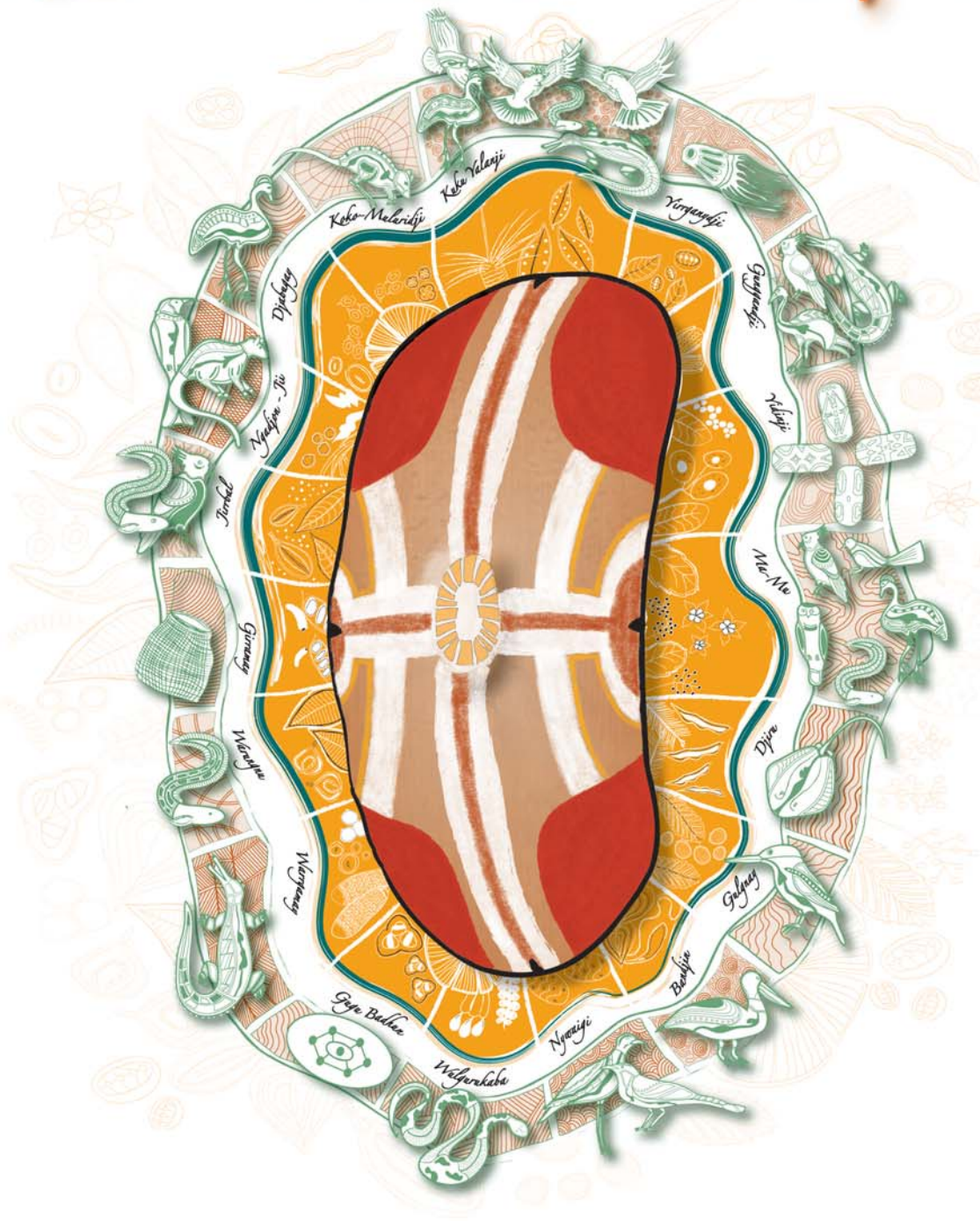


The Wet Tropics

of Queensland World Heritage Area



Regional Agreement

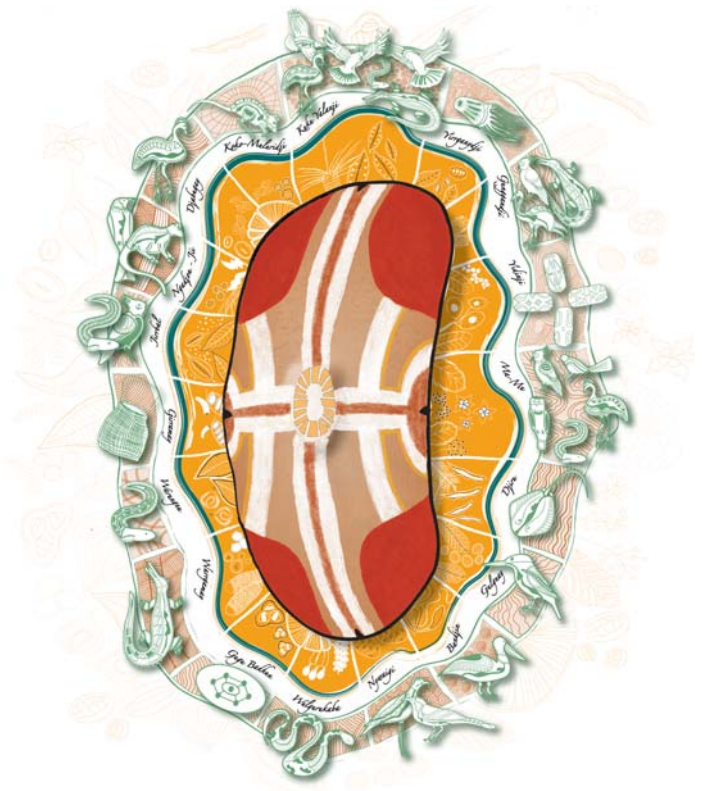


The Wet Tropics of Queensland World Heritage Area Regional Agreement artwork signifies the historical agreement in 2005 between 18 Rainforest Aboriginal tribal groups and the Australian and Queensland Governments to cooperatively manage the wet tropics area.

Central to the Agreement artwork is a rainforest ceremonial fighting shield. Shields are unique to Rainforest Aboriginal culture and represent Rainforest Aboriginal customary lore.

The shield design is contemporary, and symbolises Rainforest Aboriginal people coming together as 'one voice' from throughout the wet tropics area to work with government agencies to manage cultural and natural heritage.

Surrounding the shield are traditional foods and medicinal resources that represent Rainforest Aboriginal peoples' customary use of the wet tropics area. The outer artwork is made up of tribal totems that represent the cultural identity and the spiritual connection that each Rainforest Aboriginal tribal group has with their country.



Copies of this Agreement are available from:

Wet Tropics Management Authority
Level 1/15 Lake St or PO Box 2050,
Cairns QLD 4870

Phone: (07) 4052 0555
Fax: (07) 4031 1364
Or visit our website at: www.wettropics.gov.au

Aboriginal Rainforest Council (ARC)
277 Hartley St
Cairns QLD 4870

Phone: (07)4035 5213
Email: ARCINC1@bigpond.com

This publication should be cited as the Wet Tropics Management Authority (2005), Wet Tropics of Queensland World Heritage Area **Regional Agreement**.

© Wet Tropics Management Authority (April 2005)

ISBN 0 9752202 3 3

Wet Tropics 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*

*between Rainforest Aboriginal people and the
Wet Tropics Management Authority, Environmental Protection Agency/
Queensland Parks and Wildlife Service, Department of Natural
Resources and Mines, (Queensland Government) and the
Department of the Environment and Heritage (Australian Government)*

Preface

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 18 Rainforest Aboriginal tribal groups represented in the wet tropics area, together with the Minister for the Environment and Heritage representing the Australian Government, the Minister for Environment, Local Government and Planning and Women and the Minister for Natural Resources and Mines representing the Queensland Government, and the Chair of the Wet Tropics Management Authority have committed to this Regional Agreement in the spirit of good will and respect.

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 area in accord with Australia's international obligations.

This Agreement recognises the significant contribution Rainforest Aboriginal people make to the management of the region's cultural and natural heritage values of the wet tropics area.

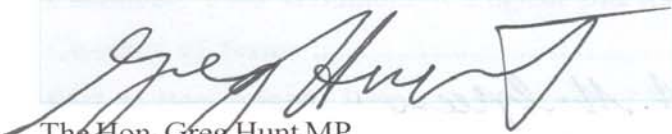
In recognition of their respective responsibilities, rights and interests in the region, all parties commit to the mechanisms for cooperative management of the Wet Tropics of Queensland World Heritage Area as outlined in the Regional Agreement.

Figure 1: Structure of the Regional Agreement

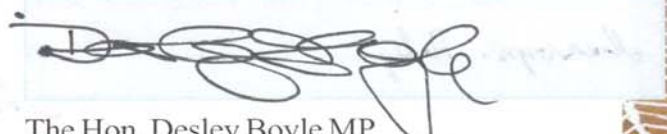


Signatories

This agreement is made the 29th day of APRIL 2005
BETWEEN the following organisations.



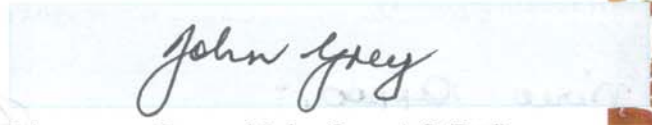
The Hon. Greg Hunt MP
Parliamentary Secretary to the Minister for the
Environment and Heritage representing
Minister Ian Campbell



The Hon. Desley Boyle MP
Queensland Minister for Environment,
Local Government, Planning and Women



The Hon. Stephen Roberston MP
Queensland Minister for Natural Resources
and Mines



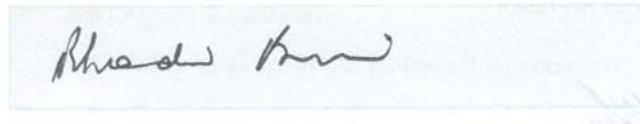
Lieutenant General John Grey AC (Rtd)
Chair, Wet Tropics Management Authority



Bandjin Signatory



Bandjin Signatory



Djabugay Signatory



Djabugay Signatory



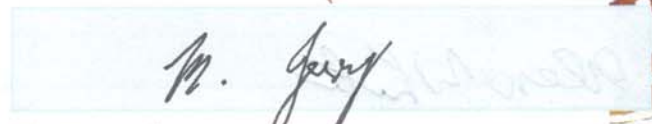
Djiru Signatory



Djiru Signatory



Girramay Signatory



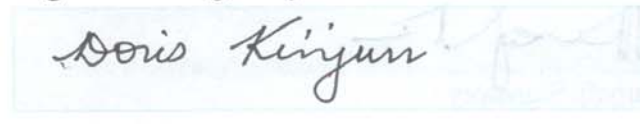
Girramay Signatory



Gugu Badhun Signatory



Gugu Badhun Signatory



Gulgnay Signatory



Gulgnay Signatory



[Signature]

Gunggandji Signatory

Lillian Freeman

Jirrbal Signatory

Cherwyn. Riley

Koko Muluridji Signatory

Peter Wallace

Kuku Yalanji Signatory

Nivee Appoo.

Ma:Mu Signatory

Elysi W Morku

Ngadjon-Jii Signatory

A B Logan

Nywaigi Signatory

B. Morganson

Warrgamay Signatory

D. G. Stobbs

Warungnu Signatory

Alex White

Wulgurukaba Signatory

Gary Maw

Yidinji Signatory

Bruce Lighter

Yirrganydji Signatory

[Signature]

Gunggandji Signatory

James Moran

Jirrbal Signatory

M. M. Green

Koko Muluridji Signatory

W. Ball

Kuku Yalanji Signatory

D. Morgan

Ma:Mu Signatory

[Signature]

Ngadjon-Jii Signatory

W M Bligh

Nywaigi Signatory

[Signature]

Warrgamay Signatory

R J Morganson

Warungnu Signatory

Arthur John

Wulgurukaba Signatory

M. Ross

Yidinji Signatory

[Signature]

Yirrganydji Signatory

Table of Contents

Preface/Summary	ii
Signatories.....	iii
Table of Contents	v
Abbreviations	vii
Commonly Used Terminology: English and Rainforest Aboriginal Interpretation ...	viii
Glossary of Terms	ix
Part A: Background, Terms, Principles And Guidelines	1
1 Introduction	1
1.1 Overview	1
1.2 Format of the Regional Agreement	1
2 Principles and Guidelines for Cooperative Arrangements	3
2.1 Context	3
2.2 Achieving Objectives	3
2.3 General Principles and Guidelines	4
3 Terms of the Regional Agreement	7
3.1 Application of the Regional Agreement	7
3.2 Obligations to the Regional Agreement	7
3.3 Term of the Regional Agreement	7
3.4 Review of the Regional Agreement	7
3.5 Dispute Resolution	7
3.6 Withdrawal from the Regional Agreement	8
Part B: Components of the Regional Agreement	
4 Regional Agreement Framework	9
4.1 Involvement of Rainforest Aboriginal People in Management of the WTWHA	9
4.2 Framework for the Regional Agreement	9
5 Memorandum of Understanding (MOU) for the Aboriginal Rainforest Council .	18
5.1 Purpose of this MOU	18
5.2 Recitals	18
5.3 Term	18
5.4 Amendment or Termination	19
5.5 Dispute Resolution	19
5.6 General Provisions	19
5.7 Section 40 Status	20
5.8 Principal Agencies Forum	21
5.9 Status	21



6	Protocols for Effective Consultation and Involvement	22
6.1	Consultation Protocol	22
6.2	Operational Management Protocol	25
6.3	Policy Development and Strategic Planning Protocol	27
6.4	Park Planning Protocol	29
6.5	Integrated Aboriginal Engagement Protocol – The WTMA and the EPA/QPWS ..	32
6.6	Scientific and Educational Permitting Protocol	34
6.7	Commercial Activity Permitting Protocol	36
6.8	Rainforest Aboriginal Cultural Heritage Management and Mapping Protocol	38
6.9	Environmental Impact Assessment Protocol	42
6.10	Monitoring and Reporting on Regional Agreement Implementation Protocol	45
Appendix 1	- Meeting Guidelines	47
1.	Prior to the Meeting	47
2.	During the Meeting	49
3.	After the Meeting	50
Appendix 2	- Criteria for Recognition of the Aboriginal Rainforest Council as a	
Section 40	Advisory Committee to the WTMA	51
1.	Representation/Mandate	51
2.	Organisational Capacity/Governance	51
Figures		
1.	Structure of the Regional Agreement.....	ii
2.	Map of the Wet Tropics World Heritage Area.....	2
3.	Wet Tropics Management Authority Consultative Framework.....	12

Abbreviations

AIATSIS	Australian Institute for Aboriginal and Torres Strait Islander Studies
ANZECC	Australian and New Zealand Environmental and Conservation Council
ARC	Aboriginal Rainforest Council
ARM	Aboriginal Resource Management (WTMA)
CCC	Community Consultative Committee
CHIMS	Cultural Heritage Information Management System
CLO	Community Liaison Officer
CMA	Cooperative Management Agreement
CSLG	Conservation Sector Liaison Group
Cwlth	Commonwealth
DEH	Department of the Environment and Heritage (Cwlth)
DNR&M	Department of Natural Resources and Mines (Qld)
DOGIT	Deed of Grant in Trust
EPA	Environmental Protection Agency (Qld)
ICPR	Intellectual Cultural Property Rights
IEU	Indigenous Engagement Unit (QPWS)
INF	Interim Negotiating Forum
LNP	Landholders and Neighbours Program
MA	Management Agreement
MOU	Memorandum of Understanding
NRM	Natural Resource Management
NTRB	Native Title Representative Body
Qld	Queensland
QPWS	Queensland Parks and Wildlife Service
RAAC	Rainforest Aboriginal Advisory Committee (WTMA)
RCRC	Rainforest Cooperative Research Centre
RACC	Rainforest Aboriginal Consultative Committee (RCRC)
Regional Agreement s	Wet Tropics of Queensland World Heritage Area Regional Agreement Section
SAC	Scientific Advisory Committee
TAFE	Technical and Further Education
The Review	“Which Way Our Cultural Survival? – The Review into Aboriginal Involvement in the Management of the Wet Tropics World Heritage Area” (1998)
TILG	Tourism Industry Liaison Group
ToR	Terms of Reference
WTMA	Wet Tropics Management Authority
WTWHA or wet tropics area	Wet Tropics of Queensland World Heritage Area

