

NAILSMA



**NORTH AUSTRALIAN
INDIGENOUS
LAND AND SEA
MANAGEMENT
ALLIANCE**

Western Yalanji Use and Economic Diversification Plan



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Table of Contents

Acronyms	4
Introduction	7
Western Yalanji Land Use Plan	7
Western Yalanji story	8
Western Yalanji Country - Historical Timeline	10
Relevant legislation for understanding tenure and rights	10
Native Title	11
Western Yalanji Native Title Determinations	13
Indigenous Land Use Agreements (ILUAs)	19
The Pastoral Neighbourhood	24
The Natural Environment at Western Yalanji	25
Conservation Survey Maps	28
Environmental Conservation at Western Yalanji	29
Heritage Sites	29
Land Use Business Opportunities	30
Cultural Tourism	31
Fire Management and Carbon Farming	32
Looking After Country: Ranger Group	34
Employment and Training	35
Building and Enhancing Partnerships	36
Developments from initial exploration of BoC framework	38
Discussion	41
Next Steps	42
References	44
Appendix 1 draft prospectus	45

List of Figures

Figure 1: Western Yalanji country - the area of formal WYAC interest (grey polygon).	9
Figure 3: Western (Sunset) Yalanji Native Title determination Area 1998.	14
Figure 4: Western Yalanji 3 Native Title determination area 2006.	15
Figure 5: Western Yalanji #5 & #7 Native Title determination area 2013.....	17
Figure 6: Western Yalanji #4 Native Title determination areas 2013.....	19
Figure 7: Large-eared Horseshoe Bat (<i>Rhinolophus robertsi</i>).....	26
Figure 8: Squatter Pigeon (<i>Geophaps scripta scripta</i>).	27
Figure 9: BushBlitz conservation survey areas.	28
Figure 10:	32
Figure 11: Excerpt from WYAC community plan for environmental management?	34
Figure 12: WYAC expressed interest in training - <i>Excerpt from Community Plan</i>	35
Figure 13:	43

List of Tables

Table 1: Important historical influences on Western Yalanji people’s land access and use...10	10
Table 2: Key Acts of state and Federal legislation.	10
Table 3: Exclusive and non-exclusive Native Title summary.	12
Table 4: Summary of Registered Indigenous Land Use Agreements (ILUA) Involving Western Yalanji Native Title determined areas.....	20
Table 5: Pastoral Stations within or overlapping Western Yalanji Native Title areas.	24
Table 6: Western Yalanji Aboriginal Corporation. Land Owner and project engagement/development activities.....	39
Table 7: Western Yalanji Aboriginal Corporation Other Partner/collaborator/synergised projects	40

Acronyms

AbCF	Aboriginal Carbon Foundation
AG	Australian Government
AWC	Australian Wildlife Conservancy
BoC	Business on Country
CDU	Charles Darwin University
CER	Clean Energy Regulator
CFI	Carbon Farming Initiative
CRCNA	Cooperative Research Centre for Developing Northern Australia
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DCBR	Darwin Centre for Bushfire Research
EP	Exploration Permit
EPBC	Environment Protection and Biodiversity Conservation
ERF	Emissions Reduction Fund
GHG	Greenhouse Gas
GIS	Geographical Information System
IBRA	Interim Biogeographic Regionalisation for Australia
ICIN	Indigenous Carbon Industry Network
ILM	Indigenous land management
ILUA	Indigenous Land Use Agreement
KLC	Kimberley Land Council
LUP	Land Use and Economic Diversification Plan
PAR	Participatory Action Research
PBC	Prescribed Body Corporate
NAFI	North Australia Fire Information

NAILSMA	North Australian Indigenous Land and Sea Management Alliance
NQLC	North Queensland Land Council
NT	Northern Territory
Qld	Queensland
RJCP	Remote Jobs and Communities Programme
RNTBC	Registered Native Title Body Corporate
TNC	The Nature Conservancy
TO	Traditional Owners
UNESCO	United Nations Educational, Scientific and Cultural Organisation
WYAC	Western Yalanji Aboriginal Corporation

Introduction

The Western Yalanji group, like many other Indigenous landholding groups interested in better environmental management and enterprise opportunities, have generated (variously) written information on their histories; group membership; landholdings; environmental assets, enterprise aspirations and perhaps the range of partnered projects undertaken on their land. This information is sometimes represented in business and land management plans, as it is with Western Yalanji Aboriginal Corporation (WYAC). Collected information in these plans is large and so is only selectively reproduced here.

Whilst such documents often tend to be static and aspirational, they provide fertile ground for more focused development. An important feature being developed under Business on Country (BoC) is to lay out a pathway for interrogating aspirations, identifying (perhaps previously unseen) opportunities, assigning priorities and strategic partnerships based on local (re)assessments of plausibility and viability, and ensuring that development is locally driven and empowered.

None of these elements guarantee long term enterprise success, but because the motivations and actions emanate from local core values, local project owners will own the risk and responsibility as well as potential benefits. This Land Use and Economic Diversification Plan (LUP) sources information from existing WY and other locations and discusses results from the initial application of the BoC framework – enhancing and activating planning and engagement. Challenges such as longer on ground timeframes, communications across disparate groups, seasonal access and partner dynamics are never all resolved but need to be accounted for in the length of commitment, expectations, framework responsiveness and budgeting.

Western Yalanji Land Use Plan

This LUP has been put together with the Western Yalanji Aboriginal Corporation Registered Native Title Body Corporate to complement the Western (Sunset Wugardaray) Yalanji People Community Plan 2016–2021. This LUP draws on the consultation process that led to the Community Plan to better define current priorities and create useful synergies amongst the various activities, partners and resources. Cooperative Research Centre for Developing Northern Australia (CRCNA) support has enabled several otherwise disparate elements to be pulled together into a more holistic plan of attack.

This Land Use and Economic Diversification Plan focuses on the three business areas identified by WYAC through this process; Fire Management and Carbon Abatement; Cultural Tourism and Site protection and Rehabilitation.

Land tenure, access and use rights are critical in enterprise planning and implementation, so Native Title and Land Rights assessment is included to establish a clear picture of the Traditional Owners opportunity to access their ancestral lands under Australian law. In the case where exclusive Native Title has been determined, Traditional Owner aspirations and interests regarding commercial land use options can be explored with fewer legal constraints on rights to take up preferred options. Where Native Title has been determined as non-exclusive, the views of others with interests and rights in respect of the land are also important and must be understood and considered during planning. For example, agreements may need to be negotiated with current holders of leases (e.g. pastoral leases) over all or part of the area.

However, this obligation should not be allowed to predetermine the options considered in setting down traditional owners' aspirations for the use and management of the land. Even if there is no immediate prospect of land-use change or formal agreement with other interests, it can be useful for those interests to understand traditional owner perspectives and concerns. Furthermore, doing a Business on Country plan helps provide context for considering the implications of change on lands held under non-exclusive title.

An historical timeline has been included to provide an overview of how the country has been used, accessed and managed since colonisation. This helps provide insight into the health of the country, traditional owner occupation and use and levels of familiarity with the country that will influence assessments of the plausibility of opportunities for developing businesses enterprises.

Similarly, some information on the cultural and conservation values of the country have been included to provide further background on land condition and to help explore alternate management and enterprise responsibilities and opportunities. Maintaining or restoring cultural activity are important goals for many traditional owners because these activities generate benefits around health, connectivity, identity and authority. Engagement of this segment of the community is essential to ensure that potential enterprise activity is compatible with all maintenance of key cultural values.

[Western Yalanji story](#)

Western Yalanji Aboriginal Corporation is the Western (Sunset Wugardaray) Kuku-Yalanji People's Registered Native Title Body Corporate (RNTBC), main Land Trust and registered Cultural Heritage Bodyⁱ

Western Yalanji People are made up of 10 clan estates and 26 family groups who have customary estate from the headwaters of the Palmer and Mitchell Rivers to lands surrounding the township of Laura. Western Yalanji country lies across the Cook Shire and Mareeba Shire Council Local Government Areas. The WYAC office is in the township of Mareeba. Yalanji country runs through to the east coast of Cape York Peninsula. The

delineation between ‘Western’ and ‘Eastern’ Yalanji is not a customary categorisation, more-so a pragmatic one to do with Native Title and other modern administrative boundaries. So, whilst Western Yalanji have their own Prescribed Body Corporate (PBC), they and other Yalanji relate closely across a large area of Cape York Peninsula.

WYAC formally holds a combination of exclusive and non-exclusive native title and freehold land of over 761,000 ha in area. Parts of the area are subject to Indigenous Land Use Agreements (ILUA) with pastoral stations and mining companies. The implications of those agreements for enterprise development are considered below. There are also various pastoral and mining companies operating on Western Yalanji country with whom WYAC does not have ILUAs.

Western Yalanji country includes the World Heritage Areas of Mount Windsor, Spurgeon and Lewis and the pre-historic Western and Eastern Quinkan Rock Art Galleries. WYAC Quinkan rock art galleries have recently been listed on the Australian Heritage Register, and UNESCO World Heritage Status is progressing for part of the site.

