities to plan and manage the wet tropics in accord with Australia's international obligations

This agreement recognises the significant contribution Rainforest Aboriginal people can make

A copy of the Agreement is attached to this submission and marked Attachment C.

4.2 A CORPORATE BODY TO INVOLVE ABORIGINAL PEOPLE

The Aboriginal Rainforest Council Inc was created out of Commonwealth, State and Aboriginal Wet Tropics Regional Agreement negotiations to give the Agreement substance and assist the Aboriginal parties implement the Agreement and become effectively involved in the management of the Wet Tropics World Heritage Area.

The Aboriginal Rainforest Council Inc has at its core a membership of 18 Aboriginal groups that exist as a matter of tradition, with a particular interest in the Wet Tropics World Heritage Area.

(The core member groups of the Council are the signatories to the Wet Tropics Regional Agreement as listed in that Agreement – see Attachment C)

The corporate objects of the Aboriginal Rainforest Council Inc (and its purpose) include objects to

- (1) overcome Rainforest Aboriginal peoples social, economic, and cultural disadvantage in the wet Tropics region of Australia, and assist ensure their future cultural survival;
- (2) represent Rainforest Aboriginal peoples and help coordinate their efforts to protect and manage Aboriginal cultural heritage and values in the wet Tropics region
- (3) establish and manage an independent office or agency with the capacity to;
 - (a) facilitate the effective participation of Rainforest Aboriginal peoples in the management and protection of Aboriginal heritage and values ..
 - (b) ..provide resources, research, assistance and advice in relation to Rainforest Aboriginal peoples' involvement in the management of north-east Australia's wet tropical forests
- (4) see the Wet Tropics world Heritage Area recognised, respected, protected and managed as a Rainforest

Aboriginal [bio]cultural landscape of outstanding, universal value.

The Aboriginal Rainforest Council is incorporated under *Queensland's Associations Incorporation Act 1981*, and its constitution is sufficiently flexible to enable include within its structure:

- a) operational management working groups set up in accordance with the Wet Tropics regional agreement to assist on-the-ground national parks management
- b) native title working groups and native title applicants relied upon by native title representative bodies to progress applications to the Federal Court for native title determinations under the *Native Title Act 1993*
- c) native title prescribed body corporates responsible for protecting and managing Aboriginal native title in those cases where the Federal Court determines native title exists
- d) cooperative management committees to oversee the management of parts of the Wet Tropics World Heritage Area, of a kind that is currently proposed to be piloted and/or trialed for the Misty Mountains section of Woornooran National Park
- e) other Aboriginal advisory committees such as the Wet Tropics Aboriginal Advisory Committee established under Wet Tropics World heritage legislation and the Traditional Owner Advisory Committee relied upon by the Far North Queensland Natural Resource Management Body to advise and assist implement natural resource management plans (including a specifically Aboriginal natural resource management plan for the Wet Tropics region)

6.0 BEYOND FINANCIAL CAPACITY

The Wet Tropics World Heritage Area Regional Agreement was only signed (and celebrated) on 29 April 2005.

The Agreement is intended to assist conservation agencies and Aboriginal parties to achieve Commonwealth and State statutory objectives of the kind identified in 3.0 above.

The Agreement also holds significant potential to assist Commonwealth and State Governments to fulfil national and international responsibilities to more properly and effectively protect, conserve, rehabilitate, present and transmit world heritage to future generations.