Commonly used Terminology: English and Rainforest Aboriginal Interpretation

English Term

Rainforest Aboriginal Term

Administration	<i>Office business</i>
Advice	<i>Which way</i>
Aspirations	<i>Our visions</i>
Benefits	<i>Wins</i>
Best practice	<i>Right way</i>
Biodiversity	<i>Rich country</i>
Centre for Tropical Restoration	<i>Place that heals</i>
Collaboratively	<i>Together</i>
Commitments	<i>Binding</i>
Communication	<i>Talk talk / yarn / Murri bush telegraph</i>
Community	<i>The mob</i>
Community relations	<i>Murri way</i>
Components	<i>Parts that make up</i>
Conservation	<i>Caring for country</i>
Cooperative approach	<i>Working together / gathering</i>
Cultural Heritage	<i>Our business</i>
Culture	<i>Murri way</i>
Degraded catchment / land	<i>Sick water / sick country</i>
Ecological restoration	<i>Healing country</i>
Education	<i>Teaching</i>
Employment	<i>Job</i>
Feral animals	<i>Pammy animal / wild animal</i>
Feral weeds	<i>Weed / no good plant / poison plant</i>
Funding	<i>Money / resources / 'junga jimbari'</i>
Guideline	<i>'Which way' business</i>
Intellectual Cultural Property Rights	<i>Our rights / property</i>
Land management	<i>Caring for country</i>
Law	<i>Lore</i>
Mandate (authority) of the people	<i>One voice</i>
Memorandum of Understanding (MOU)	<i>Goodwill paper</i>
Monitoring biological species	<i>Watching country</i>
Negotiate	<i>Talk</i>
Obligations	<i>Responsibility / custom</i>
Performance indicators	<i>Guidepost / gauging</i>
Planning	<i>Thinking / looking forward / setting out</i>
Plant and animal classification	<i>Kinship system</i>
Policy	<i>Conducting business / lore</i>
Protection	<i>Watching country</i>
Protocol	<i>Step by step / do it this way</i>
Research	<i>Looking into</i>
Scientists	<i>Knowledge takers / clever people</i>
Strategies	<i>Our way planning / how we are going to do it</i>
Training	<i>Teaching</i>
Transmission to future generations	<i>Pass down / passing knowledge</i>
White person	<i>Migaloo</i>
Workshop	<i>Coming together</i>

Glossary of Terms

Aboriginal People Particularly Concerned With The Land

Aboriginal people who are members of a group that has particular connection with the land in the WTWHA under Aboriginal tradition, or who live on or use the land or neighbouring land. (See Section 5 *Wet Tropics World Heritage Protection and Management Act 1993* and Section 5(f) and Section 6 *Nature Conservation Act 1992*)

Aboriginal Rainforest Council (ARC)

The peak advisory body to be recognised under Section 40 of the *Wet Tropics World Heritage Protection and Management Act 1993* and as a representative council of Rainforest Aboriginal people for tribal groups and other Aboriginal people particularly concerned with the land in the WTWHA. The ARC also facilitates effective interaction between Rainforest Aboriginal people and the WTMA, the DNR&M, the EPA/QPWS and the DEH, advising and reporting on land and cultural heritage management, policies and programs.

Aboriginal Resource Management (ARM)

The WTMA program responsible for the engagement of Rainforest Aboriginal people and other Aboriginal people particularly concerned with the land, in management of the WTWHA.

Community Consultative Committee (CCC)

An advisory body established under Section 40 of the *Wet Tropics World Heritage Protection and Management Act 1993* advising and reporting to the WTMA on community views relating to the WTWHA, and the WTMA's policies and programs.

Community Liaison Officer (CLO)

Staff employed by the WTMA through a 'host' Rainforest Aboriginal organisation to liaise between Rainforest Aboriginal people and other Aboriginal people particularly concerned with the land and the WTMA. CLOs also assist with matters of relevance to the land management agencies of the WTWHA.

Cooperative Management Agreement (CMA)

A voluntary agreement under s.41 of the *Wet Tropics Management Plan 1998* between the WTMA and a landholder or land manager, setting out how a piece of land in or neighbouring the WTWHA should be managed. Usually amends the application of the *Wet Tropics Management Plan 1998* however it must contribute to the primary goal of the WTWHA.

Country

A term used by Indigenous people for their traditional lands, waters and airspace, including all that is within, be it alive, or inanimate. Country has its sacred origins, its sacred places, its cycle of life, and its own people and laws. Cultural heritage is in country and all that is in its peoples' knowledge about country, the life of its people and the environment.

Deed Of Grant In Trust (DOGIT)

A land tenure granted under the *Land Act 1994* usually over former Aboriginal or Torres Strait Islander reserves, and vested in a community-level trusteeship of an incorporated Aboriginal Community Council with full authority over the administration of local government services in their communities under the *Local Government (Community Government Areas) Act 2004* and *Community Services (Aborigines) Act 1984* e.g. Yarrabah and Wujal Wujal.

Guidelines

Statements that guide the on-ground implementation of the Regional Agreement.



Indigenous Engagement Unit (IEU)

The EPA/QPWS unit responsible for the engagement of the community about the involvement of Indigenous people in protected areas, marine parks and wildlife management across the Northern Region of Queensland.

Indigenous Identified Position

Staff positions within Government agencies requiring and enabling only Aboriginal and Torres Strait Islander people to be considered for the appointment.

Indigenous Specified Position

Staff positions within Government agencies whereby the applicant must have both the ability to communicate sensitively and effectively with Aboriginal people and Torres Strait Islander people, and an understanding of contemporary issues and/or protocols affecting Aboriginal people and Torres Strait Islander people relevant to the role.

Intellectual Cultural and Property Rights (ICPR)

Refers to Indigenous Australians' claimed rights to their traditional knowledge related to biodiversity and natural resources, cultural information and secret and sacred sites/areas, and to property including artistic works, designs, images and other cultural expressions, and cultural objects. ICPR includes the intangible and tangible aspects of cultural practices, and the resources and knowledge systems developed, nurtured and refined by Indigenous people and passed on by them as part of expressing their cultural identity. It includes the right to decide on matters regarding access to and management of information and resources.

Interim Negotiating Forum (INF)

The negotiation forum established between Rainforest Aboriginal people and relevant Government agencies to address recommendations from "*Which Way Our Cultural Survival (1998)*" and resolve how to better involve Rainforest Aboriginal people in management of the WTWHA.

Living Cultural Landscape (the WTWHA as an example)

A Rainforest Aboriginal landscape recognised as ever-changing, reflecting past aspects of cultures as well as being integral to current and future cultures.

Management Agreement (MA)

A voluntary, negotiated, cooperative agreement under s. 42 of the *Wet Tropics Management Plan 1998* between Native Title holders (usually including Rainforest Aboriginal people), land holders and the WTMA about carrying out activities in the WTWHA which are normally prohibited under the *Wet Tropics Management Plan 1998*. Amends the application of the WT Plan but must contribute to the primary goal of the WTWHA.

National Heritage List

A list of Australia's natural, historic and Indigenous heritage places of national significance (as defined under the *Environment Protection and Biodiversity Conservation Act 1999*) compiled by the Australian Department of Environment and Heritage.

Native Title

Under the *Native Title Act 1993*, Native Title is the pre-existing rights and interests in relation to land or waters (recognised by the common law), possessed by Aboriginal and Torres Strait Islander people under traditional laws and customs by which those people have a connection to the relevant land or waters.

Native Title Representative Bodies (NTRB)

A regional organisation recognised under Federal law to represent Indigenous Australians in Native Title issues for a particular region.

Party

A signatory to the Regional Agreement (Note: for the MOU the signatories are the ARC, the WTMA, the

DEH, the EPA/QPWS and the DNR&M).

Principles

The rules and assumptions that underpin processes and protocols for the proper and meaningful involvement of Rainforest Aboriginal people in management of the WTWHA.

Protocols

The processes and steps to follow when consulting, negotiating and otherwise engaging with Rainforest Aboriginal people on management activities and projects in the WTWHA.

Rainforest Aboriginal people

The Traditional Owners of the WTWHA from the following tribal groups:

Banjin	Kuku Yalanji
Djabugay	Ma:Mu
Djiru	Ngadjon-Jii
Girramay	Nywaigi
Gugu Badhun	Warrgamay
Gulgnay	Warungnu
Gunggandji	Wulgurukaba
Jirrbal	Yidinji
Koko Muluridji	Yirrganydji

Rainforest Cooperative Research Centre (RCRC)

The organisation established by the Commonwealth government to support the sustainable use, management and conservation of Australia's tropical rainforests through research, training and technology transfer.

s.

Refers to a section within specific legislation (eg s.40 or s.36(5)).

Scientific Advisory Committee (SAC)

An advisory body established under Section 40 of the *Wet Tropics World Heritage Protection and Management Act 1993* advising the WTMA on scientific research and relevant scientific developments that will contribute to the protection and conservation of the WTWHA.

Traditional Owner

An Aboriginal or Torres Strait Islander person who has traditional or familial links, and/or connection to particular traditional lands and/or waters (homeland estate) under traditional lore, including rights, interests and responsibilities.

Wet Tropics Management Authority (WTMA)

The statutory body established to manage the WTWHA under the *Wet Tropics World Heritage Protection and Management Act 1993*.

Wet Tropics Management Plan 1998

A statutory document that controls and directs land use activities within the WTWHA.

Wet Tropics region

One of fifteen NRM planning regions in Queensland covers approximately 2.2 million hectares generally including areas from Douglas Shire in the north to Hinchinbrook Shire in the south, extending west to include the Atherton Tablelands to Mt Garnett. The region includes 91% of the Wet Tropics of Queensland World Heritage Area.



Wet Tropics of Queensland World Heritage Area (WTWHA or wet tropics area)

The area of wet tropical rainforests in North Eastern Australia listed on the World Heritage List in December 1988 for its natural values, meeting all four criteria for natural heritage listing.

Wet Tropics World Heritage Protection and Management Act 1993

An Act providing for the protection and management of the Wet Tropics of Queensland World Heritage Area.

“Which Way Our Cultural Survival? – The Review into Aboriginal Involvement in the Management of the Wet Tropics World Heritage Area” (1998)

A report prepared by a Review Steering Committee on approaches to Aboriginal involvement in the WTWHA. It provides a series of recommendations for the WTMA and land management agencies outlining ways of meaningfully involving Rainforest Aboriginal people in management enabling them to meet their aspirations and maintain the cultural integrity of the WTWHA.

World Heritage management agencies

The Wet Tropics Management Authority (WTMA), the Environment Protection Agency/Queensland Parks and Wildlife Service (EPA/QPWS), the Department of Natural Resources and Mines (DNR&M) and the Department of the Environment and Heritage (DEH).

Part A: Background, Terms, Principles and Guidelines

1 Introduction

1.1 Overview

The Wet Tropics of Queensland World Heritage Area (WTWHA) is unique and complex for the following reasons:

- (a) It is multi-tenured, comprising National Parks, Forest Reserves, Timber Reserves, Freehold lands, Local Government lands, Defence Lands; Unallocated State Lands, Water Reserves, Dams, extensive Leasehold lands, Deeds of Grant in Trust (DOGIT), public roads, esplanades, rivers, railways, power and water lines.
- (b) It is the traditional home of 18 Rainforest Aboriginal tribal groups.
- (c) It is recognized as a living cultural landscape with potential for listing on the National Heritage List and World Heritage list for its cultural values.

A review of Aboriginal involvement in the management of the WTWHA produced the report “*Which Way Our Cultural Survival? – The Review into Aboriginal Involvement in the Management of the Wet Tropics World Heritage Area*” (1998). The Interim Negotiating Forum (INF) was established in order to negotiate a Wet Tropics of Queensland World Heritage Area Regional Agreement (Regional Agreement) and give effect to a range of review recommendations that aim to achieve more effective and meaningful participation of Aboriginal people in management of the WTWHA.

The *Wet Tropics World Heritage Protection and Management Act 1993* and *Nature Conservation Act 1992*, specifically require that in performing their functions, the Wet Tropics Management Authority (WTMA) and the other World Heritage management agencies consider the traditions of, and liaise and cooperate with, “*Aboriginal people particularly concerned with the land*” for cooperative management of the WTWHA. The legislation recognises the significant contribution that Aboriginal people have to play in the management of both cultural and natural heritage values in the WTWHA.

Rainforest Aboriginal people acknowledge and respect that the World Heritage management agencies, WTMA, the Environmental Protection Agency/Queensland Parks and Wildlife Service (EPA/QPWS), the Department of Natural Resources and Mines (DNR&M), and the Department of Environment and Heritage (DEH), have statutory responsibilities to plan and manage the WTWHA in accordance with these and other legislative requirements.

The parties acknowledge the importance of this Regional Agreement in recognising Rainforest Aboriginal people’s cultural and spiritual links to the land and water in the WTWHA, and in facilitating cooperative management of the WTWHA. All parties agree to uphold their legislative responsibilities for management of the WTWHA and their obligations in implementing the terms of the Regional Agreement. The parties agree to abide by its spirit and intention, although the parties recognise that the Regional Agreement is not intended to create legal relations between them.

1.2 Format of the Regional Agreement

The Regional Agreement comprises three parts:

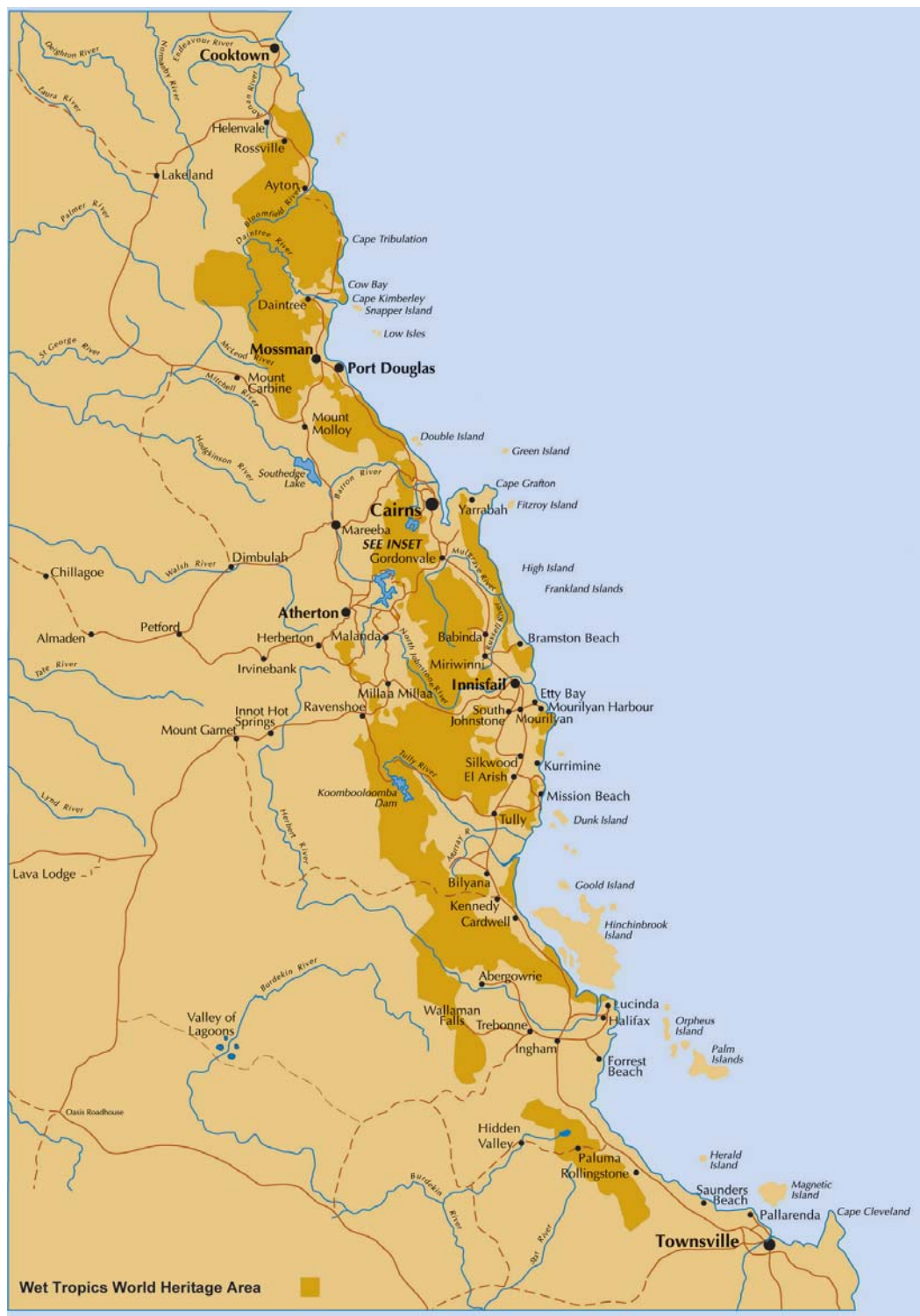
Part A – Background, Terms, Principles and Guidelines outlines the processes and history triggering the development of the Regional Agreement. It also details the overarching terms that are



applicable to all components of, and parties to, the Regional Agreement. Included are clauses for amendment, termination, dispute resolution, review, withdrawal, as well as the obligations to, and applications of, the Regional Agreement. Part A then sets out the basic principles and guidelines which underpin the Regional Agreement.