Being the Cultural Heritage Body for Western Kuku-Yalanji Peoples’ traditional estate since 8 April 2014, WYAC is required to manage a diverse range of inputs to keep the organisation operating whilst maintaining traditional owner governance of its activities. WYAC has been dependent on government and grant-based funding, but its vision for the future lies in supporting enterprise development and revenue diversification to sustain it and its people. The incentive for this comes through WYAC’s responsibilities as the RNTB and Land Trust holding body to maintain and enhance Native Title holder connection to country and to improve their well-being. Though an important income source, dependence on grants is seen a barrier to succeeding at this given scope and time limitations, shifting prescriptions under the (external) policy, non-standard administrative requirements and limited self-determination foci.

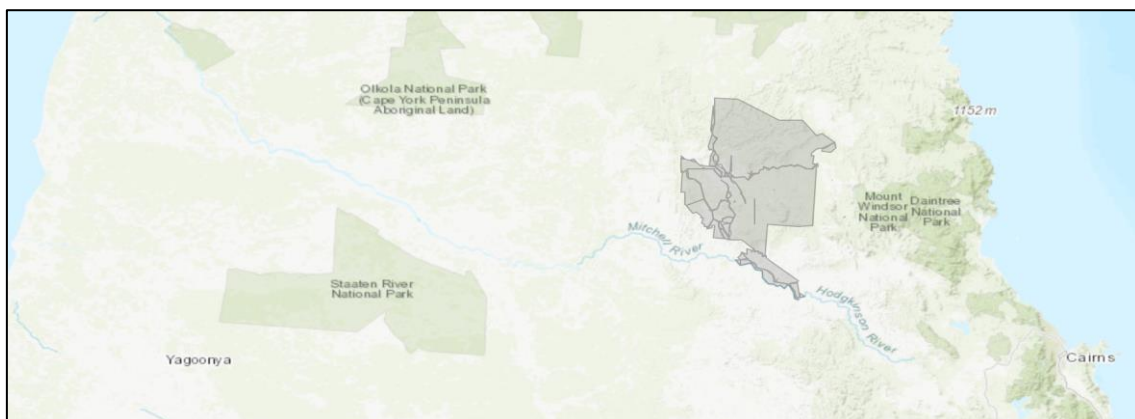


Figure 1: Western Yalanji country – the area of formal WYAC interest (grey polygon).ⁱⁱ

Western Yalanji Country – Historical Timeline

Table 1: Important historical influences on Western Yalanji people’s land access and use.

DATE	Event
1873 – 1885	Palmer River Gold Rush ⁱⁱⁱ . This created a relatively large influx of people, infrastructure and money into otherwise remote country. A lot of access and other infrastructure encouraged cattle growers to move into the region, becoming entrenched from this time on.
1993	Native Title Act (Commonwealth)
1998	Native Title Claim Determination (Western Yalanji or ‘Sunset’ Peoples v Alan & Karen Pedersen & Ors QCD1998/001 here) Map here
2006	The Western Yalanji People/Cook Shire Council Indigenous Land Use Agreement (QI2004/064) dated 1 November 2005 and registered on 18 May 2006.
2006	Native Title Claim Determination (Riley v State of Queensland QCD2006/001 here) Map here
2007	Western Yalanji Aboriginal Corporation registered
2013	Native Title Claim Determination (William Steven Brady and Desmond Brickey on behalf of the Western Yalanji People Combined #5 and #7 here) Map here – NENT
2013	Native Title Claim Determination (Graham Brady, Desmond Brickie and Dell Riley on behalf of the Western Yalanji People #4 here) Map here – NENT and ENT

The relevant legislation for understanding tenure and rights

This is a summary of the legislation that is relevant for understanding our tenure and legal rights at Western Yalanji.

Table 2: Key Acts of state and Federal legislation.

Legislation Name	Which Government?	What does this law do?
Native Title Act (1993)	Federal	Native Title is recognition of pre-existing rights to land and sea where those rights have not been extinguished through the application of British law since colonisation. Under the Act Native Title rights have to be proved by unbroken connection to be accepted in law. NT can be exclusive or non-exclusive depending on other interests on the land in question. NT claims can be lodged over pastoral lands, parks other crown lands.

Legislation Name	Which Government?	What does this law do?
Aboriginal Cultural Heritage Act 2003	Qld	Allows for the registration of sites, structures and objects of cultural heritage for protection and management support. The cultural heritage Acts identify Aboriginal and Torres Strait Islander parties who should be involved in the assessment and management of cultural heritage.
Aboriginal Torres Strait Island Heritage Protection Act (1984) ^{iv}	Federal	This law is about preserving and protecting areas and objects that are sacred to Aboriginal people.
Aboriginal Land Act 1991 ^v	Qld	The Aboriginal Land Act 1991 and Torres Strait Islander Land Act 1991 were introduced to transfer land (including the existing community lands and some lands reserved for particular purposes) to Aboriginal or Torres Strait Islander people to enable them to manage the land according to their tradition or custom.
Qld Heritage Act ^{vi}	Qld	The object of this Act is to provide for the conservation of Queensland’s cultural heritage for the benefit of the community and future generations.
Water Act 2000 ^{vii}	Qld	Provides for the planning allocation and management of Qld fresh water, including aquifers, rivers, lakes, floodwater and dams. Domestic, environmental and commercial allocations are managed under this legislation. Aboriginal cultural flows are anticipated in the next Qld State Water Plan.
Nature Conservation Act ^{viii} 1992	Qld	Allows for protection and supports management of wildlife

Note: Qld: Queensland.

Native Title

The Federal Court of Australia makes decisions (referred to as native title determinations) about whether or not the common law of Australia recognises that native title exists over an area of land or water. When parties agree that native title claimants do have native title rights and interests in a particular area, they can approach the Federal Court and ask the court to make a determination by consent (known as a consent determination).

Under the Native Title Act (1993), the rights of other groups can prevail over the native title rights of Traditional Owners. This includes:

- pastoral leases;
- rights of use for pasture and stock;

- privately owned land;
- interests of Telstra Corporation Limited and Northern Territory (NT) Gas Pty Ltd;
- access rights for government employees; and
- cabling (underground and overhead).

Native Title rights and interests also do not apply to minerals or petroleum.

The Native Title determination was litigated, and the main points that were considered were:

- whether Traditional Owners could put up permanent structures or live on pastoral lease land; and
- whether a garbage reserve and gas pipelines extinguished native title rights.

The judge ruled that Traditional Owners may not be entitled to settle on pastoral lease land, and if they were to live there, they could not interfere with the rights of the pastoral leaseholder. He also ruled that the garbage reserve had extinguished native title rights, but that the gas pipelines did not.

Across Western Yalanji Country, there are both exclusive and non-exclusive Native Title determinations. This is a summary of the main differences between exclusive and non-exclusive native title.

Table 3: Exclusive and non-exclusive Native Title summary.

Native Title Type	Where?	What rights do you get?
Exclusive native title	Unallocated crown land, land with an Aboriginal pastoral lease	The right to free access and to control who comes on to your country. The rights to resources on the land, subject to other relevant legislation (e.g. water and mineral rights). Rights are similar to those of freehold, including the right to do business and to trade but doesn't include the right to sell or use the land for collateral.
Non-exclusive native title	Land with pastoral leases, other leaseholds over crown land, unallocated crown land, State and National parks	Described as a bundle of rights, these will not be in conflict with an existing and use (such as pastoralism) and are negotiated or determined on a case by case basis. Usually allows for reasonable access, hunting and foraging, holding ceremonies, taking resources for customary use, camping and setting up temporary structures. Also includes to right to be consulted over other proponents' land-use proposals (e.g. mining, carbon farming). Can be a useful foundation for partnerships and negotiating other beneficial activities (e.g.

		fire management, weeds and feral animal management)
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Western Yalanji Native Title Determinations

1. Western Yalanji or "Sunset" Peoples v Alan & Karen Pedersen & Ors
QCD1998/001

On 28 September 1998 in the case Western Yalanji or "Sunset" Peoples v Alan & Karen Pedersen & Ors QCD1998/001 ([here](#)).

This case was the first consent determination to be made over a pastoral property in Australia. The Determination Area comprises the land and waters near Mt Carbine, in the Mareeba Shire of north Queensland, approximately 155 km north-west of Cairns.

The determination states that The Western Yalanji may exercise their native title rights and interests through the possession, occupation, use and enjoyment of the claim area, but not to the exclusion of all others. These rights and interests must be exercised in accordance with traditional laws and customs, the laws of the Commonwealth of Australia and the State of Queensland, and the laws of Local Government. The native title will be managed on behalf of the Western Yalanji by the Western Yalanji Aboriginal Corporation in accordance with the Native Title Act 1993.