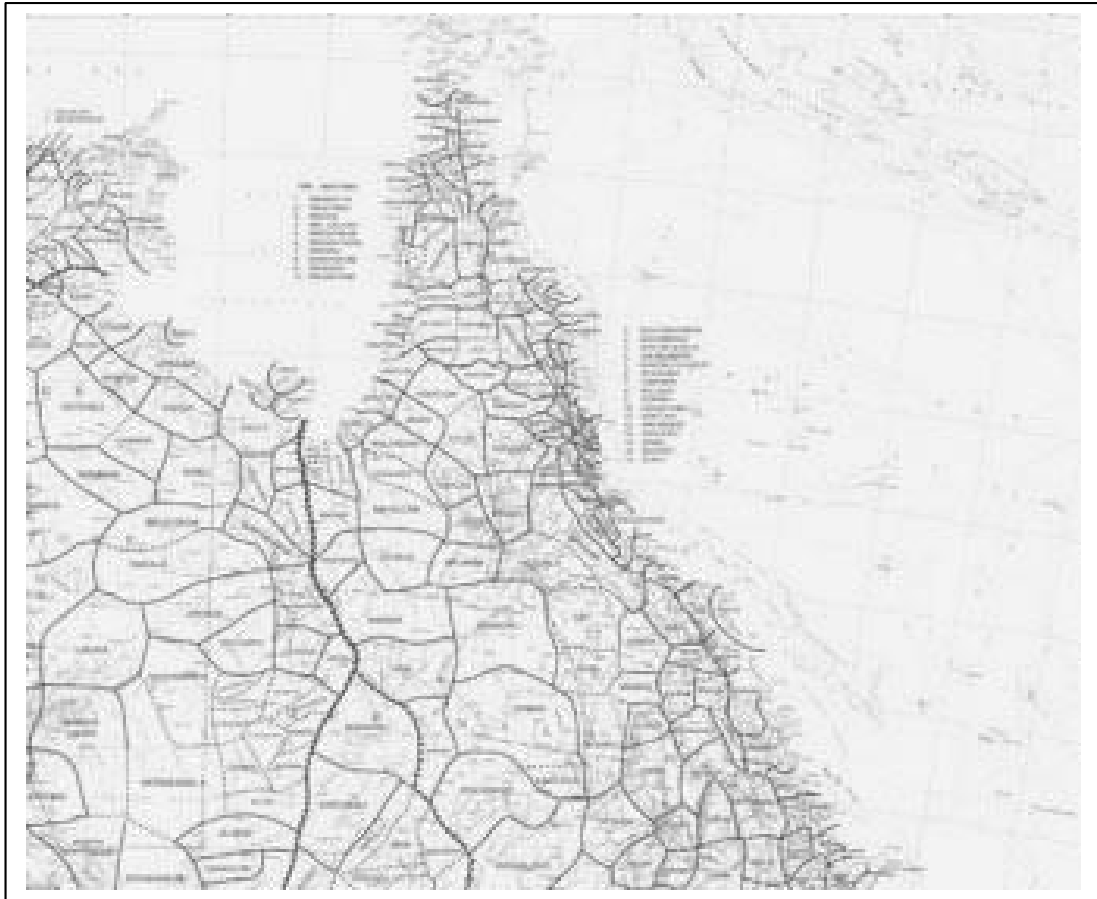
Within the Agreement the Aboriginal Rainforest Council's holds significant responsibility, and, at present, very poor and uncertain funding and resourcing. Ultimately staffing must be expanded beyond two people, and all those committees and sub-committee which will so effectively integrate so much and involve so many Aboriginal peoples in the management of the world heritage area, will have to be funded and/or paid for – or ultimately fall down and fail.

It is a great misfortune, and potentially a little short sighted, that at a time when the conservation agencies and Aboriginal peoples are expanding relationships to better and more effectively fulfill statutory objectives and international responsibilities .. Commonwealth funding for the management of world heritage areas has been dramatically (drastically?) reduced from what it was 10 years ago:

The Commonwealth component of funding for the four World Heritage areas, wholly or partly in Queensland, the Wet Tropics, CERRA, Fraser Island and Riversleigh Fossil Site has fallen from \$7,066,000 in 1997-8 to \$3,366,600 for the 2004/5 financial year (Queensland EPA data). (from IUCN submission to the Senate Committee's inquiry)

ATTACHMENT A:

GEOGRAPHICAL DISTRIBUTIONS OF ABORIGINAL CULTURAL DIVERSITY ACROSS QUEENSLAND?



Map above is a copy of a portion of Norman Tindale's Aboriginal tribal boundaries map (1974) –a useful indicator of patterns and geographic distributions of cultural diversity across North Queensland.

Note: while the reproduction is poor, it never-the-less serve to show the dense concentration of groups coinciding with the Wet Tropics World Heritage region (see table of lands off north-east Queensland's coast). Biological diversity and cultural diversity can be seen to coincide, making north-east Australia's wet tropical forests one of the most bio-culturally diverse regions of Australia!

ATTACHMENT B

BRIEF SUMMARY OF SOME OF THE RESEARCH AND FINDINGS EVIDENCING THE KEY ROLE ABORIGINAL PEOPLES HAVE PLAYED WITHIN WET TROPICAL ECO-SYSTEMS