Part B – Components of the Regional Agreement sets out the mechanisms through which the Regional Agreement will be implemented and describes in detail the ways in which parties will involve Rainforest Aboriginal people in management of the WTWHA, through principles and guidelines, the Regional Agreement framework, an MOU and specific protocols for effective consultation and involvement of Rainforest Aboriginal people.

Figure 2: Map of the Wet Tropics World Heritage Area



2. Principles and Guidelines for Cooperative Arrangements

2.1 Context

- (a) Rainforest Aboriginal people are acknowledged as the original owners of the WTWHA. Legitimate rights and interests as they relate to the cultural domain of the WTWHA will be recognised and accommodated as far as possible through having regard to the traditions of, and liaising and cooperating with, Rainforest Aboriginal people.
- (b) Rainforest Aboriginal people will be afforded the opportunity, in good faith and in the spirit of making decisions for their own future, to define and negotiate their own priorities, needs, and aspirations for WTWHA management.
- (c) Rainforest Aboriginal people acknowledge and respect that the WTMA, the EPA/QPWS, the DNR&M and the DEH have statutory responsibilities to plan and manage the WTWHA in accordance with their obligations and legislative requirements.
- (d) It is intended that these Principles and Guidelines for Cooperative Management will give effect to, and guide implementation of, the Regional Agreement, including the Memorandum of Understanding for the Aboriginal Rainforest Council and the Protocols.

2.2 Objectives

2.2.1 Key Objectives

There are two key objectives of these principles and guidelines:

- (a) They will provide the basis for cooperative management of the WTWHA. This will involve a cooperative approach to the range of activities and processes that comprise the World Heritage management regime including:
 - policy development.
 - strategic planning.
 - park planning.
 - permitting.
 - operational management.
 - monitoring and reporting.
 - cultural heritage management.
- (b) They will provide the framework for a series of protocols. In particular, the protocols are intended to ensure that Rainforest Aboriginal people have effective involvement and input into the planning and hands-on management of the WTWHA.

2.2.2 Achieving objectives

- (a) A cooperative partnership approach between the World Heritage management agencies and Rainforest Aboriginal people will be achieved through:
 - inclusion in decision-making.
 - the early provision of information regarding proposals.
 - culturally appropriate consultation and negotiation within specified timelines.



- employment and training opportunities.
- 'in good faith' participation by all parties to meet agreed timelines and processes within statutory requirements.
- adherence to these principles and guidelines for the implementation of the Regional Agreement, including the series of protocols that describe how World Heritage management agencies and Rainforest Aboriginal people will cooperatively manage the WTWHA.

2.3 General Principles and Guidelines

The following general principles and guidelines will be applied to all activities and projects involved in management of the WTWHA.

2.3.1 Recognition

The World Heritage management agencies agree to:

- (a) Recognise and respect the Rainforest Aboriginal perspective that natural and cultural values are inseparable.
- (b) Recognise that the wet tropics area is a diverse set of living cultural landscapes.
- (c) Recognise that Rainforest Aboriginal rights and interests are likely to continue to exist within the WHA.
- (d) Recognise and respect the significant contribution that Rainforest Aboriginal people can make to the management of cultural and natural heritage within the WTWHA.
- (e) Respect Rainforest Aboriginal cultural and intellectual property (including oral history, land management practices, sacred and culturally significant places, and secret information).
- (f) Have regard to the Aboriginal traditions of Rainforest Aboriginal people particularly concerned with land in the WTWHA.

The Aboriginal Rainforest Council agrees to:

- (h) Recognise and respect that the WTMA, the EPA/QPWS, the DNR&M and the DEH have specific legislative responsibilities and are obliged to treat all landholders and users of the WTWHA in a fair and equitable way.

2.3.2 Involvement

- (a) Involve the relevant Rainforest Aboriginal people throughout the spectrum of policy, strategic planning, park planning, permitting, operational management and monitoring and reporting. Relevant Rainforest Aboriginal people will be identified by the appropriate Native Title Representative Body (NTRB) and their involvement facilitated by the ARC, CLOs and Indigenous liaison staff. The level of Rainforest Aboriginal involvement needs to be acceptable to all parties and to focus particularly on social, cultural, environmental and economic issues of concern to Rainforest Aboriginal people.
- (b) Rainforest Aboriginal people should be afforded the opportunity to determine their desired level of involvement following initial discussions on the task or issue. Non-involvement in any aspect is a valid response.
- (d) Subject to negotiated timelines, but consistent with statutory requirements where applicable, Rainforest Aboriginal people should have the opportunity to suggest ways to structure their

involvement to best meet their needs.

- (e) Consistent with s.40 of the *Wet Tropics Management Plan 1998* and s.10(5) of the *Wet Tropics World Heritage Protection and Management Act 1993*, recognise and facilitate the right of Aboriginal people particularly concerned with the WTWHA to negotiate with the WTMA, other government agencies, and researchers regarding management, land use and other relevant issues affecting their traditional lands.
- (f) Establish, through negotiation, appropriate arrangements that facilitate effective Rainforest Aboriginal participation in accordance with these principles and guidelines. This may include employment, provision of specialist knowledge or attendance at meetings removed from the community. Out of pocket expenses such as travel costs, or loss of wages to attend meetings should be considered on a case by case basis and in accordance with established Government policy. Payment for specialist cultural heritage advice should be formalised through consultancy contracts or fee for services. The standard government fee structure should apply with regard to meetings and out of pocket expenses.

2.3.3 *Right People for the Right Country*

- (a) Ensure as far as possible that the appropriate people for the country involved are identified early in the project. This is best achieved through consultation with the Aboriginal Rainforest Council (noting that Native Title Representative Bodies have responsibility for native title claims and determination processes).
- (b) Ensure that any existing legal rights and interests are not adversely affected and the relevant groups are involved. The appropriate Native Title Representative Body should be contacted at an early stage.

2.3.4 *Policy Development and Strategic and Park Planning*

- (a) Ensure that Rainforest Aboriginal people have a clear, upfront understanding of what the project is about including the broader context and planning framework of the project.
- (b) Terms of Reference should consider the need to include environmental, social, economic and cultural issues.
- (c) Rainforest Aboriginal people providing agreed advisory services should be paid for their involvement in accordance with Government guidelines.
- (d) Regular feedback should be provided to Rainforest Aboriginal people about how the project is progressing. This feedback is essential to facilitating and informing the progress of the project from one stage to the next. For long term projects a regular review mechanism that enables traditional custodians to provide ongoing feedback and advice should be developed.
- (e) When determining planning boundaries take into account Rainforest Aboriginal economic, social and cultural considerations in addition to biophysical values.
- (f) Make provision for Rainforest Aboriginal peoples' involvement in monitoring and review procedures.



2.3.5 *Permitting*

- (a) Recognise and respect the concepts of cultural landscape and Aboriginal domain. Consistent with s.60 and s.61 of the *Wet Tropics Management Plan 1998* and in accordance with the *Aboriginal Cultural Heritage Act 2003*, ensure that all permitted activities take into particular account any Native Title rights, socio-cultural values, cultural heritage protection, intellectual property rights and any existing traditional custom issues.

2.3.6 *Protection of Intellectual and Cultural Property*

- (a) Ensure that the relevant people agree to the reproduction of any Rainforest Aboriginal cultural information and respect requests for confidentiality, copyright or any other particular process.
- (b) Any documentation of Rainforest Aboriginal cultural values should occur under Rainforest Aboriginal guidance and direction.
- (c) Recognise and respect the wishes and rights of Rainforest Aboriginal peoples to protect their oral history and traditions by facilitating their ability to manage and control the use of their intellectual and cultural property.
- (d) Collaboratively determine with Rainforest Aboriginal people the methodology for cultural heritage projects.

2.3.7 *Operational Management*

- (a) Ensure that all operational activities and projects, such as walking tracks and fire management, recognise and incorporate measures to respect and protect Rainforest Aboriginal cultural heritage and traditional management.

2.3.8 *Research*

- (a) Ensure that all researchers and research institutions associated with WTWHA projects are fully aware of the connection between Rainforest Aboriginal people and the wet tropics area environment and their special place in its management, and the need to protect any rights and interests.
- (b) Sponsored and endorsed research projects would be managed through collaborative processes based on these principles and guidelines.

3. Terms of the Regional Agreement

3.1 Application of the Regional Agreement

- (a) It is intended by all parties that, to the maximum extent possible, the arrangements and principles set out in this Regional Agreement continue to apply notwithstanding any future changes to the WTMA or government departments that are party to this agreement.
- (b) The Regional Agreement, including the Memorandum of Understanding (MOU), Principles and Guidelines and Protocols, will have no impact on any Native Title process or procedural rights, or Native Title rights and interests determined for Rainforest Aboriginal people.

3.2 Obligations to the Regional Agreement

- (a) The Regional Agreement recognises Rainforest Aboriginal people as the original owners of the WTWHA and their ongoing traditional rights, obligations and responsibilities over the WTWHA. The Regional Agreement endeavours to ensure that Rainforest Aboriginal people are provided with reasonable opportunity, in good faith and in the spirit of making decisions for their own future, to define and negotiate their own priorities, needs and aspirations relevant to the management of the WTWHA. The Regional Agreement will also help to ensure that Rainforest Aboriginal people have the resources and capacity to provide meaningful and effective input to decision making across the full spectrum of issues in the WTWHA.
- (b) In the spirit of recognising and respecting their obligations to each other as active partners and producing mutual benefits, all parties commit to using their best endeavours to undertake their responsibilities under the Regional Agreement and undertake its timely implementation.

3.3 Term of the Regional Agreement

- (a) This Regional Agreement shall commence immediately upon the signing by all parties and will continue unless terminated through mutual agreement by all parties in accordance with Clause 5.4

3.4 Review of the Regional Agreement

- (a) The success of the Regional Agreement will be reviewed at an annual regional workshop with Rainforest Aboriginal people. This workshop will also provide the opportunity for the Aboriginal Rainforest Council to demonstrate continuing, effective authority from Rainforest Aboriginal people.
- (b) The Agreement may be varied by mutual agreement in writing, signed by all parties.

3.5 Dispute Resolution

- (a) Any party claiming that a dispute has arisen and has not been resolved may give notice in writing to the other parties to the dispute providing full details of the dispute (Dispute Notice).
- (b) The parties will meet and discuss the dispute in good faith with a view to resolving the dispute.
- (c) If the dispute is not resolved within 30 days of the receipt date of the Dispute Notice (or



such later date, if any, as the parties may agree) either party may refer the dispute to mediation. In the event that the parties cannot agree on a person to conduct the mediation, the mediator shall be that person nominated by the President of the Queensland Law Society.

- (d) The parties should attend the mediation (including by teleconference).
- (e) The role of any mediator is to assist in negotiating a resolution of the dispute and the mediator shall, in the making of any resolution or provision of any advice, take into account the principles and guidelines of the Regional Agreement. The mediator may not make a decision that is binding on either party unless they have agreed to be bound in writing. The parties agree to bear their own costs in any mediation under this clause and where any costs are incurred in engaging a mediator the parties agree to share the costs in equal proportions.

3.6 Withdrawal from the Regional Agreement

- (a) Should any party to the Regional Agreement come to the view that the Regional Agreement is not effectively achieving its objectives, that party can give 6 month's notice in writing of its intention to withdraw, stating its reasons to the other parties.
- (b) All parties will use their best endeavours to amicably resolve the issues raised in any notice within the 6 month notice period with the intention of having the termination notice retracted.

Part B: Components of the Regional Agreement

4. Regional Agreement Framework

4.1 Involvement of Rainforest Aboriginal People in Management of the WTWHA

- (a) The recommendations outlined in the report, “Which Way Our Cultural Survival? – The Review into Aboriginal Involvement in the Management of the Wet Tropics World Heritage Area” (1998) (the Review), can be broadly categorised into the following groupings:
- Native Title matters.
 - Recognition and protection of cultural heritage values.
 - Involvement in permitting.
 - Use of Cooperative Management Agreements / Management Agreements.
 - Direct involvement in Environmental Impact Assessment (associated with *Wet Tropics Management Plan 1998* amendments and major permit applications).
 - Direct involvement in planning, policy and operational procedures.
 - Direct involvement in research.
 - Aboriginal employment.
 - Employment and role of Community Liaison Officers / Function of the Aboriginal Resource Management program (ARM) of the WTMA and the Indigenous Engagement Unit (IEU) of Queensland Parks and Wildlife Service.
 - Intellectual and Cultural Property Rights.
 - Education and training of Aboriginal people.
 - Compensation.
 - Protocols and guidelines for the involvement of Rainforest Aboriginal people.
- (b) The INF process has addressed all these issues and the Regional Agreement gives effect to many of the specific Review recommendations. Goodwill and pragmatic resolution in areas of disagreement characterised INF negotiations.

4.2 Framework for the Regional Agreement

4.2.1 Key components

- (a) In resolving the various recommendations of the Review, the key elements of the Regional Agreement have evolved around the four major components listed below. These major components and other aspects of the Agreement are discussed in more detail in the following sections of Chapter 4.

Recognition of Cultural Values through the support for listing the WTWHA on the new National Heritage List for cultural and natural values, which may potentially lead to the nomination of cultural values for World Heritage Listing.

Participation in Decision Making through the agreement to include a second Rainforest Aboriginal person on the WTMA Board of Directors, the principal decision making body on WTWHA matters.

Establishment of an Aboriginal Rainforest Council (ARC) to broadly represent all Rainforest Aboriginal people (and other Aboriginal people particularly concerned with the land) in dealing with the World Heritage management agencies of the WTWHA. The ARC will also be a statutory advisory committee recognised under s.40 of the *Wet Tropics World Heritage Protection and Management Act 1993*, subject to meeting certain criteria. (See Appendix 2)

Participation in Policy, Planning, Permitting and Management through the agreement to principles/guidelines and a number of protocols outlining arrangements for Rainforest Aboriginal people's participation in policy, planning, permitting and management. These principles/guidelines and protocols will reflect the principles of cooperative management including active, informed and appropriate participation within a partnership arrangement.

4.2.2 *Recognition of Cultural Values*

- (a) The Review strongly advocated that the Commonwealth Government should progress a nomination for re-listing the WTWHA for Rainforest Aboriginal cultural values in addition to the natural and scenic values for which it is already listed. There is now agreement that a first step will be to seek listing of the natural and cultural values of the WTWHA on the new National Heritage List. Assuming that the WTWHA is listed for Rainforest Aboriginal cultural values under the National Heritage List, there is a commitment by the Commonwealth and State governments to investigate the case for, and options to, resource a re-nomination for Rainforest Aboriginal cultural values on the World Heritage List. (Parties have noted that non-Aboriginal cultural values may form part of the nomination.)
- (b) The parties will seek resources to map the Rainforest Aboriginal cultural values of the WTWHA, in order to assist with the nomination of the WTWHA for its cultural values on the National Heritage List. The parties will work collaboratively, consistent with the *Rainforest Aboriginal Cultural Heritage Management and Mapping Protocol* to ensure all available cultural heritage information is considered when making management decisions about the WTWHA.
- (c) Should the WTWHA be listed for its Rainforest Aboriginal Cultural Heritage values on the National Heritage List, the parties will work together to prepare a Rainforest Aboriginal Cultural Heritage Management Strategy for the mapping, protection, maintenance and presentation of Rainforest Aboriginal cultural heritage places and values.
- (d) Rainforest Aboriginal people are also taking a more active involvement in development of the Regional Natural Resource Management (NRM) plans. In the Wet Tropics region the NRM plan incorporates an "Aboriginal Plan" specifically directed at Rainforest Aboriginal involvement in natural resource management. The Aboriginal Plan will be a key component of the NRM Regional Plan to identify key priorities and aspirations, which will ensure Rainforest Aboriginal people's involvement in natural and cultural resource management. The inclusion of Rainforest Aboriginal people's perspectives on NRM will jointly improve NRM outcomes for the region resulting in collaborative approaches to managing resources in the Wet Tropics region. The NRM Aboriginal Plan has also identified the need for cultural resource mapping to further strengthen the decision-making role of Rainforest Aboriginal people and to assist in the implementation of proposed programs and activities 'on country'.