The court recognised the following native title rights and interests in the determination area:

- reside on, camp on, and travel across the land and, subject to regional customary-lawful expectations and protocol, permit non-native title holders to do so;
- use the area and its natural resources for social, cultural, economic, religious, spiritual, customary and traditional purposes;
- allow non-native title holders to use the natural resources;
- use the area for economic purposes including the right to create, grow, produce, harvest and exchange natural resources;
- build and maintain structures;
- preserve sites that are significant to the native title holders and other Aboriginal people;
- conduct secular rituals, cultural activities and burials;
- inherit or dispose of native title rights and interests in accordance with custom and tradition; and
- resolve disputes between the native title holders and other Aboriginal persons in relation to the determination area;

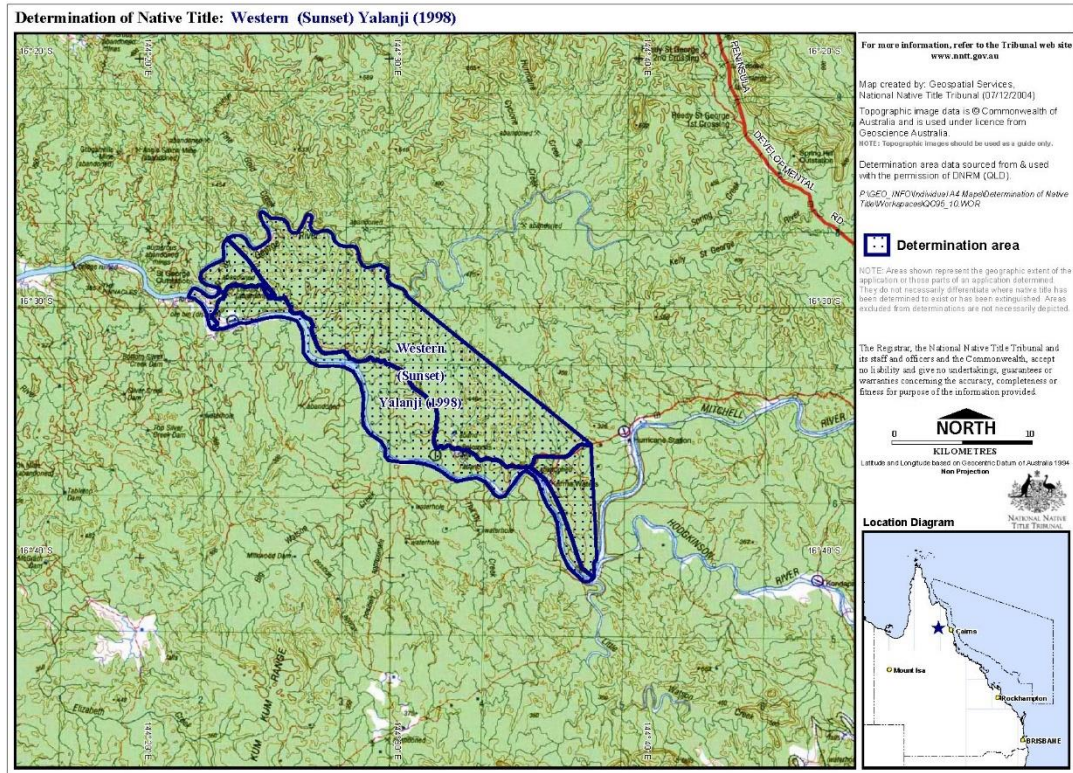


Figure 2: Western (Sunset) Yalanji Native Title determination Area 1998 (NNTR 2019).

2. Riley v State of Queensland QCD2006/001

On 17 February 2006 in the case Riley v State of Queensland QCD2006/001 [here](#), the Federal Court made a consent determination which recognised the native title rights and interests of the Western Yalanji People over two parcels of land. The land is approximately 200 km² and the leaseholders hold a special lease and an occupational licence over the area. Under the determination, the leaseholders are able to carry out their activities in cooperation with the native title holders.

The court recognised the following non-exclusive native title rights and interests in the determination area:

- hunt, fish and gather for personal, domestic and non-commercial communal purposes;
- conduct ceremonies;
- bury native title holders on, and be buried in this area;
- maintain springs and wells where underground water rises naturally to ensure the free flow of water;
- take, use and enjoy natural resources, such as plants, animals, flints and clay, for personal, domestic or non-commercial communal purposes;

- maintain and protect from physical harm places of significance under traditional laws and customs; and
- inherit and succeed to the native title rights and interests.

In regard to water in the determination area, the recognised native title rights and interests include the non-exclusive rights to:

- hunt, fish and gather on, in and from water for personal, domestic or non-commercial communal purposes; and
- take, use and enjoy water and natural resources in the water for personal, domestic or non-commercial communal purposes.

The native title holders are to exercise their rights and interests in accordance with their traditional laws and customs, and under State and Commonwealth laws. The native title holders do not have the right to control how the determination area will be used or control access to the area. The native title holders also do not have native title rights or interests in relation to minerals or petroleum.

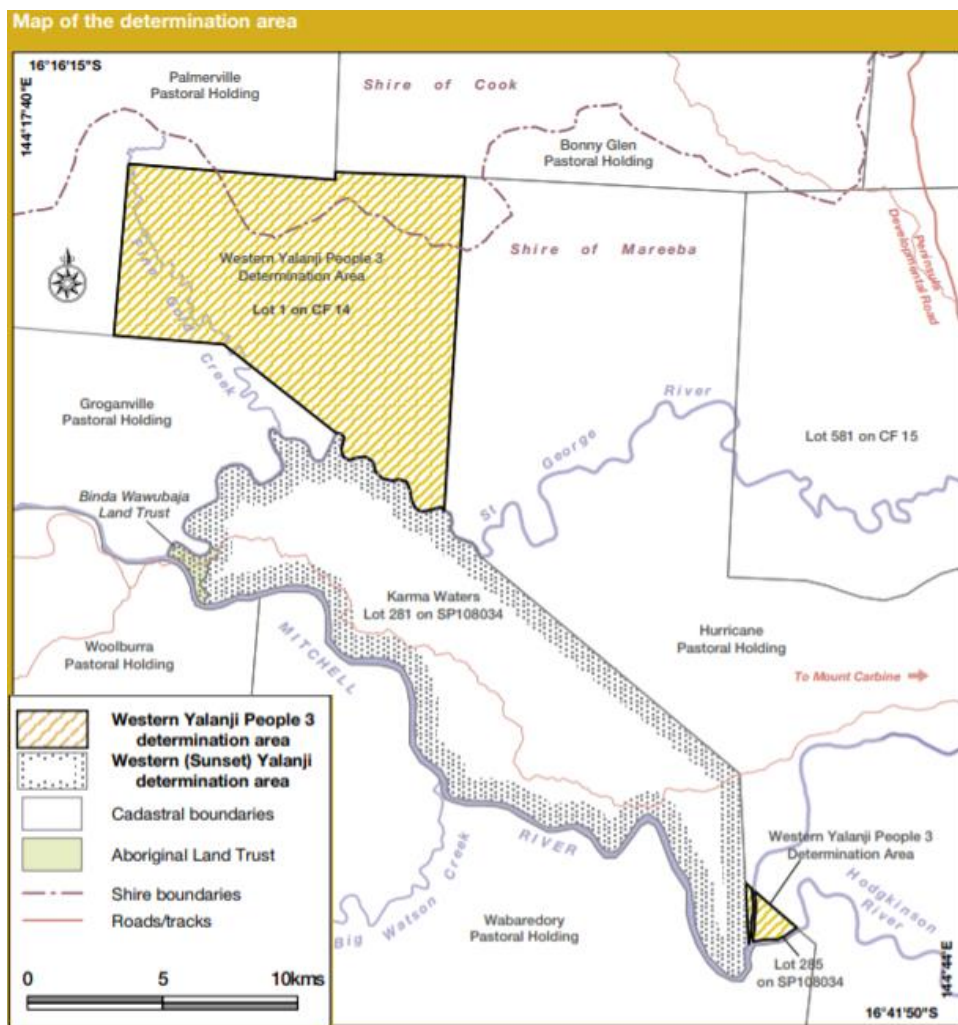


Figure 3: Western Yalanji 3 Native Title determination area 2006 (NNTR 2019).

3. William Steven Brady and Desmond Brickey on behalf of the Western Yalanji People Combined #5 and #7

On 24 September 2013 in the case William Steven Brady and Desmond Brickey on behalf of the Western Yalanji People QCD2013/003 ([here](#)).

The native title rights and interests in relation to the land and waters are the non-exclusive rights to:

- access, be present on, move about on and travel over the area;
- camp, and live temporarily on the area as part of camping, and for that purpose build temporary shelters;
- hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;
- take, use, share and exchange Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;
- take and use the Water of the area for personal, domestic and non-commercial communal purposes;
- conduct ceremonies on the area;
- be buried and bury native title holders within the area;
- maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and areas from physical harm;
- teach on the area the physical and spiritual attributes of the area; and
- light fires on the area for domestic purposes including cooking, but not for hunting or clearing vegetation.

The native title rights and interests are subject to and exercisable in accordance with the Laws of the State and the Commonwealth as well as the traditional laws and customs observed by the native title holders. There are no native title rights in or in relation to minerals and petroleum.