- a) Pollen sampling for Lynchs Crater, in combination with a number of archaeological dates for sites neighbouring the wet tropics, has confirmed Aboriginal people have been living in and 'fire-stick' farming the Wet Tropics World Heritage Area for in excess of 50 000 years
- b) Charcoal sampling by researchers with the CSIRO in combination with recent research into Aboriginal land management practices in the Wet Tropics reveal that 10 000 years ago most of the Wet Tropics was open, burned woodland; that Daintree/ Cape Tribulation rainforest (the 'gem' of wet tropical biological diversity) up until 2000 years ago existed only as patches of rainforest/ key biological diversity within a burnt open woodland – ie patches of biological diversity were in part valued, protected, and sustained by the Aboriginal 'fire stick' farming
- c) Annual reports of the Wet Tropics Management Authority have over a number of years identified the threat to world heritage biological diversity posed by the recent withdrawal of Aboriginal fire regimes throughout the World Heritage area and particularly along the wet sclerophyll- rainforest boundaries (eg rare mahogany glider habitat etc)
- d) Archaeological research is revealing that much of the pre-forestry distribution (& clumping) of biota including cycads, pines, and nut-trees had been shaped/influenced by Aboriginal use and practices as Aboriginal peoples co-evolved with changes in the environment over the last 50 000 years.

ATTACHMENT C

SUCCESSFUL NATIVE TITLE DETERMINATIONS IN THE WET TROPICS WORLD HERITAGE REGION.

(Summary Extracts from the National Native Title Register).

Bar-Barrum People

Case name:	Congoo v Queensland [2001] FCA 868
State/Territory:	Queensland
Location:	Atherton Tablelands
Outcome:	Native title exists in parts of the determination area
Native title holders:	Bar-Barrum People
Legal process:	Consent determination
Date of determination:	28/06/2001
Registered on the National Native Title Register:	Yes
Registered native title body corporate:	Bar-Barrum Aboriginal Corporation
Application(s) affected by the determination:	
Short name:	Bar-Barrum People
Application type:	Native title determination application: claimant
Tribunal file no:	QC96/105
Federal Court file no:	QUD6222/98
Fully or partially determined:	Fully determined

Djabugay People

Case name:	Djabugay People v State of Queensland [2004] FCA 1652
State/Territory:	Queensland
Location:	Kuranda, north west of Cairns
Outcome:	Native title exists in the entire determination area
Native title holders:	Djabugay People
Legal process:	Consent determination
Date of determination:	25/07/2005
Registered on the National Native Title Register:	Yes
Registered native title body corporate:	Djabugay Native Title Aboriginal Corporation
Application(s) affected by the determination:	
Short name:	Djabugay People
Application type:	Native title determination application: claimant
Tribunal file no:	QC94/4
Federal Court file no:	QUD6002/98
Fully or partially determined:	Fully determined

Mandingalbay Yidinji People

Case name: Mundraby v State of Queensland [2006] FCA 436
State/Territory: Queensland
Location: South East of Cairns
Outcome: Native title exists in the entire determination area
Native title holders: Mandingalbay Yidinji People
Legal process: Consent determination
Date of determination: 24/04/2006
Registered on the National Native Title Register: Yes
Registered native title body corporate: Mandingalbay Yidinji Aboriginal Corporation
Application(s) affected by the determination:
Short name: Mandingalbay Yidinji People #1
Application type: Native title determination application: claimant
Tribunal file no: QC99/40
Federal Court file no: QUD6015/98
Fully or partially determined: Fully determined

Western (Sunset) Yalanji

Case name: Western Yalanji or "Sunset" peoples v Pedersen (Unreported, FCA, 28 September 1998, Drummond J)
State/Territory: Queensland
Location: Near Cairns
Outcome: Native title exists in parts of the determination area
Native title holders: Western Yalanji Peoples
Legal process: Consent determination
Date of determination: 28/09/1998
Registered on the National Native Title Register: Yes
Registered native title body corporate: Western Yalanji Aboriginal Corporation
Application(s) affected by the determination:
Short name: Western (Sunset) Yalanji
Application type: Native title determination application: claimant
Tribunal file no: QC95/10
Federal Court file no: QUD6002/96
Fully or partially determined: Fully determined

Western Yalanji People

Case name: Riley v State of Queensland [\[2006\] FCA 72](#)
State/Territory: Queensland
Location: Lot 285 on Survey Plan 108034, Parish of Tregoora, and Lot 1 on Crown Plan CF14, Parish of Harbord, County of Chelmsford

Outcome: Native title exists in the entire determination area
Native title holders: Western Yalanji People
Legal process: Consent determination
Date of determination: 18/05/2006
Registered on the National Native Title Register: Yes
Registered native title body corporate: Western Yalanji Aboriginal Corporation
Application(s) affected by the determination:
Short name: Western Yalanji People #3
Application type: Native title determination application: claimant
Tribunal file no: QC98/39
Federal Court file no: QUD6089/1998
Fully or partially determined: Fully determined