4.2.3 *Participation in Decision Making*

- (a) The parties will seek to amend the WTWHA legislation so there is a requirement for a second Rainforest Aboriginal person on the WTMA Board of Directors. This could be achieved either by the State Government agreeing that one of its nominees to the Board be a Rainforest Aboriginal person (as is the case with the Commonwealth Government), or simply by agreement to having an additional Rainforest Aboriginal person on the Board. Rainforest Aboriginal people have expressed the view that the two Rainforest Aboriginal board members should be of different gender. It is noted that there are no limitations on the number of Rainforest Aboriginal persons on the Board,
- (h) Continued recognition of the ARC's status by the WTMA, the EPA/QPWS, the DNR&M and the

including the Chairperson, but there is currently only a requirement that one of the five voting Board Directors be a Rainforest Aboriginal person. This will significantly enhance Rainforest Aboriginal participation in decision making.

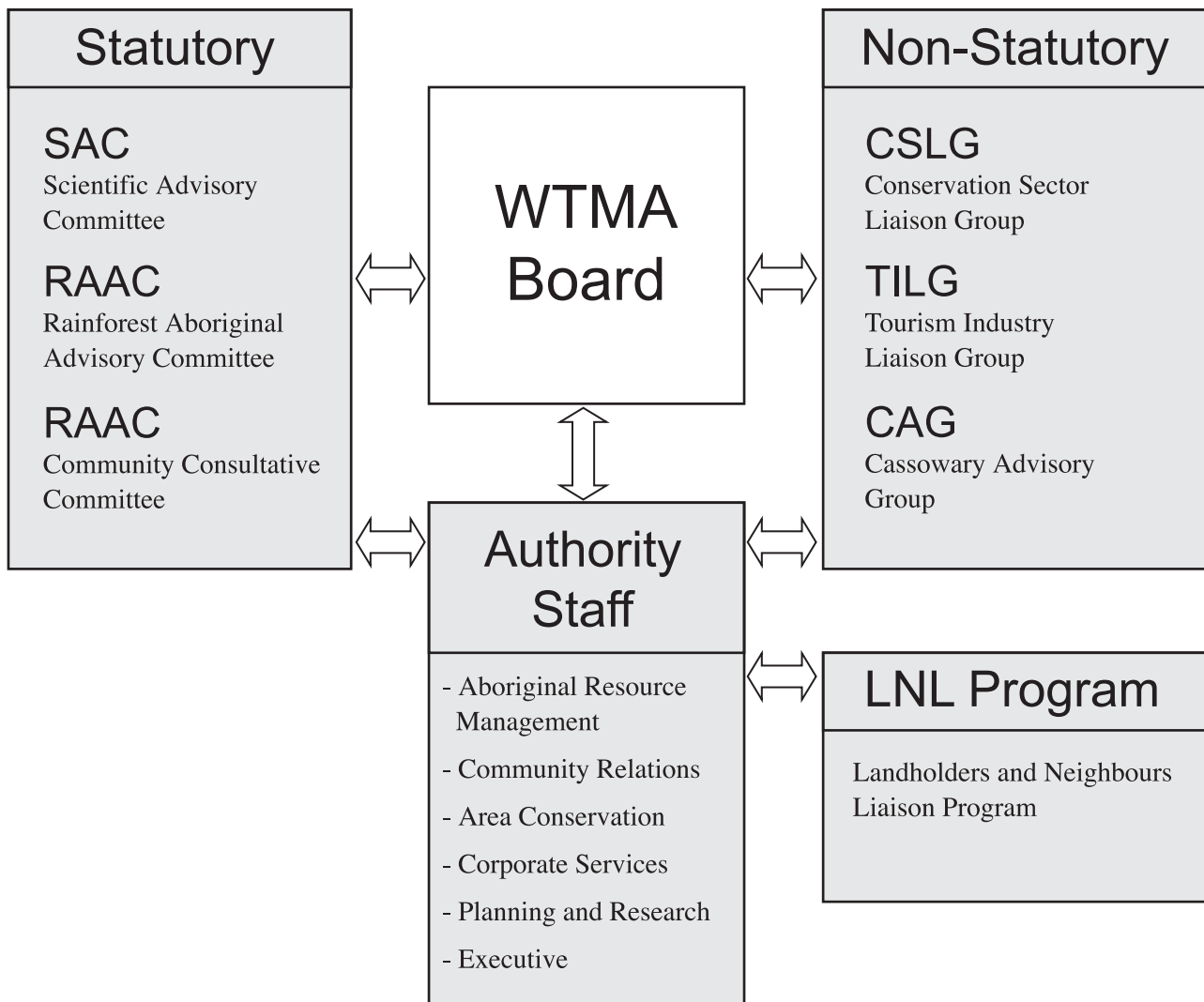
- (b) It is recognised that in order for any Rainforest Aboriginal persons to effectively represent the views of a wide cross section of Rainforest Aboriginal people, those persons will need to be adequately resourced through the WTMA to enable travel within the region and to meet face to face with other Rainforest Aboriginal people and organisations to ascertain their views.
- (c) It is recognised that the need for effective and resourced representation reflects the cultural appropriateness of face-to-face meetings and also the practical reality that many Rainforest Aboriginal peoples' financial position is such that they do not have ready access to the use of communication means such as telephone, e-mail or video conferencing.

4.2.4 *Establishment of a Statutory Advisory Committee*

- (a) The WTMA currently has two statutory advisory committees; the Community Consultative Committee (CCC) and the Scientific Advisory Committee (SAC). These committees have Rainforest Aboriginal representatives amongst the membership. Section 40 (s40) of the *Wet Tropics World Heritage Protection and Management Act 1993* provides that additional advisory committees can be established by the WTMA to assist in management of the WTWHA. A specific reference under s40 of the Act states that advisory committees have the function of advising the WTMA on “management [whilst also] having regard to the tradition of Aboriginal people particularly concerned with land in the Area.”
- (b) The establishment of the Aboriginal Rainforest Council (ARC) to represent the views of Rainforest Aboriginal tribal groups (and other Aboriginal people particularly concerned with the land) within the WTWHA will greatly enhance the meaningful and beneficial participation of Rainforest Aboriginal people in management of the WTWHA. Together with the inclusion of an additional Rainforest Aboriginal person(s) on the WTMA Board of Directors, the ARC will form the basis for cooperative management of the WTWHA.
- (c) The ARC also has the potential to grow into a substantial, independent organisation beyond its role in advising the WTMA and other World Heritage management agencies on policy, planning, permitting and management issues. Rainforest Aboriginal people ultimately aspire that the ARC be delegated certain decision making powers and authority, further strengthening the role of Rainforest Aboriginal people in management of the WTWHA.
- (d) Figure 3 shows how the ARC, as a statutory advisory committee, fits within the current consultative framework established by the WTMA to engage with the community and stakeholder groups.
- (e) The relationship between the ARC and the parties to the Regional Agreement is outlined in the Memorandum of Understanding (MOU) (see Chapter 5).
- (f) The ARC will not have the authority to speak on matters directly affecting country unless expressly given authority by the appropriate Rainforest Aboriginal people, or individuals or families who have particular interests in, or ‘speak for’, particular areas within that country. It is recognised that the question of identification of particular individuals or families within a group that have particular interests in, or “speak for”, particular areas within a claim area or broad based Traditional Owner area, is a matter for each of the tribal groups.
- (g) The ARC will not engage in Native Title matters that are the statutory responsibility of a Native Title Representative Body.



Figure 3 : Wet Tropics Management Authority Consultative Framework



DEH will be critical to the ARC's success. Sufficient provision of resources and support for the ARC will also be essential for it to successfully perform its role. The ARC will need to secure funding from external funding sources if it is to grow to its full potential as aspired to by Rainforest Aboriginal people (and other Aboriginal people particularly concerned with the land). It is likely that the ARC will require logistical support from at least one of the regional peak Indigenous organisations such as a Land Council during its formative period.

- (i) The WTMA will provide the same level of administrative support as currently provided to its other statutory advisory committees, CCC and SAC. This includes:
 - assistance in logistics to organise formal meetings and agendas.
 - recording and distribution of the proceedings (minutes) of formal meetings.
 - payment of out of pocket expenses (travel allowance) for formal meetings.
 - addressing and reporting back to the committee on matters raised with the Authority.
- (j) Subject to future funding arrangements, the WTMA proposes to allocate \$20,000 per annum toward general operating costs of the ARC. The DEH have indicated that baseline funding to the WTMA for the foreseeable future will provide support for advisory committees. The potential for the other World Heritage management agencies to also contribute towards the operating costs of the ARC is yet to be determined.
- (k) The ARC will differ from the WTMA's other advisory committees, the CCC and SAC, as the membership and the operating arrangements of the ARC will not be determined by the WTMA. The detail of the composition and election of board members, appointment of staff and organisational arrangements is a matter for Rainforest Aboriginal people. However, the ARC will need to meet certain criteria of representativeness, have a clear mandate, and have an organisational capacity and functional governance to gain recognition and funding support from the WTMA and other World Heritage management agencies. These criteria are specified in Appendix 2.

4.2.5 Participation in Policy, Planning, Permitting and Management

- (a) The Principles and Guidelines for Cooperative Arrangements (see Chapter 2) guide all aspects of the Regional Agreement, including the MOU (that establishes the relationship between the ARC and the other signatory parties), and the Protocols.(see Chapter 6)
- (b) The Protocols are the operational procedures or actual steps that describe how Rainforest Aboriginal people will be involved in the range of management activities and projects comprising overall management of the WTWHA. These management activities can be summarised as:
 - Policy and strategic planning.
 - Park planning.
 - Scientific and educational permitting.
 - Commercial activity permitting.
 - Operational management.
 - Monitoring and reporting.
 - Consultation (including Meeting Guidelines).
 - Cultural heritage management & mapping.
 - Environmental impact assessment.
 - Integrated Aboriginal engagement (the WTMA and the EPA/QPWS).



4.2.6 *Aboriginal Employment and Community Liaison Officers*

Note: This section refers particularly, but not specifically, to Rainforest Aboriginal people and therefore also includes other Aboriginal people.

- (a) It is recognised that the effective participation of Aboriginal people in the management of the WTWHA is constrained in some cases by insufficient literacy and numeracy skills, and inadequate comprehension of bureaucratic and legal processes. Aboriginal people rightfully aspire to better opportunities for appropriate long-term employment within the World Heritage management agencies, including opportunities to progress to managerial and decision making positions. A number of steps have already been taken toward progressing the employment and training of Aboriginal people. There is agreement on a number of measures to further progress Aboriginal participation in the workforce and the various decision-making structures that govern management of the WTWHA.
- (b) The EPA/QPWS have developed an *Aboriginal and Torres Strait Islander Employment and Development Strategy* that also guides the WTMA in the recruitment and employment of Aboriginal people. A Procedural Guide, “*Defining the Indigenous Liaison Role of QPWS Ranger Staff*”, has also been developed. Between the agencies there are a number of “Indigenous Identified” and “Indigenous Specified” positions and there is agreement to monitor the employment of Aboriginal people in accordance with this guiding strategy. An annual review and evaluation of progress with respect to the WTWHA will be carried out in partnership with the ARC.
- (c) The Queensland Department of Natural Resources and Mines (DNR&M) have a similar approach for the employment of Aboriginal and Torres Strait Islander people and are now looking at managing employment of Aboriginal people on a regional basis. There is a commitment to increasing the percentage of Aboriginal people employed by the Department to work on management of the WTWHA. This increase will reflect, at the least, the percentage of Aboriginal people living in the Wet Tropics region.
- (d) The WTMA, the EPA/QPWS and the DNR&M will consult with the ARC regarding the selection and appointment process of Aboriginal people to Indigenous Specified and Indigenous Identified positions within the agencies. Relevant Aboriginal people will continue to be invited to participate on selection panels for such positions, and the agencies will seek advice from the ARC on the appropriate Aboriginal people to assist in recruitment processes. It is also standard practice to include an Aboriginal person on selection panels for positions where a high level of interaction with Aboriginal people is required. Such positions also require specific selection criteria regarding knowledge of relevant Aboriginal people and their traditional and cultural environment, and the ability to liaise and work with relevant Aboriginal people. All recruitment decisions within the public sector are based upon merit and are open, transparent and accountable processes.
- (e) A list of Aboriginal people suitable for casual employment or contract positions for specific “on country” projects, will be maintained by the ARC for consideration by the signatory parties. Government agencies will approach the ARC as the primary contact point regarding casual and part time employment opportunities. Projects may include: cultural heritage management, feral pest and weed management, fire management, maintenance of walking tracks or interpretation. This will be in accordance with the protocols for Rainforest Aboriginal involvement in park management. As far as possible, opportunities will also be provided for volunteer work experience to better prepare Aboriginal people to compete for employment opportunities. This will include advice on the preparation of job applications and interview techniques.
- (f) The WTMA employs Community Liaison Officers (CLOs) on a contract basis to facilitate effective communication and engagement between Rainforest Aboriginal communities and the WTMA. The CLOs are contracted from Rainforest Aboriginal “host” organisations and there have been

difficulties in continuity of employment. Subject to future funding arrangements, the WTMA proposes to establish 3 year contract positions for CLOs to provide job security and stability whilst continuing to second or contract these positions to/from Rainforest Aboriginal host organisations. The ARC, once fully established and incorporated, could potentially “host” the CLO positions under contractual arrangements to the WTMA.

4.2.7 Education and Training of Aboriginal People and Government Agencies

Note: This section refers particularly, but not specifically, to Rainforest Aboriginal people and therefore also includes other Aboriginal people.

- (a) Aboriginal people employed by the WTMA, the EPA/QPWS and the DNR&M have the same access as all public sector employees to personal development and training opportunities through further education and ‘in house’ training as do all public sector employees. All Indigenous staff in the EPA/QPWS receive training in aspects of conservation and natural resource management. Similar opportunities exist in both the DNR&M and the WTMA. Additionally, the EPA/QPWS fund Indigenous scholarships, currently including two in the Wet Tropics district. Any training undertaken by agencies will, as far as possible, be accredited.
- (b) There is recognition amongst the parties that there are opportunities for greater involvement of Aboriginal people as educators and interpreters of Rainforest Aboriginal cultural heritage within the WTWHA. This will be progressed through the WTMA’s Tourism Industry Liaison Group (TILG).
- (c) The WTMA, the EPA/QPWS and the DNR&M will work with the ARC to look at further development of external training opportunities for Aboriginal people that would better meet the specific needs of World Heritage management agencies within the WTWHA. The WTMA, in cooperation with the other World Heritage management agencies, will convene a workshop involving Cairns TAFE College, the Savannah and Rainforest Cooperative Research Centres, within 12 months of the signing of the Regional Agreement, to review current training programs and opportunities for Aboriginal participation. The workshop will discuss whether it is possible to develop a training module that focuses on building the capacity of Rainforest Aboriginal people to participate in decision making and the application and use of Indigenous knowledge as part of these external training courses. Government staff will participate in delivering such a module if appropriate.
- (d) The WTMA, the EPA/QPWS and the DNR&M will work with the ARC to investigate the opportunities for development of a local mentoring program for Aboriginal people employed within government agencies or working extensively with the World Heritage management agencies. This might involve a regional exchange program between agencies for identified Aboriginal people approved to join a structured mentoring program. The advice of the ARC on selection, placement and monitoring of Aboriginal people to such a mentorship program will be sought.
- (e) The parties will cooperatively prepare and implement Aboriginal cross cultural programs designed to meet the needs of Aboriginal people and the World Heritage management agencies.
- (f) Relevant staff of the WTMA, the EPA/QPWS, the DNR&M and the DEH will be made aware of the Regional Agreement, including the history of its development, obligations under the Regional Agreement, and the role of the ARC. New staff will also have this information included in induction programs.
- (g) The parties will support the Australian Indigenous World Heritage Managers network to



assist with regular communication, the sharing of knowledge and experiences and potential exchange programs.