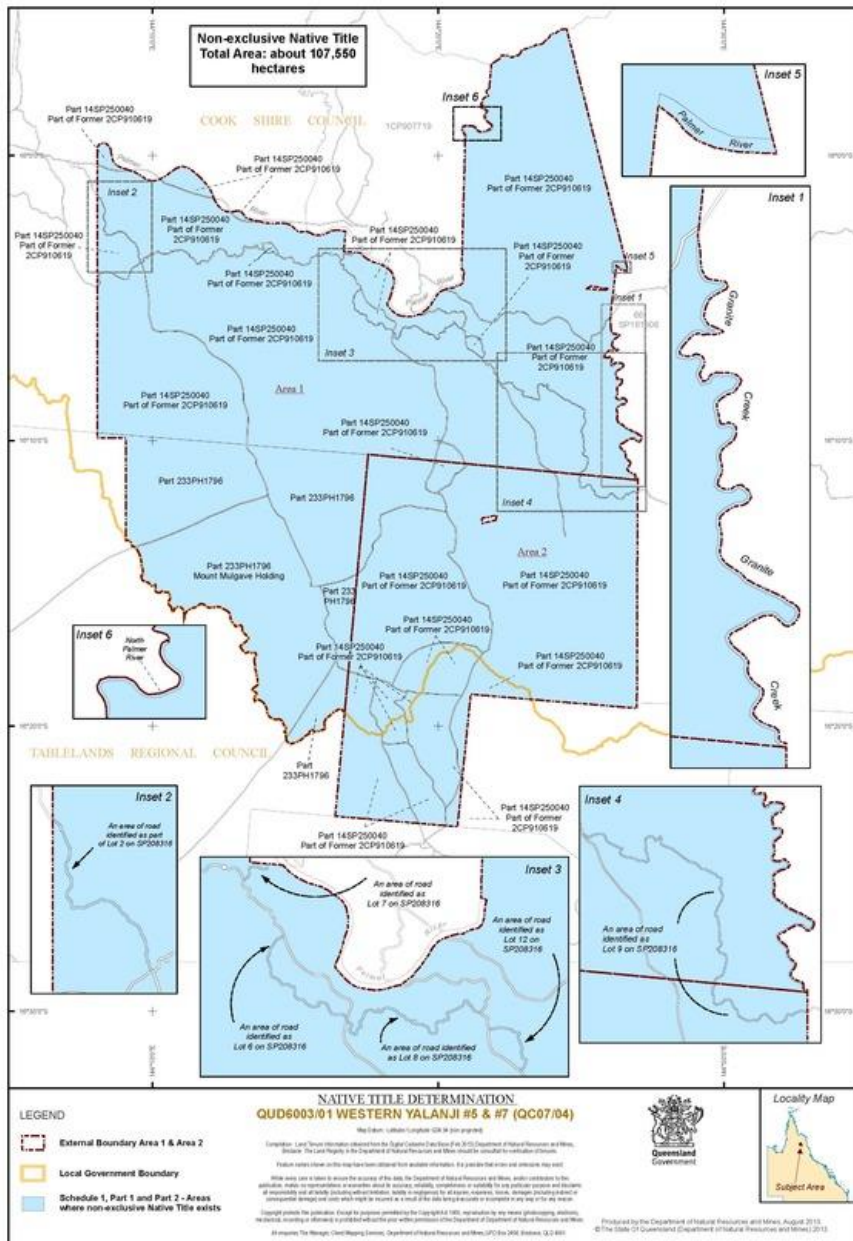


Figure 4: Western Yalanji #5 & #7 Native Title determination area 2013 (NNTR 2019).

4. Graham Brady, Desmond Brickie and Dell Riley on behalf of the Western Yalanji People #4

On 24 September 2013 in the case Graham Brady, Desmond Brickie and Dell Riley on behalf of the Western Yalanji People ([here](#)), the court recognised both exclusive and non-exclusive rights within the determination area.

The exclusive native title rights and interests in the determination area acknowledge the right to:

- possess, occupy, use and enjoy the area to the exclusion of all others;

The non-exclusive native title rights and interests, specifically in relation to the land are:

- access, be present on, move about on and travel over the area;
- camp, and live temporarily on the area as part of camping, and for that purpose build temporary shelters;
- hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;
- take, use, share and exchange Natural Resources from the land and waters for personal, domestic and non-commercial communal purposes;
- take and use the water for personal, domestic and non-commercial communal purposes;
- conduct ceremonies;
- be buried and bury native title holders within the area;
- teach on the area the physical and spiritual attributes of the area;
- light fires on the area for domestic purposes including cooking, but not for hunting or clearing vegetation; and
- be accompanied on the area by certain non-native title holders, being:
 - spouses of native title holders, pursuant to the exercise of traditional laws and customs;
 - people required under the traditional laws and customs observed by the native title holders for the performance of, or participation in, rituals, ceremonies, or cultural activities; and
 - people who have rights in relation to the area according to the traditional laws and customs of the native title holders.

In relation to Water, the non-exclusive rights determined allow native title holders to:

- hunt, fish and gather from the Water of the area;
- take and use Natural Resources from the Water; and
- take and use the Water of the area, for personal, domestic and non-commercial communal purposes.

The native title rights and interests are subject to and exercisable in accordance with the Laws of the State and the Commonwealth as well as the traditional laws and customs observed by the native title holders. There are no native title rights in or in relation to minerals and petroleum.

- entered into regardless of whether there is a native title claim over the area or not; or
- part of a native title determination or settled separately from a native title claim.

Indigenous land use agreements can be about:

- future developments that may affect native title;
- how native title coexists with the rights of other people;
- extinguishment (ending) of native title by surrendering it to the state;
- compensation for the effects of any dealing on native title rights and interests; or
- employment and economic opportunities for native title groups.^{ix}

Table 4: Summary of Registered Indigenous Land Use Agreements (ILUA) Involving Western Yalanji Native Title determined areas.

ILUA Name	ILUA Type	Subject Matter	Number	Date Registered
Western Yalanji People Exploration Permit Backlog Project	Area Agreement	Exploration, Mining	QI2004/012	24/02/2005
Western Yalanji - Pedersen	Area Agreement	Development, Commercial	QI2003/055	02/09/2005
Western Yalanji and Mareeba Shire Council	Area Agreement	Development, Community, Government, Infrastructure, Public	QI2005/007	18/05/2006
Western Yalanji & Cook Shire Council	Area Agreement	Development, Community, Government, Infrastructure, Public	QI2004/064	18/05/2006
Western Yalanji #3 Fossicking	Area Agreement	Mining, Fossicking	QI2005/015	18/05/2006
Small Scale Mining and Exploration Activities - Western Yalanji People	Area Agreement	Mining, Exploration	QI2005/009	06/06/2006
Western Yalanji People and Ergon Energy	Body Corporate	Infrastructure	QI2013/086	04/03/2014
Western Yalanji and Tablelands Regional Council	Body Corporate	Government, Access, Development, Terms of Access	QI2014/003	22/04/2014

ILUA Name	ILUA Type	Subject Matter	Number	Date Registered
Western Yalanji Small Scale Miners	Area Agreement	Mining	QI2013/080	23/04/2014

Further Details

When explored in more detail, the specific purposes for the ILUAs are revealed. It is important to understand the legal agreements and the intent of the parties when developing holistic plans that seek to capture social, cultural, economic, political and historical influences or interests. Whilst many ILUAs are ongoing or agreed in perpetuity, reflecting the permanence of local cultural ownership albeit expressed in Native Title, some (as shown below) are time-limited. Again, this kind of detail is important for planning and partnership building.

1. Western Yalanji People Exploration Permit Backlog Project

This ILUA application was lodged by the State of Queensland, with the other parties involved being the North Queensland Land Council (NQLC) and individuals acting on behalf of the Western Yalanji People. The agreement dates stated are from **13 August 2004 until 13 August 2024**.

The Native Title Parties consent to:

- Granting an Exploration Permit (EP) to an explorer, provided that the permit is granted for a maximum five years, contains the Native Title conditions and has been paid for;
- Conducting exploration activities under an exploration permit; and
- Granting a Mineral Development License, provided that the applicant has previously been granted an EP and has not breached the conditions of this EP.

2. Western Yalanji – Pedersen

This ILUA application was lodged by Alan and Karen Pedersen, with other parties involved being the State of Queensland, and Rodney Riley acting for the NQLC on behalf of the Western Yalanji People. The agreement dates are not specified. The Parties agree that the Existing Perpetual Lease may be amended under the Land Act 1994 to include the ILUA area.

3. Western Yalanji and Mareeba Shire Council

This ILUA application was lodged by the Mareeba Shire Council, with the other parties involved being the NQLC (Rodney Riley, Desmond Brickie, Thomas James Mitchell, Dell Riley, Graham Brady and William Steven Brady) acting on behalf of the Western Yalanji People. The agreement dates are not specified.

Relevant landholders in this area include Bonny Glen Pastoral Holding and Palmerville Pastoral Holding.

The Native Title Parties consent to the:

- Continued operation, use and maintenance of Council infrastructure and the land and water it is located on or adjacent to;
- Use by the public;
- Public use of roads to a width of sixty metres within the land area; and
- Construction or carrying out of minor works or activities.

4. Western Yalanji & Cook Shire Council

This ILUA application was lodged by the Cook Shire Council, with the other parties involved being the NQLC (Rodney Riley, Desmond Brickie, Thomas James Mitchell, Dell Riley, Graham Brady and William Steven Brady) acting on behalf of the Western Yalanji People. The agreement dates are not specified.

The Agreement covers land and waters within the Mining Leases 20282 and 20257 and Mining Claims 20074 and 20075.