4.2.8 Rainforest Aboriginal Involvement in Research

- (a) The Rainforest Cooperative Research Centre (RCRC) undertakes the majority of research in the Wet Tropics region. The RCRC have adopted the Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) Guidelines for Ethical Research in Indigenous Studies (2000). The RCRC have established the Rainforest Aboriginal Consultative Committee (RACC), which provides advice to the RCRC Governing Board. Within its program structure, the RCRC operates an Indigenous Research Program (Program 7) that undertakes research of direct interest and relevance to Rainforest Aboriginal people, and which also participates in the Program Support Groups that assist other research programs.
- (b) Research commissioned by the parties within the WTWHA will require researchers to undertake the project in conformity with the AIATSIS Guidelines or any other guidelines that may replace those in the future. Parties to the Regional Agreement will encourage local institutions undertaking research within the WTWHA to involve Rainforest Aboriginal people in the decision making and advisory structures of each institution and to ensure that all researchers adopt the AIATSIS *Guidelines for Ethical Research in Indigenous Studies (2000)*.

4.2.9 Intellectual and Cultural Property

- (a) Culturally sensitive material and Rainforest Aboriginal Intellectual Property created by Rainforest Aboriginal people remains vested in Rainforest Aboriginal people.
- (b) The determination of Intellectual and Cultural Property Rights is beyond the capacity of the INF.
- (c) Rainforest Aboriginal Intellectual and Cultural Property Rights will be acknowledged and respected within the framework of Commonwealth and State Government policy and legislation.
- (d) Pending the clarification of Statewide policy, the parties will work with the ARC to develop an interim protocol to ensure appropriate and agreed use of Rainforest Aboriginal peoples' cultural knowledge and traditions relating to the management of the WTWHA. The protocol would focus on use of Rainforest Aboriginal traditional ecological knowledge and cultural information as it relates to the management of the WTWHA.

4.2.10 Compensation

- (a) Individual compensation claims lodged under the WTMA legislation will be resolved by direct negotiations between claimants and the WTMA. If not resolved, the claimants can refer the matter to the Land Court for a final determination.
- (b) Individual compensation matters will not be covered in the Regional Agreement.
- (c) Cooperative management arrangements in the Regional Agreement may influence decisions that provide for compensation to be foregone.

4.2.11 Funding

- (a) The parties to the Regional Agreement will use their best endeavours to identify and provide funding

to support the implementation of the Regional Agreement. Specifically the WTMA will allocate \$20 000 per annum toward general operating costs of the ARC and each State and Commonwealth party will allocate sufficient funds towards an annual workshop of the ARC and Rainforest Aboriginal tribal groups to review the operation of the Regional Agreement. All allocations are subject to future budget arrangements.

4.2.12 Inter-Government Agreement Review

- (a)** This is beyond the capacity of the INF. There is an active debate within Governments regarding the future of the WTMA, and possible new Queensland World Heritage legislation. Once the future of the WTMA is clear, a review of the Inter-Government Agreement may be appropriate.



5. Memorandum of Understanding (MOU) for the Aboriginal Rainforest Council

5.1 Purpose of this MOU

- (a) To establish an equitable and beneficial relationship between the ARC on behalf of the Rainforest Aboriginal people and the signatory parties to foster a coordinated and cooperative approach to the involvement of Rainforest Aboriginal people in the management of the WTWHA.

5.2 Recitals

- (a) Rainforest Aboriginal people have long standing spiritual and cultural rights, interests and traditions in lands that comprise the WTWHA.
- (b) The ARC represents and has the authority to enter into the MOU on behalf of the Rainforest Aboriginal people of the WTWHA. It is the only party representing the Rainforest Aboriginal signatories to this Regional Agreement for the purposes of the MOU.
- (c) The WTMA has responsibility for ensuring that the World Heritage values within the WTWHA are managed in accordance with the *Wet Tropics World Heritage Protection Management Act 1993* and the *Wet Tropics Management Plan 1998*.
- (d) The Ministers and the Chief Executive Officers of the EPA and the DNR&M have responsibility for the management of lands and water within the WTWHA under the *Nature Conservation Act 1992* (Qld), *Forestry Act 1957* (Qld), *Land Act 1994*(Qld), *Water Act 2000* (Qld) and the *Aboriginal Cultural Heritage Act 2003*(Qld).
- (e) The Minister and the Secretary of the DEH have responsibilities for protection of World Heritage Areas in Australia under the World Heritage Convention and the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) and Indigenous Heritage Protection under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cwlth).
- (f) The effective and meaningful involvement of Rainforest Aboriginal people in the management of lands and water within the WTWHA will be of benefit to the WTMA, the EPA/QPWS, the DNR&M and the DEH through significant contribution to the management of cultural and natural heritage.
- (g) The Wet Tropics of Queensland World Heritage Area Regional Agreement, including this MOU and the Principles and Guidelines for Cooperative Arrangements do not constitute recognition of, or acknowledgment by, the State or Commonwealth Government, under the Commonwealth *Native Title Act 1993*, of the Native Title rights and interests asserted by any Rainforest Aboriginal people with traditional lands and water within the WTWHA.
- (h) This MOU outlines the equitable and mutually beneficial working relationship between the ARC and Australian and State Government agencies, to achieve the protection, conservation, presentation, rehabilitation and transmission to future generations of the WTWHA within the meaning of the World Heritage Convention.

IT IS AGREED:

5.3 Term

- (a) This MOU will commence immediately after all parties have signed the Regional Agreement (including this MOU) and will continue indefinitely, unless earlier terminated in accordance with Clause 5.4 or replaced or altered by some other form of agreement.

- (b) The parties to this MOU will review its operation six months from commencement of this MOU and thereafter at other intervals set by mutual agreement. The review will involve an annual workshop between Rainforest Aboriginal people, the ARC, the WTMA, the EPA/QPWS, the DNR&M and the DEH. It will be the responsibility of the WTMA, the EPA/QPWS, the DNR&M and the DEH to meet all necessary and reasonable costs when organising and conducting such reviews.

5.4 Amendment or Termination

- (a) The MOU can be amended or terminated by any party providing six months written notice of intention to amend or withdraw from the MOU is provided.
- (b) This notice will include the reasons for amendment or termination.
- (c) All parties will use their best endeavours to resolve the issues raised in any notice cooperatively within the six month notice period, with the intention of having the amendment or termination notice withdrawn.
- (d) All parties agree that such a resolution may result in an amendment to this MOU. Any such amendment must be in writing and signed by all parties to the MOU.

5.5 Dispute Resolution

- (a) Any dispute between the parties will be resolved in accordance with Clause 3.5.

5.6 General Provisions

5.6.1 Government agency agreements

The WTMA, the EPA/QPWS, the DNR&M and the DEH agree to:

- (a) Develop and foster a positive working relationship with the ARC to achieve Rainforest Aboriginal peoples' direct and effective involvement in the management of the WTWHA.
- (b) Work with the ARC to realise economic and social benefits for Rainforest Aboriginal people arising from their involvement in, and management of, the WTWHA.
- (c) Seek the ARC's advice on Rainforest Aboriginal peoples' involvement within the WTWHA, recognising that the Land Councils are the established Representative Bodies responsible for Native Title matters.
- (d) Regularly consult with the ARC on issues relating to land management and cultural heritage; development of policy, preparation of strategies and natural and cultural heritage management plans; monitoring programs; the negotiation and implementation of permit applications; and day to day management regimes within the WTWHA.
- (e) Acknowledge the ARC as the first contact point for Rainforest Aboriginal peoples' input to land management and cultural heritage issues concerning the WTWHA (subject to any statutory provisions that require contact to be made through other bodies).
- (f) Recognise the ARC as the primary reference organisation for the cultural heritage management within the WTWHA (subject to any statutory provisions that require contact to be made through other bodies).



5.6.2 *ARC agreements*

The ARC agrees to:

- (a) Establish and maintain the authority to represent the views of the Rainforest Aboriginal people and other Aboriginal people particularly concerned with the land in the WTWHA to the WTMA, the EPA/QPWS, the DNR&M and the DEH on matters pertaining to the management of the WTWHA.
- (b) Use best endeavours to ensure that Rainforest Aboriginal people understand the implications of providing their mandate to the ARC and their support to the ARC in this role.
- (c) The continuing authority of the ARC being demonstrated at the annual Regional Workshop of Rainforest Aboriginal people.
- (d) To work cooperatively with WTMA, EPA/QPWS, DNR&M and DEH staff on matters concerning the meaningful involvement of Rainforest Aboriginal people in the management of the WTWHA.

5.6.3 *All party agreements*

- (a) All parties agree to implement the intent and provisions of the MOU by adherence to the principles and guidelines that comprise part of the Regional Agreement.

5.7 **Section 40 Status**

5.7.1 *Statutory Advisory Committee*

- (a) The WTMA agrees to give recognition to the ARC as a Statutory Advisory Committee under Section 40(4) of the *Wet Tropics World Heritage Protection and Management Act 1993*.

5.7.2 *Functions of the ARC*

The function of the ARC as a Section 40(4) Advisory Committee will be to:

- (a) Provide input to the development of papers to the WTMA Board for decision by the Board.
- (b) Attend WTMA Board meetings (excluding 'in camera' sessions), and to participate in Board discussions subject to the directions of the Board Chair.
- (c) Represent the views of Rainforest Aboriginal people (and other Aboriginal people particularly concerned with the land in the WTWHA) at WTMA Board meetings.
- (d) Provide advice and input on WTMA policies, strategies, plans and permitting arrangements, particularly with regard to the aspirations and views of Rainforest Aboriginal people (and other Aboriginal people particularly concerned with the land in the WTWHA).
- (e) Provide advice on other matters referred to the ARC by the WTMA and the other World Heritage management agencies.

5.8 Principal Agencies Forum

- (a) The ARC will be invited to regularly meet with the Principal Agencies Forum comprising the WTMA, the EPA/QPWS and the DNR&M, to raise issues of concern for Rainforest Aboriginal people (and other Aboriginal people particularly concerned with the land in the WTWHA) with the Regional Directors of the World Heritage management agencies.

5.9 Status

- (a) All signatory parties undertake to perform their respective obligations, and meet their commitments in good faith and in the spirit of cooperative management. The MOU is subject to the parties obligations under relevant legislation.



6. Protocols for Effective Consultation and Involvement

6.1 Consultation Protocol

6.1.1 Introduction

When a proposed activity requiring involvement of Rainforest Aboriginal people has been identified, Government officers are required to follow this consultation protocol to ensure the appropriate Rainforest Aboriginal people are consulted in mutually agreed ways. Consultation procedures differ between new or proposed activities and 'existing' activities, therefore this protocol addresses each separately.

Note: Meeting Guidelines are also provided in Appendix 1.

Note: Any documentation should be in plain English.

6.1.2 Consultation Protocol For New And Proposed Activities

Responsible officer to:

- (a) *Identify* the appropriate Rainforest Aboriginal communities, groups or individuals to be consulted by liaising verbally and/or in writing with the ARC, and agree on the timeframe for a response from the ARC.

The ARC to:

- (b) *Contact* the relevant Native Title Representative Body(s), or following a determination, the relevant Native Title Prescribed Body Corporate and:
 - *Seek* formal advice, including contact details and protocols on Native Title holders, Native Title claimants and/or other known Rainforest Aboriginal people, or other parties, with rights or interests in the area.
 - *Seek* permission to share contact information with the Agency(s).
- (c) *Respond* to the Agency within the agreed timeframe outlining the appropriate people to be consulted and a process for contacting them.

Responsible officer to:

- (d) *Inform* the ARC of the activity and consult with the ARC on its desired level of involvement.
- (e) *Establish* a process with the ARC to monitor and provide feedback on the progress and effectiveness of consultation for the life of the activity.
- (f) *Arrange* a meeting (see Meeting Guidelines in Appendix 1) with the identified Rainforest Aboriginal communities, groups or individuals and ensure the following objectives are met:
 - *Define and outline clearly* the proposed activity and the purpose and nature of the need for consultation.
 - *Discuss and clarify* what kind of community, group and individual participation is sought.
 - *Identify clearly* what participation may involve for participants being particularly aware of the need to accommodate cultural obligations.
 - *Identify, clarify and mutually agree* on issues and positions, negotiation methods and decision-making processes.
 - *Identify and clarify* any substantially opposing points of view, documenting any which cannot be resolved.
 - *Mutually agree* on documentation of consultation outcomes, regular review, feedback and discussion procedures.

- *Explain comprehensively and mutually agree* to methods of information collection, storage, access and presentation.
 - *Obtain written consent* for the use of any culturally sensitive information.
 - *Ask* whether anyone has registered any intellectual cultural property that should be protected and obtain prior, informed consent for its use.
 - *Mutually agree* on the way to conduct the activity, including any statutory timing and phasing of the project.
 - *Discuss* any relevant cultural, political and legislative circumstances and issues, both local and broad ranging.
 - *Identify and share contact details* for Rainforest Aboriginal participants, ARC members and responsible WTMA staff, including a key contact for each.
 - *Provide* a comprehensive assessment of the risks and potential adverse impacts of the activity.
 - *Identify and explain* the potential benefits of the activity, including those which may apply to the broader Indigenous community and the general public.
 - *Discuss* financial, technical and human resources available for the activity.
 - *Mutually agree* on time requirements for the discussion and consideration of proposals.
 - *Develop collaboratively* the scope, aims and methods for the activity prior to undertaking the activity.
- (g) *Document*, on completion of the activity, the outcomes of the consultation process, including recommendations for future improvement.
- (h) *Forward* documentation to World Heritage management agencies, the ARC and/or Rainforest Aboriginal participants for feedback.

6.1.3 Consultation for Existing and On-Going Activities

All practical steps need to be made to involve Rainforest Aboriginal people in a manner consistent with “6.1.2 Consultation protocol for new and proposed activities”, recognising that some steps may not be able to be achieved.

Responsible officer to:

- (a) *Summarise* and explain the activity in terms of identified aims and outcomes and the current status of tasks within the activity.
- (b) *Ensure* that the following objectives are met:
- *Provide a forum* for feedback to be given on the progress of the activity to date.
 - *Identify and discuss* future aspects of the activity and opportunities for consultation, participation and review.
 - *Outline* any resources available to complete activity and facilitate Rainforest Aboriginal involvement.

Note: In the event of a dispute, parties should refer to the dispute resolution clause (Clause 3.5).

6.1.4 Consultation Outcomes

In summary, consultation should achieve understanding and agreement on the following:

- Outcomes (benefits, risks, adverse impacts).
- Level of participation.
- Timelines.



- Resources.
- Key contact persons.
- Consultation, negotiation and decision making processes.
- Monitoring and review processes.
- Information collection, storage, access and use.
- Type and format of feedback.
- Acknowledgment processes.
- Compliance.
- Relevant legislation and policy.
- Appropriate use of intellectual cultural property/sensitive information.

6.2 Operational Management Protocol

6.2.1 Introduction

This protocol outlines the steps to develop cooperative arrangements that allow Rainforest Aboriginal people to contribute meaningfully to National Parks operations, and the day-to-day management of National Parks in the Wet Tropics of Queensland World Heritage Area. The protocol acknowledges the good faith and commitment of the parties to the Regional Agreement to work cooperatively in undertaking planning and day-to-day management. The proper involvement of Rainforest Aboriginal people in all aspects of managing their traditional country is to be achieved through the establishment of operational working groups. Working groups will consist of representatives of relevant Rainforest Aboriginal people and QPWS staff.

District QPWS staff will continue to develop and maintain an ongoing relationship with identified Rainforest Aboriginal people about the formulation, implementation and review of operational plans and annual programs for National Parks.

Note: Any documentation should be in plain English.

Note: National Park to be read as any protected area under the jurisdiction of QPWS.

6.2.2 Operational Management Protocol for National Parks

For each National Park or agreed cluster of National Parks:

QPWS District officers to:

- (a) *Inform* the ARC of the intent to establish a working group and the need to identify the appropriate Rainforest Aboriginal communities, groups or individuals to be consulted and agree on the timeframe for a response from the ARC.

The ARC to:

- (b) *Contact* the relevant Native Title Representative Body(s), or following a determination, the relevant Native Title Prescribed Body Corporate and:
 - *Seek* formal advice, including contact details and protocols, on Native Title holders, Native Title claimants and/or other known Rainforest Aboriginal people, or other parties, with rights or interests in the area.
 - *Seek* permission to share contact information with the Agency(s).
- (c) *Respond* to the QPWS within the agreed timeframe outlining the appropriate people to be consulted and a process for contacting them.

QPWS District officers to:

- (d) *Establish* a process with the ARC to monitor and provide feedback on the progress and effectiveness of consultation for the life of the working group.
- (e) *Arrange a meeting* (refer to Meeting Guidelines, Appendix 1) with the identified Rainforest Aboriginal people and ensure the following objectives are met:
 - *Clearly define* the area of operation, noting that this area is likely to be included in larger local area land management unit(s) which will be established under the Aboriginal Cultural Heritage Protocol. Therefore, defined area(s) of operation should, as far as possible, be consistent with any existing local area land management units.
 - *Establish and clearly document* the functions and membership of the working group.

- *Explain comprehensively and mutually agree* to methods of information collection, recording, storage, access and presentation.
- *Obtain written* consent for the use of any culturally sensitive information.
- *Ask* whether anyone has registered any intellectual cultural property that should be protected and obtain prior, informed consent for its use.
- *Discuss* any relevant local cultural, political and legislative circumstances and issues, particularly those that may impact on operational processes.
- *Identify and share contact details for* Rainforest Aboriginal participants, ARC members and QPWS District staff/managers, including a key contact for each.
- *Establish and clearly document* the obligations of Rainforest Aboriginal participants and QPWS District staff/managers.
- *Establish and agree on* meeting arrangements of the working group, which may include timing, venue, coordinator, chair, minutes, quorum, notification, funding, rules/conduct, agenda, decision-making, meeting schedule and information distribution.

Working group to:

- (f) *Contribute* to the preparation of operational plans and annual programs for day-to-day management of the National Parks.
- (g) *Forward* a copy of the operational plans and annual programs to the ARC for information, and/or a request for involvement if required by the identified Rainforest Aboriginal people.
- (h) *Review* operational plans and annual programs for day-to-day management at agreed intervals, but not less than annually.

QPWS District staff to:

- (i) *Inform* the Rainforest Aboriginal people working group representatives and the ARC of any significant variations or additions to agreed operational plans or annual programs, and if required, convene a meeting of the working group, to resolve any issues or concerns.

Note: In the event of a dispute, parties should refer to the dispute resolution clause (Clause 3.5). The principal contact point at the EPA/QPWS is the Indigenous Engagement Unit (IEU) officer for the Wet Tropics District.

Note: The other parties to the Regional Agreement will use this protocol as a basis for the development of a protocol applicable to their area of responsibility.

Note: The parties will use their best endeavours to have this protocol applied by other land management agencies not party to this agreement that have responsibilities for land in the WTWHA.

6.3 Policy Development and Strategic Planning Protocol

6.3.1 Introduction

This protocol outlines the specific steps to be followed by the parties to the Regional Agreement and is intended to guide staff of the WTMA, the EPA/QPWS and the DNR&M who undertake policy development and strategic planning in the WTWHA on ways to consult with, and involve, Rainforest Aboriginal people.

Note: The ARC will similarly involve World Heritage management agencies when developing policy or undertaking strategic planning.

Note: Any documentation should be in plain English.

6.3.2 Policy development and strategic planning protocol

The relevant Agency to:

- (a) *Notify* the ARC in writing of the intent to draft policy or undertake strategic planning once the Agency decides that a new policy, strategic plan or amendment to an existing policy/strategic planning, is required. The notice should include:
 - *An explanation* of the broad purpose of the policy/strategic planning and why it is needed.
 - *An explanation* of how the policy/strategic planning is expected to impact on the WTWHA.
 - *A description* - of expected timelines for policy/strategic planning development.
 - *Contact details* – for the key contacts.
 - *An invitation* – for ARC input to the policy/strategic planning development process and to provide initial comments.
- (b) *Forward* the draft policy/strategic planning to the ARC for preliminary comment and input, allowing at least 28 days for a written response.

The ARC to:

- (c) *Respond* to Agency with preliminary comments on the draft policy/strategic planning and advise that there may be other Rainforest Aboriginal people who seek to be involved.
- (d) *Identify* the relevant Native Title Representative Body(s), or following a determination, the relevant Native Title Prescribed Body Corporate and:
 - *Seek* formal advice, including contact details and protocols, on Native Title holders, Native Title claimants and/or other known Rainforest Aboriginal people, or other parties, with rights or interests in the area.
 - *Seek* permission to share contact information with the Agency(s).

Agency to:

- (e) *Arrange* a meeting, if requested, with ARC representatives and identified Rainforest Aboriginal people (if appropriate) at a mutually agreed time and venue, to workshop the policy/strategic planning and any issues raised by the ARC.
- (f) *Forward* the final policy/strategic planning to the ARC, including a report on how their submission has been dealt with in the policy/strategic planning.

The ARC to:

- (g) *Document* on completion of the policy/strategic planning, the success of the consultation process, including recommendations for future improvement.
- (h) *Forward* a copy to WTWHA management agencies and/or any appropriate Rainforest Aboriginal people for feedback.

The IEU and CLO's will:

- (i) *Endeavour* to keep the ARC informed of opportunities for involvement in changes to existing policies, and other relevant projects radiating from the Central Office of the EPA/QPWS or the WTMA.

Note: In the event of a dispute, parties should refer to the dispute resolution clause (Clause 3.5).

6.4 Park Planning Protocol

6.4.1 Introduction

This protocol provides for Rainforest Aboriginal people to have proper participation throughout the development of Park Management Plans under the *Nature Conservation Act 1992*, from the period prior to draft development through to the final documentation.

In the preparation of Draft Park Management Plans it is a requirement under the *Nature Conservation Act 1992* that two Public Notices are issued by the Minister. The first Public Notice, including an invitation for submissions, is issued when there is a proposal to prepare a Draft Park Management Plan.

The second Public Notice, also including an invitation for submissions, is issued when the Draft Park Management Plan is completed. Submissions can be from anyone in the community including landholders, any interested groups or persons, local government or Aboriginal and Torres Strait Islander people and the Minister must consider all submissions.

Note: Any documentation should be in plain English.

6.4.2 Park Planning Protocol

Prior to the issuing of the first Public Notice regarding a proposal to develop a Draft Park Management Plan, the following steps must be taken.

Responsible officer to:

- (a) *Identify* the appropriate Rainforest Aboriginal communities, groups or individuals to be consulted by liaising verbally and/or in writing with the ARC, and agree on the timeframe for a response from the ARC.

The ARC to:

- (b) *Contact* relevant Native Title Representative Body(s) or following a determination, the relevant Native Title Prescribed Body Corporate and:
 - *Seek* formal advice, including contact details and protocols, on Native Title holders, Native Title claimants and/or other known Rainforest Aboriginal people, or other parties with rights or interests in the area.
 - *Seek* permission to share contact information with Agency(s).
- (c) *Respond* to the QPWS within the agreed timeframe, outlining the appropriate people to be consulted and a process for contacting them.

Note: This will be the working group(s) established under the Operational Management Protocol.

Responsible officer to:

- (d) *Notify and advise* in writing the ARC and the identified Rainforest Aboriginal people of the intent to consult and commence the planning process.
- (e) *Consult* with the ARC on their desired level of involvement.



- (f) *Establish* a process with the ARC to monitor and provide feedback on the progress and effectiveness of consultation during the Management Plan development period.
- (g) *Notify and advise* the Native Title Representative Bodies, Native Title claimants, Native Title holders, Cultural Heritage bodies and relevant Aboriginal organisations about the intention to consult with the identified Rainforest Aboriginal people and commence the planning process.
- (h) *Arrange a meeting* (see Meeting Guidelines, Appendix 1) with the identified Rainforest Aboriginal communities, groups or individuals that need to be consulted and ensure the following objectives are met:
- *Define and outline clearly* the proposed development of a Management Plan and the purpose and nature of the need for consultation.
 - *Discuss and clarify* what kind of community, group and individual participation is sought.
 - *Identify clearly* what participation may involve for participants, being particularly aware of the need to accommodate cultural obligations.
 - *Identify, clarify and mutually agree* on issues and positions, negotiation methods and decision-making processes.
 - *Identify and clarify* any substantially opposing points of view, documenting any which cannot be resolved.
 - *Mutually agree* on documentation of consultation outcomes, regular review, feedback and discussion procedures.
 - *Explain comprehensively and mutually agree* to methods of information collection, storage, access and presentation.
 - *Obtain written consent* for the use of any culturally sensitive information.
 - *Ask* whether anyone has registered any intellectual cultural property that should be protected and obtain prior, informed consent for its use.
 - *Discuss* relevant cultural, political and legislative circumstances and issues, both local and broad ranging.
 - *Identify and share contact details for* Rainforest Aboriginal participants, ARC members and responsible Agency staff, including a key contact for each.
 - *Provide* a comprehensive assessment of the risks or potential adverse impacts of developing a Management Plan.
 - *Identify and explain* – the potential benefits of developing a Management Plan, including those which may apply to the broader Indigenous community and the general public.
 - *Discuss* – financial, technical and human resources available for Management Plan development.
 - *Mutually agree* – on time requirements for the discussion and consideration of proposals.
 - *Develop collaboratively* – the scope, aims and methods for developing the Management Plan prior to undertaking the development of the Management Plan.

The Minister will then issue the first Public Notice. Following the Minister’s consideration of the submissions, the QPWS will then:

- (i) *Develop* the Draft Park Management Plan with input from Rainforest Aboriginal people.

On completion of the Draft Park Management Plan the Minister will issue the second Public Notice. Following the Minister’s consideration of the submissions, the QPWS will then:

- (j) *Forward* a copy of the Draft Park Management Plan, at the same time the Public Notice is issued, to the ARC and/or Rainforest Aboriginal people for comment.

The ARC to:

- (k) *Forward* comments to the QPWS.

Responsible officer to:

- (l) *Consider* submissions put forward by the ARC and/or Rainforest Aboriginal people and arrange to meet to discuss and provide feedback on any points requiring clarification or negotiation.
- (m) *Provide* a report to the ARC and/or Rainforest Aboriginal people on how their submission has been dealt with in the Park Management Plan.

Once the final Park Management Plan is approved the following steps should be taken:

- (n) *Organise* to review the Park Management Plan with Rainforest Aboriginal people and the ARC, consistent with this protocol and at a mutually agreed time.

Note: Under the Nature Conservation Act 1992, the Park Management Plan must be reviewed within 10 years of its approval.

Note: In the event of a dispute, parties should refer to the dispute resolution clause (Clause 3.5).



6.5 Integrated Aboriginal Engagement Protocol – The WTMA and the EPA/QPWS

6.5.1 Introduction

This protocol outlines a process for the WTMA and the EPA/QPWS to annually establish integrated annual business plans (with associated budgets) and work programs that meaningfully engage Rainforest Aboriginal people in management of the Wet Tropics of Queensland World Heritage Area. Use of this protocol is intended to make best use of resources, to clarify roles and responsibilities and to ensure effective input by Rainforest Aboriginal people.

The principal contact point at the EPA/QPWS is the Indigenous Engagement Unit (IEU) officer for the Wet Tropics District.

The principal contact points at the WTMA are the Community Liaison Officers (CLOs) for each region, Northern, Central and Southern.

Note: Any documentation should be in plain English.

6.5.2 Integrated Aboriginal Engagement Protocol

Each year the following process will occur.

At a mutually agreed time during December/January, ARM, the IEU and QPWS District Management will meet for a 6 monthly review of current business plans and:

- (a) *Assess* progress and adjust programs if necessary.
- (b) *Amend* fund allocations as required.
- (c) *Commence planning* for next year's budget submission/identify new proposals.
- (d) *Forward* a list of significant outcomes to the ARC.
- (e) *Consider* feedback from the ARC and adjust if required.

At mutually agreed times during February/March, CLOs and ARC representatives will meet with Rainforest Aboriginal people, peak and grassroots organisations and operational working groups to:

- (f) *Discuss* progress and any adjustments to current business plans.
- (g) *Discuss* proposals for the next year's business plans.
- (h) *Identify* any new proposals from Rainforest Aboriginal people for consideration in next year's program/budget development.

At a mutually agreed time during April/May, ARM, the IEU and QPWS District Management will meet to:

- (i) *Assess* progress against annual business plans.
- (j) *Draft* the next year's business plan for ARM, the IEU and District Management.
- (k) *Identify* the next year's ARM budget bid, identifying any special budget needs.

- (l) *Designate* agreed tasks and activities between ARM, the IEU and QPWS District Management.
- (m) *Submit* ARM component to the WTMA Management Team as part of WTMA budget development.

Note: The WTMA Board will meet in May to consider next years budget for the WTMA, incorporating the ARM component, and expected to be decided in July.

During July, the WTMA and the QPWS will consider the budget outcomes and ARM and the IEU will:

- (n) *Meet with* QPWS District Management and Parks Services to review/fine-tune the annual business plans, budgets and work programs with activities and tasks designated between ARM, the IEU, QPWS District Management and Parks Services.
- (o) *Meet with* the ARC to discuss changes and finalise annual business plans and work programs with activities and tasks between the WTMA and the QPWS determined, including CLO programs.
- (p) *Incorporate* relevant parts of annual business plans/work programs into the Service Agreement for finalisation between the WTMA and the QPWS.

The CLOs will:

- (q) *Advise* Rainforest Aboriginal people, peak and grassroots organisations of the annual program.

Note: Annual program implementation now commences.

In October ARM, the IEU, QPWS District Management and the ARC to:

- (r) *Meet* to review progress against the annual business plans.

Note: Ongoing projects will continue to be implemented during this development period.

Note: In the event of a dispute, parties should refer to the dispute resolution clause (Clause 3.5)



6.6 Scientific and Educational Permitting Protocol

6.6.1 Introduction

Under the *Nature Conservation Regulation 1994* the Chief Executive may grant a permit to take, use, keep or interfere with cultural or natural resources for scientific or educational purposes. If the resource is a cultural resource of significance to Rainforest Aboriginal people, the Chief Executive must have regard to the wishes of Rainforest Aboriginal people (and other Aboriginal people particularly concerned with the land) when assessing the permit application. This protocol focuses on improving consultation with Rainforest Aboriginal people about scientific and educational permits, particularly by encouraging permit applicants to consult and engage prior to lodging an application.

Note: Any documentation should be in plain English.

6.6.2 Scientific and Educational Permitting Protocol

Directly following Regional Agreement signing, the QPWS to:

- (a) *Inform* all current scientific and educational permit holders across the WTWHA of revised Rainforest Aboriginal consultation requirements.
- (b) *Ensure* that relevant QPWS permitting officers are fully informed of Rainforest Aboriginal consultation requirements for the WTWHA and how this may impact on new applicants and existing permit holders.

Directly following Regional Agreement signing, the ARC to:

- (c) *Inform* Rainforest Aboriginal people of revised consultation requirements.
- (d) *Provide* support with consultation, if requested.

For new permits, relevant QPWS permitting officers to:

- (e) *Advise* prospective applicants for permits in the WTWHA, through research and education institutions, that they should contact the ARC to facilitate consultation with the relevant Rainforest Aboriginal people prior to lodgement of an application.

Applicant to:

- (f) *Contact* the ARC to ascertain what level of consultation may be required and mutually agree on the timeframe for a response from the ARC.

The ARC to:

- (g) *Contact* relevant Native Title Representative Body(s) or following a determination, the relevant Native Title Prescribed Body Corporate, and:
 - *Seek* formal advice, including contact details and protocols, on Native Title holders, Native Title claimants and/or other known Rainforest Aboriginal people, or other parties, with rights or interests in the area.
 - *Seek* permission to share contact information with applicant(s).
- (h) *Contact* identified Rainforest Aboriginal people to establish the level of consultation required.
- (i) *Advise* the prospective permit applicant of consultation required and identified Rainforest Aboriginal

people to contact. If no consultation is required this should be documented and attached to the permit application.