The Native Title Parties consent to the:

- Continued operation, use and maintenance of Council infrastructure and the land and water it is located on or adjacent to;
- Use by the public;
- Public use of roads to a width of sixty metres within the land area; and
- Construction or carrying out of minor works or activities.

5. Western Yalanji #3 Fossicking

This ILUA was lodged by Queensland Lapidary & Allied Craft Clubs Association Inc (QLACCA), with the other parties involved being Rodney Riley acting for the NQLC on behalf of the Western Yalanji People. The agreement dates are not specified.

The Applicant consents to:

- Granting of fossicking licences;
- Conduct of fossicking activities; and

- Camping.

6. Small Scale Mining and Exploration Activities - Western Yalanji People

This ILUA application was lodged by the State of Queensland, with the other parties involved being the NQLC (Rose Colless, Rodney Riley, Desmond Brickie, Thomas James Mitchell, Dell Riley, Graham Brady and William Steven Brady), Western Yalanji Aboriginal Corporation, and North Queensland Miners Association. The agreement dates stated were from **30 September 2005 until 30 September 2010** (no further information found)

The Parties consent to the renewal of Exploration Permits or Mineral Development Licences provided that:

- An exploration permit is granted for an area of land comprising 50 Sub-blocks or less; and no more than 150 Sub-blocks are held in Queensland at any time by a grantee Party;
- A mineral development Licence is issued for an area of land comprising 50 hectares or less; and no more than 150 hectares are held in Queensland at any time by a grantee party; and
- The grantee party pays the amount required.

7. Western Yalanji People and Ergon Energy

This ILUA application was lodged by Ergon Energy Corporation Limited, with the other parties involved being the NQLC (Graham Brady, Desmond Brickey, Dell Riley and William Steven Brady) and Western Yalanji Aboriginal Corporation. The agreement dates are not specified. The area covers about 3,300 km² approximately 80 km south-west of Cooktown.

The Parties consent to Ergon Energy performing any of the following future acts:

- Accessing the agreement area for minor works;
- Use of all electricity infrastructure in existence at the execution date and of any adjacent land required for operational use and maintenance of electricity infrastructure; and
- Use and maintain the relevant access tracks for access purposes.

8. Western Yalanji and Tablelands Regional Council

This ILUA was lodged by Tablelands Regional Council, with the other parties involved being the NQLC (Thomas Mitchell, Graham Brady, Desmond Brickey, Dell Riley and William Steven Brady) and Western Yalanji Aboriginal Corporation. The agreement dates are not specified. The agreement area covers about 101 square km located, within the Mareeba Shire Council, approximately 95 km westerly of Mossman and

south of Mount Hurford.

9. Western Yalanji Small Scale Miners

This ILUA application was lodged by the State of Queensland, with the other parties involved being the NQLC (William Steven Brady, Graham Brady, Desmond Brickey, Thomas Mitchell and Dell Riley), Western Yalanji Aboriginal Corporation and North Queensland Miners Association Incorporated. The agreement dates are not specified. The agreement area covers about 7500 km² between Lakeland in the north to the Mitchell River in the south.

The Parties consent to the grant of the following in the ILUA Area:

- Prospecting Permits, with a Level 2 Environmental Authority if required under the EPA;
- Mineral Development Licences within a Level 2 Environmental Authority;
- Mining Claims with a Level 2 Environmental Authority; and
- Mining Leases with a Level 2 Environmental Authority.

The Pastoral Neighbourhood

There are currently 11 Pastoral Stations within or overlapping the Western Yalanji Native Title Determination Areas and are included in Table 5:

Table 5: Pastoral Stations within or overlapping Western Yalanji Native Title areas.

#	Pastoral Station	Family/Owner Name
1	Brooklyn Station	Australian Wildlife Conservancy
2	Curraghmore Station	Curraghmore Pastoral company
3	Hurricane Station	
4	Karma Waters Station	Pederson Family
5	Palmerville Station	Struber Family
6	Spring Hill Station	Curraghmore Pastoral company
7	Maitland Station	Ahlers Family
8	Mt Mulgrave Station	Kingsley Family
9	Fairlight Station	Callaghan Family
10	Butchers Hill Station	
11	Crocodile Station	Indigenous Land and Sea Corporation

As discussed, most of the attention to reclaiming rights to customary land under Native Title have focussed on this pastoral neighbourhood. Though Native Title determinations can be confusing and at times poorly understood, the opportunities to engage with leaseholders over activities of mutual interest are strengthened ‘at the table’. Pastoral country is often endowed with many and diverse opportunities for lease and Native Title holders alike, such as cultural sites, biodiversity and conservation management, fire management and so on. Whether collaborative arrangements are made through a Native Title process (e.g. an ILUA) or negotiated through constructive relationships, Native Title determinations in the pastoral sector lend Aboriginal custodians more equity than they would otherwise enjoy. Pursuing enterprise activities on pastoral stations over which non-exclusive NT rights exist can be time and resource prohibitive and fraught with relationship issues. Through this CRCNA supported process opportunities for fire management and tourism expansion have been identified, for example, but resources are not yet available – and adequate experience not gained – to consider developing them.

The Natural Environment at Western Yalanji

Western Yalanji is located in the Wet Tropics Bioregion. This bioregion is classified by the Interim Biogeographic Regionalisation for Australia (IBRA) and extends across a section of coastline in south-eastern north Queensland. This area, which stretches along the north-east coast of Australia for some 450 km, is made up largely of tropical rainforests. This biotope offers a particularly extensive and varied array of plants, as well as marsupials and singing birds, along with other rare and endangered animals and plant species^x.

The West Quinkan country is characterised by broad sandstone plateaus into which the Mossman River and its tributaries have cut deep gorges. The vegetation is dominated by forest and woodland, with unmapped patches of vine-thicket or rainforest in sheltered sites and around springs. The sandstones of the West and East Quinkan Reserves have not been affected by grazing and contain important sources of permanent water.

Quinkan is well known as an area of high cultural value, but its environmental value is less well understood. The complex landscape of Quinkan, consisting of tropical savanna woodland on eroded sandstone escarpments with some grassland and small patches of rainforest, and its relatively unaltered state, indicates the diversity of habitats needed to sustain high levels of biodiversity.

In 2017, a Bush Blitz Species Discovery Program environmental survey of the area confirmed that it is high in biodiversity values with approximately 1279 species recorded (see map below).

Of these species, two are threatened animal species; the Large-eared Horseshoe Bat (*Rhinolophus robertsi*: Figure 6): listed as Vulnerable under the Environmental Protection and Biodiversity Conservation Act and Endangered under the Nature Conservation Act; and the Squatter Pigeon (*Geophaps scripta scripta*: Figure 7): listed as Vulnerable under the EPBC Act and the NC Act. Two of the vascular plant species recorded are listed as Vulnerable under the NC Act – *Dendrobium bigibbum* and *Hardenbergia* spp. (Mt Mulligan J.R. Clarkson 5775) – with *D. bigibbum* also listed as Vulnerable under the EPBC Act. Three other plant species are listed as Near Threatened under the NC Act and there were 128 new species possibly identified.

One area of high biodiversity and cultural value is the West Quinkan Reserve (Wulburjubur) – a likely habitat for both the two listed threatened species as well as numerous other culturally and environmentally valuable species. To follow up on this initial report, WYAC will develop an Environmental Management and Implementation Plan for West Quinkan Reserve using appropriate fire management to maintain the diversity of habitats. The Plan will include extensive vegetation mapping, management actions to maintain diverse habitats, a monitoring and evaluation plan to record effort and outputs and the development of a management framework for the whole of Quinkan Country.



Figure 6: Large-eared Horseshoe Bat (*Rhinolophus robertsi*).

Environmental Conservation at Western Yalanji

More research needs to be carried out to determine appropriate fire management regimes, including options to reduce fire incidence, extent and intensity, for maintaining habitat diversity. Activity and incomes from fire management to generate carbon credits (below) will improve opportunities to pursue this work. The West Quinkan Reserve is largely intact with minimal impact from grazing, but wildfire threatened. This project will look at identifying and protecting the habitats of the Large-eared Horseshoe Bat and Squatter Pigeon through fire management operations.

The Bush Blitz survey located and caught Large-eared Horseshoe Bat, but there is no further information on abundance for the region.

In the wider region, both threatened species are under threat from destruction or reduced accessibility of roost sites, habitat loss and fragmentation, inappropriate fire regimes, grazing of habitat by livestock and feral herbivores, habitat change and predation by feral cats. The development of an Environmental Management and Implementation Plan for the West Quinkan Reserve will identify and address these threats.

Heritage Sites

The Western Yalanji People Community Plan identifies priority areas that the Western Yalanji People want to protect in regard to their cultural heritage, including to:

- Seek increased protection for the Western and Eastern Quinkan Cultural Sites, and
- Collect, preserve and manage cultural materials and information.

We are concerned about:

- Heritage sites getting damaged by tourists and cattle because they are not protected with fences and signs, and
- Traditional Owners are not able to care for heritage and cultural sites properly.

We want to see:

- Heritage and cultural sites protected with signs and fences so that other people (locals and tourists) know where sacred sites are and respect them,

- Certain areas closed off during cultural time,
- Traditional Owners taking care of sacred sites,
- Elders teaching younger generations about culture, song-lines and cultural sites, and
- Our water and sacred sites respected by visitors and tourists.