Permit applicant to consult in the following way:

- (j) *Establish* a process with the ARC to monitor and provide feedback on the progress and effectiveness of consultation over the life of the permit (including period prior to lodgement of application).
- (k) *Contact* the identified Rainforest Aboriginal groups or individuals to ensure the following matters are addressed:
 - *Define and outline clearly* the proposed activity and the purpose and nature of the need for consultation.
 - *Identify* the person(s) who will be carrying out the activity.
 - *Provide* a description of expected outcomes and benefits.
 - *Explain comprehensively and mutually agree* to methods of information collection, storage, access and presentation.
 - *Obtain written consent* for the use of any culturally sensitive information.
 - *Ask* whether anyone has registered any intellectual cultural property that should be protected and obtain prior, informed consent for its use.
 - *Discuss and mutually agree on* the kind and level of Rainforest Aboriginal participation required during the life of the proposed activity.
 - *Detail* any financial or technical resources which may be available for Rainforest Aboriginal people to participate in the proposed activity.
 - *Mutually agree* on a process for reporting results of the permitted activity.
 - *Provide* an offer to meet if requested.
 - *Exchange contact details* for both Rainforest Aboriginal people and the permit applicant(s).
 - *Advise* Rainforest Aboriginal people that they may organise assistance from the ARC, the WTMA or the QPWS, if required.
 - *Outline* that Rainforest Aboriginal people have up to 28 days from the meeting day to provide any further advice to the applicant.
- (l) *Be prepared* to accept advice from Rainforest Aboriginal people and negotiate alterations to the proposal.

Permit applicant to:

- (m) *Lodge* permit application attaching evidence of consultation with Rainforest Aboriginal people.
- (n) *Involve* Rainforest Aboriginal people as agreed during consultation.
- (o) *Report* to Rainforest Aboriginal people and the ARC on the results of the permitted activity in the manner agreed.

The QPWS to:

- (p) *Advise* Rainforest Aboriginal people and the ARC of the outcome of the application by providing a copy of the permit.
- (q) *Advise* the ARC and identified Rainforest Aboriginal people of any appeals.

Note: Rainforest Aboriginal people are encouraged to report to the QPWS any instances of non-compliance with permit conditions.

Note: In the event of a dispute, parties should refer to the dispute resolution clause (Clause 3.5).

6.7 Commercial Activity Permitting Protocol

6.7.1 Introduction

Commercial activities permitted across the WTWHA fall into the following categories:

- General tours
- Filming
- Aerial flights (helicopters and aircraft)

Note: Any documentation should be in plain English.

6.7.2 Commercial Activity Permitting Protocol

Following the signing of the Regional Agreement, the QPWS to:

- (a) *Forward* a list and map to the ARC of all sites in the WTWHA permitted for commercial activity.

The ARC to:

- (b) *Identify* the appropriate Rainforest Aboriginal communities, groups or individuals whose country the commercial activity sites are within, by *contacting* the relevant Native Title Representative Body(s), or following a determination, the relevant Native Title Prescribed Body Corporate and:
- *Seeking* formal advice, including contact details and protocols, on Native Title holders, Native Title claimants and/or other known Rainforest Aboriginal people, or other parties, with rights or interests in the area.
 - *Seeking* permission to share contact information with the Agency(s).
- (c) *Arrange* a meeting with relevant QPWS permitting officers to discuss the following:
- The appropriate identified Rainforest Aboriginal people.
 - Current permit conditions for each site.
 - A plan and timeframe for meeting with identified people (Rainforest Aboriginal and the QPWS).
- (d) Document meeting outcomes, including identified people and their contact details.
- (e) *Arrange a meeting* (refer to Meeting Guidelines, Appendix 1) with the identified Rainforest Aboriginal, communities, groups or individuals and ensure the following objectives are met:
- *Define and outline clearly* the proposed activity and the purpose and nature of the need for consultation.
 - *Discuss and clarify* what kind of community, group and individual participation is sought.
 - *Identify clearly* what participation may involve for participants, being particularly aware of the need to accommodate cultural obligations.
 - *Identify, clarify and mutually agree* - on issues and positions, negotiation methods and decision-making processes.
 - *Identify and clarify* any substantially opposing points of view, documenting any which cannot be resolved.
 - *Mutually agree* on documentation of consultation outcomes, regular review, feedback and discussion procedures.
 - *Explain comprehensively and mutually agree* to methods of information collection, storage, access and presentation.
 - *Obtain written consent* - for the use of any culturally sensitive information.
 - *Ask* whether anyone has registered any intellectual cultural property that should be protected and obtain prior, informed consent for its use.

- *Mutually agree* on the way to conduct the activity, including any statutory timing and phasing of the project.
- *Discuss* any relevant cultural, political and legislative circumstances and issues, both local and broad ranging.
- *Identify and share contact details for* Rainforest Aboriginal participants, ARC members and responsible Agency staff, including a key contact for each.
- *Provide* a comprehensive assessment of the risks and potential adverse impacts of the activity.
- *Identify and explain* the potential benefits of the activity, including those which may apply to the broader Indigenous community and the general public.
- *Discuss* financial, technical and human resources available for the activity.
- *Mutually agree* on time requirements for the discussion and consideration of proposals.
- *Develop collaboratively* the scope, aims and methods for the activity prior to undertaking the activity.

(f) *Ensure* the following objectives are also met during consultation:

- *Clearly outline* existing permit conditions.
- *Clearly outline* any earlier consultation with Rainforest Aboriginal people.
- *Allow* people to express their grievances about current commercial activity at the site.
- *Discuss and develop* a proposal for a class system for permits.
- *Mutually agree* on any new condition and included in permits.
- *Outline* the review process.
- *Identify and document* sites that are inappropriate to receive commercial activities.

(g) *Review* permit conditions for all sites annually.

Note: In the event of a dispute, parties should refer to the dispute resolution clause (Clause 3.5).



6.8 Rainforest Aboriginal Cultural Heritage Management and Mapping Protocol

6.8.1 Introduction

Strategic regional processes for the protection and management of Rainforest Aboriginal cultural heritage places and values are outlined in the framework of the Wet Tropics of Queensland World Heritage Area Regional Agreement. This complementary protocol outlines the specific steps to be followed by parties to the Agreement when working with Rainforest Aboriginal people for the conservation of Rainforest Aboriginal cultural heritage places and values. This protocol applies regardless of which party leads an activity. It will be implemented in conjunction with the Consultation and Operational Management Protocols (relevant steps have been put into this protocol), and be subject to any relevant Cultural Heritage Management Plan under Part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Note: The appointment of a Cultural Heritage Body(s) under the Aboriginal Cultural Heritage Act 2003, for the WTWHA may require a review of this protocol.

Note: Any documentation should be in plain English.

This protocol outlines steps for the collaborative development of a Rainforest Aboriginal Cultural Heritage Management Program for the identification, assessment, protection, maintenance and presentation of Rainforest Aboriginal cultural heritage places and values. It includes:

- Local area land management units for consultation and mapping of Rainforest Aboriginal cultural heritage places and values.
- A Rainforest Aboriginal Cultural Heritage Information and Mapping System (CHIMS).
- Strategic outcomes of consultation.

This protocol also outlines interim steps for the period prior to the development of both the Management Program and/or a Cultural Heritage Management Plan for the management of cultural heritage places and values.

All parties must take reasonable and practical measures to ensure that activities do not harm Aboriginal cultural heritage places and values.

6.8.2 Identifying Local Area Land Management Units for the Rainforest Aboriginal Cultural Heritage Management Program

The ARC to:

- (a) *Identify* the appropriate Rainforest Aboriginal communities, groups or individuals to be consulted.
- (b) *Contact* relevant Native Title Representative Body(s), or following a determination, the relevant Native Title Prescribed Body Corporate and:
 - *Seek* formal advice, including contact details and protocols, on Native Title holders, Native Title claimants and/or other known Rainforest Aboriginal people, or other parties, with rights or interests in the area.
 - *Seek* permission to share contact information with Agency(s).
- (c) Arrange a meeting (refer to Meeting Guideline) with identified Rainforest Aboriginal people, to identify and agree on the boundaries of local area land management units for working with World Heritage management agencies on Rainforest Aboriginal cultural heritage matters. These units may be based on tenure or tribal descriptions.
- (d) Follow the consultation procedure as set out in the Consultation Protocol.

- (e) Advise the World Heritage management agencies on:
- the boundaries of local area land management units.
 - the identified Rainforest Aboriginal people and key contact people associated with each local area land management unit.
 - any relevant issues raised during initial consultation.

6.8.3 Rainforest Aboriginal Cultural Heritage Management Information And Mapping System (CHIMS)

This section of the protocol outlines the collaborative steps to develop a Rainforest Aboriginal Cultural Heritage Information and Mapping System (CHIMS) for the ongoing recording, storage, access, use, control and maintenance of Rainforest Aboriginal cultural heritage information.

The ARC and World Heritage management agencies to:

- (a) Consult with the identified Rainforest Aboriginal people through the working groups established under the Operational Management Protocol and prepare a strategy for the development of a CHIMS.
- (b) Follow the consultation procedure as set out in the Consultation protocol.
- (c) Agree on who will record information, how information will be recorded and where the system will be located.
- (d) Agree on secure storage for the system that provides for:
- database copyright.
 - allows for evaluation of data.
 - provides categories of knowledge (eg. general information, protocols required, restricted use, secret/sacred etc).
 - allows for confidentiality.
 - addresses intellectual and cultural property.
- (e) Agree on access rules for each category (eg. gender-specific, passwords; written permission from Rainforest Aboriginal people/the ARC; management purposes only; traditional use only, etc).
- (f) Agree on fees for use of CHIMS information.
- (g) Agree on links to the DNR&M Cultural Heritage Coordination Unit's Indigenous Sites Database.

The WTMA to:

- (h) Coordinate development of the CHIMS, incorporating the guidelines agreed for recording, storage, access, control, maintenance and use of data, as agreed in 6.8.3 (a-g).

6.8.4 Outcomes Of Consultation

The ARC to:

- (a) Coordinate between Rainforest Aboriginal people and World Heritage management agencies the preparation of Rainforest Aboriginal Cultural Heritage Management Programs across the various local area land management units. The aim is to develop a consistent approach and consistent standards across the WTWHA.

The ARC and World Heritage management agencies to consult with Rainforest Aboriginal people to:

- (b) *Develop criteria* for the preparation of a Cultural Heritage Management Plan for each local area land management unit, which will:
 - *Recognise* Rainforest Aboriginal cultural heritage places and values.
 - *Identify* threatening processes.
 - *Identify* procedures for mitigating harm.
 - *Conserve* Rainforest Aboriginal cultural heritage places and values.
 - *Acknowledge* intellectual and cultural property.
- (c) *Develop rules, conditions, and regulations* to be applied immediately or phased-in over time to existing access, activities and infrastructure that Rainforest Aboriginal people identify as causing harm to their cultural heritage places and values.
- (d) *Set timeframes* for the phasing-in of these rules conditions and regulations.
- (e) *Set processes and timeframes* for formalising protection measures through legislation (eg. regulatory notice; Restricted Access Area).
- (f) *Agree to access and use arrangements for country* by Rainforest Aboriginal people for:
 - *Community Based Management Plan(s)* for the traditional use of natural resources.
 - *Ceremonial purposes*, including for maintenance of cultural heritage.
 - *Educational purposes*.
 - *Living and management areas*.
 - *Burials*.
- (g) *Develop guidelines for the presentation of Rainforest Aboriginal cultural heritage places and values*, including all interpretation and education materials, signage, and commentary to visitors.
- (h) *Educate managers and users* of the WTWHA regarding the obligations to avoid, and the penalties for, causing harm to Rainforest Aboriginal cultural heritage places and values.

6.8.5 Interim Arrangements For Cultural Heritage Management

Until a Management Program and/or a Cultural Heritage Management Plan are developed, World Heritage management agencies will consult on all proposed activities on a case-by-case basis. If, during the course of consultation it is identified that an activity may, or has the potential to cause harm to Rainforest Aboriginal cultural heritage places and values, then the following steps should be taken.

Note: All actions must also be consistent with the Duty of Care Guidelines under the Aboriginal Cultural Heritage Act 2003.

Note: A Native Title Notification may be required for an activity that may raise concerns regarding cultural heritage issues.

Responsible officer and/or the applicant proposing to undertake an activity will consult to:

- (a) *Clarify and document* all issues or concerns raised in regard to Rainforest Aboriginal cultural heritage places and values.
- (b) *Seek mutual agreement* on:
 - *Who* will record Rainforest Aboriginal cultural heritage information?
 - *How* information will be recorded?
 - *Where and how* information will be stored?
 - *Rules for* access, use and control

- *Methods for maintenance*
 - *Methods to protect confidentiality*
 - *Methods to provide security*
 - *Methods for the identification of specific areas of cultural sensitivity.* This will include consultation with the DNR&M Cultural Heritage Coordination Unit regarding a search of the Indigenous Sites Database.
 - *Appropriate measures* that avoid harm to Rainforest Aboriginal cultural heritage places and values, including:
 - > *A site inspection* to ascertain the cultural heritage significance in the activity area.
 - > *A cultural heritage survey* with, or cultural heritage clearance by, relevant Rainforest Aboriginal people.
 - > *Rules, conditions or regulations* to be applied.
- (c) *Request or provide more information* where relevant, then repeat Steps (a) and (b).
- (d) *Consult* with Rainforest Aboriginal people and relevant stakeholders to:
 - *Identify, clarify and document* their issues and/or concerns.
 - *Provide a copy* of their issues and/or concerns to, and *seek comments from* identified Rainforest Aboriginal people, the ARC, World Heritage management agencies and the applicant.
- (e) *Repeat* Steps (a) and (b), if required.
- (f) *Document the agreement* reached and *seek confirmation* from Rainforest Aboriginal participants and the ARC that the agreed measures have resolved their cultural heritage issues and/or concerns.
- (g) Provide a copy of the agreement to:
 - identified Rainforest Aboriginal people.
 - the ARC.
 - World Heritage management agencies.
 - the relevant applicant.
 - any relevant stakeholders.
 - Native Title Representative Bodies.

Note: In the event of a dispute, parties should refer to the dispute resolution clause (Clause 3.5).



6.9 Environmental Impact Assessment Protocol

6.9.1 Introduction

Activities that have the potential to disturb vegetation, earth or water in the WTWHA are regulated under the *Wet Tropics World Heritage Protection and Management Act 1993* or the *Wet Tropics Management Plan 1998* (WT Plan). These activities require a permit under the WT Plan unless the activity is deemed 'allowed'¹ (eg for the protection of life) or as having only 'minor and inconsequential' impact².

In assessing a permit application the WTMA is required to have regard to the effects a proposed decision may have on Rainforest Aboriginal people who have an interest in the land. To assist the WTMA to determine the effects of a proposed activity, the applicant is required to provide the WTMA with relevant information.

If the permit application is for the development of substantial infrastructure the WTMA may ask the applicant to prepare an EIA. (To-date, the WTMA has only required three EIAs).

If an EIA is required, the WTMA establishes the Terms of Reference (ToR) for the EIA in consultation with the ARC and the applicant. The EIA is required to address environmental, social, cultural and economic factors. The ToR for an EIA would require the applicant to consult with Rainforest Aboriginal people with an interest in the land, the general public and specific stakeholder groups.

Note: Any documentation should be in plain English.

6.9.2 Environmental Impact Assessment Protocol

The WTMA to:

- (a) *Assess* the potential level of impact of the proposed activity consistent with the Australian and New Zealand Environmental and Conservation Council (ANZECC) Guidelines for Environmental Impact Assessment and *request*, in writing, the applicant to provide more information, if required.
- (b) *Consult with the ARC* on the intent to undertake an EIA, including details of the proposed activity and the proposed level of EIA required, and establish their desired level of involvement.
- (c) *Establish* a process with the ARC to monitor and provide feedback on the progress and effectiveness of consultation for the life of the activity.
- (d) *Agree* with the ARC on a timeframe for a response from the ARC.

The ARC to:

- (e) *Contact* the relevant Native Title Representative Body(s), or following a determination, the relevant Native Title Prescribed Body Corporate and:
 - *Seek* formal advice, including contact details and protocols, on Native Title holders, Native Title claimants and/or other known Rainforest Aboriginal people, or other parties, with rights or interests in the area.
 - *Seek* permission to share contact information with the applicant and the WTMA.

¹ 'allowed' activities are set out in section 27 of the *Wet Tropics Management Plan 1998*.

² the definition of 'minor and inconsequential' is set out in section 28 of the *Wet Tropics Management Plan 1998*.

- (f) *Respond* to the WTMA and the applicant within the agreed timeframe outlining the appropriate Rainforest Aboriginal people to be consulted and a process for contacting them.

The WTMA to:

- (g) *Request* the permit applicant to forward identified Rainforest Aboriginal people a copy of the application and any supporting information, including any further information that has been requested by the WTMA.
- (h) *Negotiate* ToR for the EIA with the applicant involving identified Rainforest Aboriginal people and/or the ARC.

The applicant to:

- (i) *Prepare* the EIA, including consultation with the identified Rainforest Aboriginal people in accordance with the ToR.
- (j) *Arrange* a meeting (refer to Meeting Guidelines - Appendix 1) with the identified Rainforest Aboriginal communities, groups or individuals and ensure the following objectives are met:
- *Define and outline clearly* the proposed activity and the purpose and nature of the need for consultation.
 - *Discuss and clarify* what kind of community, group and individual participation is sought.
 - *Identify clearly* what participation may involve for participants, being particularly aware of the need to accommodate cultural obligations.
 - *Identify, clarify and mutually agree* on issues and positions, negotiation methods and decision-making processes.
 - *Identify and clarify* any substantially opposing points of view, documenting any which cannot be resolved.
 - *Mutually agree* on documentation of consultation outcomes, regular review, feedback and discussion procedures.
 - *Explain comprehensively and mutually agree* to methods of information collection, storage, access and presentation.
 - *Obtain written consent* for the use of any culturally sensitive information.
 - *Ask* whether anyone has registered any intellectual cultural property that should be protected and obtain prior, informed consent for its use.
 - *Mutually agree* on the way to conduct the activity, including any statutory timing and phasing of the project.
 - *Discuss* any relevant cultural, political and legislative circumstances and issues, both local and broad ranging.
 - *Identify and share contact details for* Rainforest Aboriginal participants, ARC members and responsible WTMA staff, including a key contact for each.
 - *Provide* a comprehensive assessment of the risks and potential adverse impacts of the activity.
 - *Identify and explain* the potential benefits of the activity, including those which may apply to the broader Indigenous community and the general public.
 - *Discuss* financial, technical and human resources available for the activity.
 - *Mutually agree* on time requirements for the discussion and consideration of proposals.
 - *Develop collaboratively* the scope, aims and methods for the activity prior to undertaking the activity.
- (k) *Forward* a copy of the EIA to identified Rainforest Aboriginal people and the ARC.

The WTMA to:

- (l) *Advise* identified Rainforest Aboriginal people and the ARC regarding the outcome of the application and if approved, provide a copy of the permit.

The ARC to:

- (m) *Document*, on completion of the activity, the outcomes of the consultation process, including recommendations for future improvement.
- (n) *Forward* documentation to World Heritage management agencies, and Rainforest Aboriginal participants for feedback.

Note: In the event of a dispute, parties should refer to the dispute resolution clause (Clause 3.5).

6.10 Monitoring and Reporting on Regional Agreement Implementation Protocol

6.10.1 Introduction

The parties to the Regional Agreement recognise that implementation of the Regional Agreement will require regular monitoring, review and reporting. This is a responsibility for all parties.

Note: Any documentation should be in plain English.

6.10.2 Organising an Annual Regional Workshop for Aboriginal Rainforest people

All parties to collaborate to:

- (a) *Organise* the annual regional workshop of Rainforest Aboriginal people and include the ARC, the WTMA, the EPA/QPWS, the DNR&M and the DEH, to review the outcomes of the Regional Agreement.
- (b) *Provide opportunities* for Rainforest Aboriginal people and the ARC to meet separately from the World Heritage management agencies.

6.10.3 Assessing the Regional Agreement

The ARC to:

- (a) *Assess* the level of satisfaction with:
 - the progress of implementation of the Regional Agreement.
 - the resolution of specific issues they have raised during the year.
 - the way in which the WTMA Board has dealt with issues raised (in its capacity as a s40 Advisory Committee).
 - the current level of funding.
- (b) *Demonstrate* that the ARC has the support of Rainforest Aboriginal people.

Rainforest Aboriginal people to:

- (c) *Assess* the level of satisfaction with:
 - their involvement in management of the WTWHA.
 - the resolution of specific issues they have raised during the year.
 - the way in which the WTMA Board has dealt with issues raised.
 - the operation of the ARC.
- (d) *Demonstrate* that the ARC has the support of Rainforest Aboriginal people.

World Heritage management agencies to:

- (e) *Assess* the level of satisfaction with:
 - the progress of implementation of the Regional Agreement.
 - the resolution of specific issues they have raised during the year.
 - the operation of the ARC.
 - the current level of funding.
- (f) *Demonstrate* the continuing commitment to the Regional Agreement from the World



Heritage management agencies.

All parties to:

- (g) *Identify* clear and measurable performance indicators, and review progress and targets achieved. This may include:
- Total number of working groups established.
 - The number of *meetings held in the previous year* by each group.
 - The number of *resolved issues* by each group.
 - The number of *unresolved issues* by each group.
 - The number of protocols operating successfully.
 - The number of Indigenous (self-identified) people employed by the World Heritage management agencies to work on management of the WTWHA.
 - The number of secure Community Liaison Officer contracts.
 - The number of education and training sessions undertaken by the ARC, and by Rainforest Aboriginal people employed by the World Heritage management agencies.
 - The number of education and training sessions for World Heritage management agencies regarding the Regional Agreement and its commitments.
 - The number of permits (scientific and educational, and commercial/group activity) issued with prior Rainforest Aboriginal consultation.
 - The number of policies and/or strategies developed with Rainforest Aboriginal consultation.
- (h) *Agree* between Rainforest Aboriginal people, the ARC and the World Heritage management agencies on the reporting of the outcomes of the annual Regional Workshop.
- (i) *Forward* copies of the report to Rainforest Aboriginal people, the ARC and World Heritage management agencies.

6.10.4 *Other opportunities for monitoring and review*

- (a) *Noting* that **Section 40 Advisory Committees** meet prior to each WTMA Board meeting, there is opportunity for the RAAC to review and provide a report on:
- progress on the Regional Agreement.
 - issues of, and impediments to, implementation.
 - any recommendations or amendments.
- (b) *Noting* that the Principal Agency Forum (PAF) meets approximately every 6 weeks, there is the opportunity for the ARC to raise any significant issues with the Regional Directors of the World Heritage management agencies.
- (c) Where **working groups** exist, there is opportunity for Rainforest Aboriginal people to raise issues directly with World Heritage management agencies and/or the ARC regarding on-ground implementation and the operation of the protocols.
- (d) **On an ‘as needs’ basis** there is always the opportunity for Rainforest Aboriginal people to raise issues directly with World Heritage management agencies and/or the ARC regarding on-ground implementation and the operation of the protocols.

Note: In the event of a dispute, parties should refer to the dispute resolution clause (Clause 3.5).

Appendix 1 - Meeting Guidelines

There are a number of aspects to be aware of and to consider when planning and conducting a consultation with Rainforest Aboriginal people.

1. Prior to the meeting:

- Logistics
- Information about the meeting
- Attendance
- Agenda / personal preparation

2. During the meeting:

- Conduct
- Procedure
- Concluding the meeting

3. After the meeting:

- Evaluation

1. Prior to the meeting

(a) Logistics

- Transport to meetings –
 - > Determine how many people need transport each way.
 - > Check on availability and type of transport required.
 - > Inform CLOs if assistance is required in getting people to a meeting.
 - > Always give as much notice as possible to IEU/ARM or other relevant staff so they can make the necessary arrangements.
 - > Arrangements for people using their own transport should be negotiated.
- Consider your budget (venues, transport, catering, accommodation etc).
- Choice of venue is an important consideration -
 - > Advice on selection of the venue should be sought from the groups involved.
 - > Make sure the venue has the appropriate number of seats and facilities to operate a meeting.
 - > Ensure the venue is accessible for disabled people.
 - > Check on room layout; atmosphere, ventilation etc.
 - > Obtain a quote for the cost of hiring the venue and determine the method of payment.
 - > If the venue is outdoors and ‘on country’, be guided by your networks and Rainforest Aboriginal contacts as to the best location e.g. by a river or under a tree etc.
 - > Make sure the appropriate facilities are available e.g. computers, projectors, screens, whiteboards, extension cords. Take pens, paper, nametags, attendance list etc.
- Catering for the meeting:
 - > Find out if anyone in the community would be interested in being contracted for the function to provide meals. If not arrange for catering to be delivered to the meeting.
 - > Obtain a quote for the cost of the catering and agree on the method of payment (cash on the day/ invoice or purchase order/ half payment up front).
 - > Ensure you cover anyone with special dietary needs e.g. diabetics.



- Reimbursement (optional) –
 - > Establish early on how reimbursement will be done, how much, by whom and who will organise it.
 - > Ideally have a set rate that you operate from e.g. a set amount for accommodation, travel reimbursement, meals and incidentals. Agencies / researchers etc may be expected to cover these costs as people may not have access to their own transport and may need to take time off from work.
 - > Pre-organise petty cash and documents to sign prior to the meeting taking place.
- Organise, if required:
 - > Minute takers
 - > Interpreter
 - > Mediator (check that the community endorses the proposed person)
 - > Facilitator (check that the community endorses the proposed person)

(b) Information about the meeting

- Contact the relevant Rainforest Aboriginal organisations before arriving. Follow up in writing outlining the agreed time and place of the meeting/s. Seek prior permission from the Council when visiting a DOGIT community.
- Explain the expected date of arrival, departure, how long you expect to talk, number of visits required, where you will be staying, why you need to visit, who else you might talk to while in the community, who is travelling with you, and ask permission to advertise your visit (if appropriate). Give plenty of notice.

(c) Attendance

- Allow time to identify who the main participants/ decision-makers are. Ensure the main groups are going to be represented at the consultation e.g. formally elected representatives, community groups, Elders etc. Utilise the knowledge of the CLO's, the IEU, Indigenous Park Services staff and the ARC to identify the appropriate people to liaise with in the community and talk to people about the upcoming meeting
- Request that the appropriate Traditional Owner does a “Welcome to Country” at the opening of the meeting. This is a sign of respect of the Traditional Owner group's country.
- Ensure that agency representatives are able to answer questions and evaluate requests as they arise, and if the topic of your visit covers one or more agencies' areas of responsibility, ensure they are aware of your meeting.
- Ensure you have an appropriate spread of representation of both genders and age groups to ensure equity. If this is not possible then see if another meeting may be required. (This may vary from group to group. Most Rainforest Aboriginal groups will ensure that the right people attend). Men cannot speak about women's business and vice versa. If there are issues that are gender specific, a separate meeting should be considered.

(d) Agenda / personal preparation

- Be flexible with the agenda and how it is presented.
- Think about ways to deal with potential barriers e.g. fixed budgets, government policy, environmental constraints, legislative constraints and potential areas of conflict with other groups.

- Always wear appropriate dress when engaging with Rainforest Aboriginal people. Do not wear revealing clothing as this may be seen to be disrespectful. Neat casual business attire demonstrates a professional approach to the meeting.

2. During the meeting

(a) Conduct

- Arrive on time, but be prepared to be flexible about the starting time of the meeting.
- Avoid direct criticism, causing someone loss of personal dignity or ‘shaming people’.
- Show respect for Elders on country. Direct eye contact may make people feel uncomfortable (check with CLOs or the IEU on this matter).
- Use appropriate language and avoid overuse of acronyms and jargon. These can confuse and complicate people’s understanding of the topic you are discussing.
- Always give a brief overview of why you are there and summarise the outcomes you hope to achieve for the day. Don’t assume everyone is aware of the issues and always explain the background to the discussions taking place.
- Avoid putting people on the spot to make a decision there and then. Put forward suggestions and work through their responses so everyone is clear about what is being discussed. Clarifying issues as you go along will assist in achieving negotiated outcomes.

(b) Procedure

- Welcome to country: Introduce the Traditional Owner.
- In reply thank the Traditional Owner group for allowing this meeting to take place on country.
- Allow everybody to introduce themselves. (This is important as some people in the community wear many hats and clarification regarding who they are representing at the meeting may be necessary).
- Clarify the presence and speaking rights of observers and acknowledge apologies.
- Ask if it’s okay to take photographs, explain how they may be used and seek permission for that use.
- Determine early on in proceedings if any information from this meeting is considered confidential or culturally sensitive, so that appropriate steps can be taken regarding the distribution of reports and materials.
- If issues arise where further clarification is required, allow time out to break into groups giving everyone an opportunity to explain their position and negotiate a way forward.
- Diagrams, maps and pictures are useful in explaining points of view.
- If a dispute arises and cannot be resolved call for a break in proceedings and allow people to cool down, regroup and clarify the issues. If you need to correct or deal with direct criticism, avoid using names and shaming people as this is seen as disrespectful.



Address the situation indirectly and move on.

- Usually, decisions are made outside of or after the meeting. Allow time for people to get back to you with relevant information, as the appropriate decision-makers may not be present at the meeting.

(c) Concluding the meeting

- Review and agree on actions and recommendations at the end of the meeting.
- Not all issues may be resolved at the meeting and may require more formal consideration.

3. After the meeting

- Evaluate, follow up and report back on outcomes. This can be achieved through verbal communication, a mailout or a community newsletter etc.
- The report should include the main points made at the meeting, information about the scope of the consultation and diversity of opinions obtained, analysis of how that information relates to input from other consultations processes, government agendas etc. Where possible, the same staff should be involved in reporting outcomes to maintain continuity.
- In evaluating the meeting, consider these points:
 - > The most effective means of information sharing and gathering and communication.
 - > The best way to use financial, human and time resources, and further investigate and solve identified problems.
 - > Whether the outcomes correspond with the objectives.
 - > Any factors which caused trouble at the meeting/consultation.
 - > The benefit to participants including how their views were taken into account.
 - > The skills or knowledge gained by participants.
 - > The implementation of decisions.
 - > Check that intellectual cultural property sensitivities have been properly managed.

Appendix 2 - Criteria for Recognition of the Aboriginal Rainforest Council as a Section 40 Advisory Committee to the Wtma

1. Representation/mandate

- (a) Demonstrated support from tribal groups with substantial lands within the Wet Tropics of Queensland World Heritage Area.
- (b) Effective mandate to be the primary representative organisation for land and cultural heritage matters from tribal groups with substantial lands and water within the Wet Tropics of Queensland World Heritage Area.

2. Organisational capacity/governance

- (a) Demonstrated capacity to perform the following roles.
 - Provide input and comment on WTMA Board papers.
 - Participate in Board discussions and provide a Rainforest Aboriginal perspective.
 - Cooperatively consult and liaise with the Wet Tropics Management Authority and the World Heritage land management agencies.
 - Consult and consolidate the views of Rainforest Aboriginal people, and articulate these to the Wet Tropics Management Authority.
- (b) Constitutional and structural arrangements that include an effective governing Board separate from the executive/staff of the ARC.



This Agreement was developed principally by the Wet Tropics Management Authority, the Aboriginal Rainforest Council, North Queensland Land Council, Australian Department of Environment and Heritage, Queensland Environmental Protection Agency and the Department of Natural Resources & Mines. A number of Traditional Owners and other experts provided assistance and advice. Their contributions are acknowledged:

INF Coordinator:

Jim Petrich

Aboriginal Negotiating Team:

Abe Muriata
Allison Halliday
Dean Purcell
Margaret Freeman
Margaret Ross-Kelly
Michelle Cochrane
Marita Budden
Rhonda Brim
Thomas Creed
Victor Maund
Vince Mundraby

Government Negotiating Team:

Clive Cook
Geoff Dickie
Geoff Meadows
James Sunter
Kevin Keefe
Mark Cranitch
Nigel Hedgcock
Rod Atkins
Russell Watkinson

Other:

Amanda Fyfe
Bruce Lawson
Cavel Cora
Dale Mundraby
Darren Butler
Derrick Oliver
Dianne Ross-Kelly
Hilton Noble
Ian Kuch
Ivan Massina
Linda Craig
Lisa Stagoll
M'Lis Flynn
Mark Ascione
Martin Dore
Phil Rist
Richard Aspinall
Rowan Foley
Russell Butler Jnr
Sherry Marchand
Syb Bresolin
Troy Whelan-Wyles



ISBN 0 9752202 3 3

© Wet Tropics Management Authority