Looking after heritage sites to meet community aspirations is currently cost-prohibitive. The following discussion about enterprise development and particularly enterprise that enables greater familiarity with and perhaps multi-purpose visits to country positions heritage protection in the context of other income-earning, skills acquiring, and partnered activities that can support heritage needs.

Land Use Business Opportunities

An area of high priority for WYAC is identifying and developing business opportunities on our country that are in line with our community's aspirations and vision for looking after our country.

Prior to engaging with North Australian Indigenous Land and Sea Management Alliance (NAILSMA) to apply a BoC diversification project, WYAC members were already involved with several land-based enterprises. WYAC has core objectives and strong motivations to initiate and support Yalanji businesses, but business support in an organisation with limited resources and many administration obligations (like managing ILUAs¹) is difficult to do. Enterprise planning and development often occur opportunistically and as without the benefits of mutually supportive activities.

'We have identified three key areas; Cultural Tourism, Fire Management and Carbon Abatement and heritage protection and rehabilitation. We intend to create a permanent Ranger Group to enable do these things.'
(Brad Grogan. WYAC CEO 2019)

WYAC interest in cultural tourism was focussed on independent company operation and perceived opportunities around the West Quinkan reserve and rock art galleries. WYAC want to develop a tourism hub idea (discussed below) to value-add and expand such opportunities.

Environmental management aspirations are centred around the proposed formation of a ranger program. As with other groups, WYAC has experienced difficulty maintaining funding for rangers and recognise the importance of relative financial independence from government and other grants for long term security.

¹ Administration of numerous ILUAs concentrates a large proportion of WYAC time and other resources.

Fire management on WY country is critically needed to protect environmental and cultural values. Carbon Farming through Savanna Burning (introduced in the BoC program) offers some income to support fire management with benefits as a hub for training and career pathways; for managing feral animals and weeds; it could provide essential support for tourist operations.

Cultural Tourism

WYAC is working with CSIRO (with support from NAILSMA through the CRCNA supported BoC process) to develop a prospectus that presents aspiration to set up the Cultural Tourism Hub with neighbouring and interested Traditional Owner groups who are either already conducting Cultural Tourism or want to develop their own. The prospectus will identify services, key tourism operators both local and national, and potential stakeholders to partner with WYAC to do what hasn't already been done by them individually (link attractions, share equipment and expertise)

The prospectus will also be used to develop and identify funding opportunities to meet set-up costs and contribute to the Cultural Tourism Hub. It is expected that a report will be submitted in 2020, containing sufficient information and analysis to promote the concept with investors, if warranted by potential returns.

Western Yalanji Aboriginal Corporation also work closes with Jarramali Rock Art Tours. Jarramali Rock Art Tours is a 100% Aboriginal owned and operated tour guide company providing exclusive access to groups and individuals, with unique guided trips to pristine and culturally important rock art sites, in the remote backdrop of Cape York Peninsula, Australia.

Jarramali Rock Art Tours provides multi-dimensional, authentic Indigenous tours, a cultural adventure in style, safety and comfort. Exploring the history of the Kuku-yalanji people and visiting what UNESCO regards as one of the top ten most significant bodies of Indigenous rock art in the world which is outstanding for its variety, quantity and quality.

They specialise in telling people about our traditional plants, medicines and bush tucker and traditional fire burning methods. “Nowhere else in the world can you start at the world’s largest single living structure made by organisms – the Great Barrier Reef, then venture through world heritage, tropical rainforest before arriving in the savannah grasslands of Cape York Peninsula” (Jarramali 2019).



Figure 9: Jarramali Rock Art Tours

Jarramali is an example of the type of cultural tourism business that Western Yalanji would like to create and complement through the activities of the proposed Cultural Tourism Hub, adding their own new businesses as well as coordinating, existing ones.

Fire Management and Carbon Farming

Like so many areas across the north of Western Yalanji country has suffered from wildfires since traditional burning practices all but ceased in the 20th century. New styles of burning were introduced with cattle growing, but the combination of land dispossession and the winding down or transfer to alternate uses of pastoral leaseholds has left large areas without any or adequate fire management. The degradation of land, environment, built and cultural values are of serious concern. WYAC identified fire management as a priority for obvious reasons but for creating a reliable long-term mechanism for achieving desired fire management outcomes can be a costly endeavour, highly vulnerable to political and economic change. This CRCNA supported project allowed WYAC further experiences sharing with other Indigenous groups across northern Australia. Subsequent strategic planning and feasibility assessment led WYAC to begin set up of a Savanna Burning project for the abatement of greenhouse gas emissions on a northern block of Western Yalanji Native Title Area (Wulburjubur). The assessment projects very modest income from abatement on this block, given its size and a relatively small area of eligible vegetation types. WYAC however, understands that the development experience will be invaluable when the project is able to consider carbon sequestration on top of abatement (offering, at last, a twofold increase in income) and or expansion to other areas on their estate, such as mining reserve block adjacent to the south-west. This modest project will help and be helped by the tourism development at Wulburjubur; it will draw on and support the Remote Jobs and Communities Programme (RJCP); be an important conservation step

in that heritage area; and provide substance and direction for targeted training and business governance.

The Australian Government has agreed to an emissions reduction target of 26%–28% below 2005 levels by 2030 (AG: 2020) and to achieve this has bolstered the 2014 Emissions Reduction Fund amount of \$2.55 billion with a further \$2 billion. Many Indigenous groups have already created businesses operating successfully to produce tradable carbon credits.

Carbon sequestration involves a deepening of savanna fire management commitments by landowners, to ensure that trees and forests are protected over longer periods. The methodology for sequestration of carbon in dead coarse plant material (tree branches) was released in 2018, though up-take of the methodology across the savannas has been very slow. Landholders are taking time to consider the risks of being required to protect carbon stored in deadwood for at least 25 years and up to 100 years. Evidence is mounting that fire management will become more difficult with climate change to longer periods of hotter, drier conditions, with risks increasing accordingly. Additional sequestration methodologies presently under development will account for the carbon stored in living tree biomass and heavy fuels (trunks of dead trees), significantly increasing the potential earnings from savanna fire management. Improved incomes may shift the risk-reward profile to improve uptake.

At present, the main proponent of environmental fee-for-service activities in Australia is the Australian government. However, corporate procurers of carbon credits in the voluntary market who may pay a premium for environmental or social ‘co-benefits’ are increasingly substantial players in the Australian environmental fee-for-service market.

‘Carbon Co-benefits’ is a term used to refer to the array of environmental, social, economic and other outcomes co-created in savanna burning carbon projects and other environmental service delivery. Measures for co-benefits are an important step towards the recognition of a broader Ecosystem Services role that Aboriginal land managers play. Co-benefits may yield a premium (some suggest) of up to 30% on at least a proportion of Carbon Credits sold, or they may represent environmental outcomes monetizable in their own right, such as ‘biodiversity credits’. The Aboriginal Carbon Foundation (AbCF), Ten Deserts, Indigenous Carbon Industry Network (ICIN), the Federal department of Agriculture, Industry and environment amongst other are now looking to develop credible metrics for co-benefits as the Indigenous land management (ILM) sector develops. AbCF, NAILSMA, Kimberley Land Council (KLC) and ICIN, for example, refer to these as ‘core benefits’, following Indigenous land manager values that describe these in an holistic way as ‘caring for country’ – type outcomes ahead of carbon for example, as the main reasons driving their on-ground activity. To this end, capturing and enhancing activities that deliver core benefits is a key part of land use planning and the BoC framework alike.

Globally, the environmental service sector is maturing into a major economic mechanism for conservation and rural development, with estimates of its potential worth between US\$33 trillion and US\$125 trillion. Engagement in carbon markets is an important pathway to broader environmental fee-for-service activities which traditional owners are well-positioned to enter in the WYAC determination areas, given significant natural and cultural values.

Looking After Country: Ranger Group

WYAC is developing a permanent Ranger team so that we, as Traditional Owners (TO), can properly care for our country. Sustainable funding is required so that the effectiveness of the ranger program and the expectations of TO are not so vulnerable to government program changes.

The WYAC Community Plan (Figure 10) identifies a range of responsibilities that WYAC members would like to see the Rangers take on. They see a Western Yalanji Ranger program as an appropriate vehicle for undertaking, facilitating and helping Yalanji people to engage in these expressed interests.

We are concerned about:

- Damage and erosion caused by cattle, horses, and other animals
- Repairing fences and other infrastructure
- Weed management
- Pest management, including wild cats, cane toads
- Tourism Management, including tourist safety, rubbish, dumping, erosion
- Monitor and enhance the health of animals and plants
- Surveys of the land and water to produce a good understanding of the current state of the environment

We want to see:

- Traditional Owners looking after the environment for the future
- Country left neat and tidy – no rubbish, minimal impacts from any tourism
- Healthy native plants and animals in and around the waterhole
- Fire managed effectively across the whole area

Our strategies to achieve our vision are:

- Complete training and courses to build our capacity and skills in land management, governance and business management
- Support elders to pass on stories, songs, and knowledge to younger generations
- Work closely with the neighbouring ranger groups, land councils, NRM bodies, etc
- Explore funding opportunities, plans and business models for a ranger group and identify organisations that can support us

Figure 10: Excerpt from WYAC community plan for environmental management (WYAC: 2018 unpublished)

The issues sighted in the original plan (above) and the vision driving strategies to correct them were thought to be progressed most effectively through the development of multi-skilled land management or ranger program. There are potentially too many assumed responsibilities for a ranger group to achieve desired outcomes unless their capacity and reliability are bolstered by other project activities investing back into the rangers. The CRCNA sponsored diversification project not only considered the range of aspirational proposals entertained by WYAC but how they might be linked to support each other. In this case, synergy and mutual support could be gelled through the commercialisation of fire management (Savanna Burning Carbon Farming Initiative (CFI) project). This will drive re-engagement with the landscape, better ambient conditions for biodiversity protection, training, support from elders, modest income, physical connection and customary responsibility to the area where for example tours occur or heritage values exist.

Employment and Training

WYAC aims to start up a ranger group to care for country and create real jobs for people in the community. Education and training are key to achieving this vision.

We want to do training so that we have the skills and qualifications need to run a ranger group and take care of our country.

We want to:

- Get our younger adults, and all adults, into training
- See family working on the land and protecting sacred sites
- Work with other rangers and Indigenous land managers to get ideas, share knowledge, and do training on country.

Figure 11: WYAC expressed interest in training - Excerpt from Community Plan (WYAC 2018).

Employment and training goals are generalised in the Community Plan. This CRCNA supported project helped create a more strategic vision of sustainable employment, with cross-project flexibility. Fire management, RJCP Community Development Programme (CDP) employment, local tours and ranger driven heritage work are all linked (though not exclusively) into a broader vision for employment. Likewise, training can become better directed and supported by a variety of active locally owned projects. A complete training and skills development strategy is an important future step.

Building and Enhancing Partnerships

To follow is a preliminary list of potential partnering opportunities for the WYAC Community, indicative of the priority tasks been explored or undertaken at the time. Partnerships evolve and may be initiated by either WYAC or potential partner. Importantly, building partnerships is the responsibility of all parties and, as such, must relate to the rights, interests and benefits expressed by WYAC on behalf of its members. WYAC governance and management of what may be many partnerships is critical in aligning their activities to WYAC objectives.

Aboriginal Carbon Fund

The Aboriginal Carbon Foundation is a national not-for-profit company building a sustainable carbon industry in northern Australia. Aboriginal Carbon Fund was established in 2010 and specialises in carbon project services for Aboriginal people.

AbCF is engaged in work to define and promote 'co-benefits', the range of cultural, social and ecological benefits that can stem from good fire management by Aboriginal people. Properly defined and verified, these co-benefits can yield premium prices in voluntary carbon markets.

The Aboriginal Carbon Fund is working collaboratively with WYAC and NAILSMA to draft the WYAC Savanna Burning CFI project feasibility assessment, contributing technical and financial expertise.

Pastoralists

The Western Yalanji share boundaries with several pastoral properties. Relations of the WYAC with the various properties vary and are subject to a range of potential conflicts and mutual benefits over time. There is a tendency amongst some pastoralists to see Aboriginal people as thoughtless and random in their use of fire, yet it is recognised by all that fires can start anywhere, as a result of human activity or lightning, and can cross property boundaries, even with the best firebreaks in place. The Savanna Burning project is expected to act as an incentive for forming partnerships and improving others. For example, neighbouring pastoralists will be invited to planning sessions and be exposed to relatively high levels of knowledge, expertise and responsibility from their Indigenous neighbours

Charles Darwin University and the Darwin Centre for Bushfire Research

Charles Darwin University (CDU) and the Darwin Centre for Bushfire Research (DCBR) provide a range of important services to fire managers in northern Australia. DCBR (formerly with the Northern Territory Government's Bushfires NT) has been a major

player in the science that underlies the methodology for savanna burning methodologies.

Research partnerships involving CDU/DBRC in the south-west gulf region have been important in developing local engagement, understanding and capacity around fire management. The engagement with Western Yalanji has just begun, with their first Carbon Project commencing in 2019.

CDU-DCBR provide support in the form of expertise that can be drawn upon as needed, in the form of Geographical Information Systems (GIS) and custom mapping, specialist services such as Vegetation Map Validation and through a diverse research program that is broadly supportive of Aboriginal land managers and their cultural and ecological objectives. Some services are provided on a fee-for-service basis, while others are gratis.

CDU maintains the North Australia Fire Information (NAFI) website, which is a crucial resource for land managers, enabling near real-time tracking of ignitions and fire dynamics, and well as providing a reference for burning patterns in past months and years that can inform fire planning.

Remote Jobs and Communities Programme / Community Development Programme

Western Yalanji Aboriginal Corporation applied to become a regional CDP employment provider under this program and recently became a confirmed RJCP provider for their region (Mareeba). This initiative now ties in with the need and learning experience of on-country employment, including initiatives on Yalanji country.

Community

The Yalanji community is widely dispersed, including several families living on Palm Island. Consultation can be expensive and time-consuming. WYAC initiatives require strong consultation and level of ongoing engagement.

The non-Indigenous community, around Yalanji held lands and lands for which they have some legal interest (e.g. Native Title), is also a key focus for careful communications and relationship building. Doing business in the pastoral neighbourhood can be challenging but also rewarding. Indigenous business on country works on partnerships and collaborations for which the broader community is important.

North Australian Indigenous Land and Sea Management Alliance Ltd

The North Australian Indigenous Land and Sea Management Alliance works with Traditional Owners and Indigenous land and sea managers across northern Australia and is committed to supporting Indigenous landowners and managers to care for

country and create livelihoods on country. WYAC has worked with NAILSMA this year (2020), and is keen to continue working together to achieve the vision for Western Yalanji. The BoC framework that NAILSMA (supported by the CRCNA) is developing has helped consolidate the many and various elements of WYACs land-use interests. The parties realise that a longer process of informing project development and strategically linking those developments is needed. Both parties are keen on honing the BoC strategy and with it furthering Yalanji aspirations over the next 12 months at least.

Developments from initial exploration of BoC framework

The Business on Country framework cannot be undertaken merely as a desktop or remote exercise. Whilst there are many sources of useful, though often disconnected information to inform land-use planning, face to face and on-ground activities are cornerstones to the process. Ownership and control are as important as being well-informed and striking partnerships. The tables below show the kinds of on-ground and face to face engagement afforded by this CRC project, and a snapshot of (sub) projects identified through this process as complementary and able to be built-on or collaborated with to mutual and ultimately Yalanji advantage.

Table 6: Western Yalanji Aboriginal Corporation. Land Owner and project engagement/development activities.

Activity	Proponent/ partnership	Participant numbers	location	date	details	funding source
Initial engagement	NAILSMA	8	Mareeba	Early 2019	First field visit to introduce and discuss the suitability of BoC with WYAC Rangers	CRCNA
WY group consultation	NAILSMA	20	Mt Carbine	25–27 Apr 2019	Broad group consultation about BoC strategy, reviewing opportunities and details over savanna Burning option	CRCNA
Partner meeting	NAILSMA, CSIRO	5	Cairns	5 Jun 2019	Stakeholder coordination with WYAC to clarify and ensure various country and business planning tasks align with overall BoC	CRCNA, CSIRO
CFI project feasibility assessment	AbCF		Mareeba	Sep 2019	Field trip and initial assessment of GHG abatement potential within the proposed project area	AbCF, NAILSMA
Governance workshop	NAILSMA	6		Dec 2019		CRCNA
Tourism enterprise planning	CSIRO	5	Mareeba	From early 2019	Scoping and planning project focussing on Tourism opportunities	CSIRO
Fieldwork	NAILSMA	6	Mareeba	Dec 2019	Carbon (CFI) project registration planning. Given the fire season in 2019, it was decided not to register a project for that year but to do so in 2020	CRCNA, NAILSMA, AbCF
Fieldwork	NAILSMA	6	Mareeba	Jan 2020		CRCNA
Veg mapping	NAILSMA/C DU	3	Wulburjuba	15-18 Dec 2019	Vegetation validation mapping for carbon farming project registration	CRCNA, NAILSMA donor
Savanna Fire Forum	NAILSMA	2	Darwin	18-19 Feb 2020	Education and knowledge exchange opportunity with other Indigenous and sector participants	NAILSMA

Note: AbCF: Aboriginal Carbon Foundation; CDU: Charles Darwin University; CRCNA: Cooperative Research Centre for Developing Northern Australia; CSIRO: Commonwealth Scientific and Industrial Research Organisation; GHG: Greenhouse Gas; NAILSMA: North Australian Indigenous Land and Sea Management Alliance; WYAC: Western Yalanji Aboriginal Corporation.

Table 7: Western Yalanji Aboriginal Corporation Other Partner/collaborator/synergised projects

Partner/collaborator / service provider	Related Project	Funding sources for related project activities	Date	Existing, complementary Initiative	CRCNA project Initiative
CSIRO	Scoping and planning project focussing on Tourism opportunities	CSIRO	2019	X	
RJCP	WYAC became an RJCP provider extend working on country opportunities on and around WY lands to CDP participants	AG	From 2020	X	
AbCF	Carbon project feasibility assessment, ERF Savanna Fire project registration	CRCNA, WYAC	2019	X	X
CDU/DCBR	Initial PES and carbon project scoping; Vegetation validation mapping for carbon farming project	CRCNA	Dec 2019		X

Note: AbCF: Aboriginal Carbon Foundation; AG: Australian Government; CDU: Charles Darwin University; CRCNA: Cooperative Research Centre for Developing Northern Australia; CSIRO: Commonwealth Scientific and Industrial Research Organisation; DCBR: Darwin Centre for Bushfire Research; RJCP: Remote Jobs and Communities Programme; WYAC: Western Yalanji Aboriginal Corporation.

Discussion

Enquiries about fire management enterprise from Western Yalanji Aboriginal Corporation to NAILSMA led to a discussion about the CRCNA project to develop the **Business on Country Framework** and presentation of the draft framework for WYAC to consider. Given a key principle of BoC is to review and build on existing projects and aspirations and not to assume to 'start from scratch', WYAC were interested in participating in the NAILSMA CRCNA project and having BoC used to assist their group's enterprise aspirations.

This draft land use plan began with **familiarisation** of current and historical land use activities and with a brief assessment of potential land use activities that may not have been considered by or have been available to the Western Yalanji group.

Existing or possible relationships amongst potential land use activities were considered in order that synergies and mutual advantage may be explored. This was particularly the case where **landholder aspirations** for cultural learning and social well-being may be supported with enterprise activities that engender or encourage those desired outcomes – Social programs are a priority but also often costly and grant dependent. Planning to ensure enterprise and well-being are functionally connected as opposed to theoretically co-beneficial, was highly desirable to the WY group.

The BoC framework is developing to ensure **high-quality information and know-how** is brought into the participatory development process to complement and at times, guide local knowledge and expertise. This can be a time consuming and complex endeavour for facilitators or project developers where they are exploring sources of knowledge and expertise for the first time and where potential sources are not alert to the likely call on their resources in relation to new and innovative enterprise options. It is also the case, such as with this project, that government and other bodies have research and development programs or well-supported research interests that may be of value to local Indigenous project developers, such as marketing in the tourism sector, biodiversity surveys and Carbon Farming methodology development.

Several workshops were undertaken with WYAC to work through their existing community and land management plans to review the current desirability, viability and resource needs of previously proposed projects. More detail was provided on new opportunities canvassed earlier and as the BoC project progressed, important technical and administrative information was gathered and discussed (for example, about carbon credit potential, governance and Clean Energy Regulator reporting requirements). Importantly, this process narrowed the set of desirable projects to those **analysed by the group** to present the best strategic outcomes for the next 12 months. These related to developing a Savanna Burning project and aligning other initiatives relating to; maximising Western Yalanji (WY) employment; assessing and

protecting key biodiversity values; developing relationships with neighbouring graziers and others; building governance capability; and enhancing tourism ventures.

The Participatory Action Research (PAR) approach encouraged WY ownership of the process. WYAC endorsed specific plans and project building actions through regular communication – some face to face and some via phone and email. This LUP is based on the ideas and action endorsed or undertaken by WYAC along the way.

WYAC is already an established **governance institution** with several associated companies created to run specific projects or hold title to land parcels. WYAC itself is however financially constrained, with overworked staff and too few of them to take on new work or develop off-shoot companies. WYAC has credibility amongst the WY and broader community, with a number of partners and supporting agencies. Working through the BoC process suggested the need for improving internal coordination of active and proposed projects and external agents working on them. A risk exists of contractors' outputs assuming to but not aligning with an overarching WYAC plan and view. Further, as discussed, it may create undue risk on WYAC for the Savanna Burning project to sit with it so a new entity may need to be considered. Identifying these needs and working to resolve them is a critical task in the governance project, requiring budget, skill, organisational structure and function considerations. This CRCNA project could not provide the support needed to resolve these things in the time available.

Some partners were already at work and some new ones brought to the table to fulfil particular roles in WYAC's development agenda. Aboriginal Carbon Foundation provided advice and assistance to register the Emissions Reduction Fund (ERF) project and importantly could connect the project with the Carbon Fund and other potential credit buyers; NAILSMA and WYAC have initiated connection with the Indigenous Land and Sea Corporation (ILSC) and The Nature Conservancy (TNC) to bring **further investment** for specific tasks, and perhaps, in the case of the ILSC, to consider future fire management on their neighbouring leaseholds (i.e. Crocodile Station).

Whilst partners, investors and others may have discrete roles requiring discrete agreements, it is important to WYAC that their overall vision is reflected in agreements and that their **understanding of benefits and risks** in developing the (discrete and or overall) project is also explicit.

Next Steps

WYAC was hoping to get their Savanna Burning project registered with the Clean Energy Regulator by December 2019. Plans were not advanced enough for this to happen. They now aim for project registration in 2020. WYAC will also need to create a new or use an existing eligible company structure for registration of CFI project.

As arrangements for becoming the regional RJCP provider cement, support for the development of a ranger program to deliver environmental and other services and the CFI project will also gel. WYAC will need to do a skills audit and career pathway plan to streamline training and skills acquisition. This will help direct training to priority needs as this is a known area of frustration and resource wastage in many remote communities.

NAILSMA has committed donor funds to bolster WYAC staff capacity through this development stage and supplement ranger CDP wages.

As confidence and capacity grow, WYAC will explore recent opportunities to engage traditional owners in the expansion of tourism and fire projects. Expansion is likely into the neighbouring Yalanji held the pastoral lease of Bonny Glen. A CFI project has recently been registered on this property, and WYAC sees some opportunity to partner and assists that project.

Business on Country Framework Principles

- **present the BoC framework** as a vehicle for understanding opportunities and constraints and critical evaluation of options and match to aspirations
- **familiarise** Indigenous landholders and their communities with opportunities for socio-economic development based on land ownership and other rights
- understand and document **landholder aspirations** for commercial land use
- provide access to the **best available information** and analysis across all dimensions of commercial use of land and resources
- work through that information and **analysis with landholders** and other Indigenous interests to prepare land use plans that identify areas available for development
- for favourable options, **develop landholder-endorsed plans** for implementation that include conditions for development
- begin building necessary **institutions for governance**
- where sought by landholders, **inform potential investors** and seek their involvement
- **negotiate agreements** that explicitly acknowledge and manage the benefits and risks of proposed developments as understood by landowners and managers

Figure 12: Business on Country Framework Principles

References

Australian Government 2020: <https://www.environment.gov.au/climate-change/government/emissions-reduction-fund>

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Wet Tropics Management Authority. <https://www.wettropics.gov.au/biodiversity>

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ⁱ Aboriginal Cultural Heritage Act 2003
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ⁱⁱⁱ Holthouse, H. (1967). *River of Gold: The story of the Palmer river gold rush*. Angus and Robertson. Sydney

^{iv} Aboriginal and Torres Strait Islander Heritage Protection Act ...
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^{vi} 2019, U. W. (1988). *Wet Tropics of Queensland*. Retrieved from UNESCO: <https://whc.unesco.org/en/list/486>.

^{vii} Water Act 2000 – Queensland.
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^{viii} Nature Conservation Act 1992 - Queensland Legislation
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^x <https://whc.unesco.org/en/list/486>

Prospectus for potential partners

A statement of intent regarding commercial activity on Western Yalanji lands and waters from the Western Yalanji Aboriginal Corporation

The Opportunities:

We have considered options available to apply our interests in land to create new and improved livelihoods and to enhance the well-being of the Western Yalanji peoples. With the information presently available to us, we consider that commercial developments in:

- cultural tourism
- carbon Farming (Savanna Burning); and
- broader land and heritage management program, including PES (erosion control, weed and feral management, biodiversity and conservation management)

should be actively pursued.

Why partner with us:

Yalanji people are the traditional owners of the lands and waters in which we seek to develop enterprise. We have many generations of detailed, unique knowledge and experience in managing and caring for our traditional lands and seas. Our people are culturally obliged to look after our land properly, keen and experienced in land-based enterprise and looking to create realistic opportunity. Partnering with us will be secure, environmentally responsible and economically significant to both you and our community.

Best Practice:

We:

- **have secured recognition of ownership and other rights** in significant parts of our ancestral lands and waters; and
- **have consulted carefully and comprehensively** with our Nation's landholders and community; and
- **have bolstered our foundational capacity to protect values important to us** through development of land management capability, related institutions and governance systems based on traditional obligations and practice; and
- **acknowledge the technical, financial and logistical support of various government and non-government organisations**, including the Cooperative Research Centre for Northern Australia, the North Australian Indigenous Land and Sea Management Alliance, CSIRO and Aboriginal Carbon Foundation

Preparatory work:

Work already completed or underway to advance our understanding of these opportunities includes:

- scoping study for a tourism hub, informed by experience of local and regional tour operations including WY member business; targeted prospectus (under development) assisted by CSIRO, community consultation and support for the tourism hub concept;

- coarse level assessment of CFI viability on WY lands as a whole, feasibility assessment for a CFI project targeted at the Wulburjuba block, vegetation mapping and validation for CFI project registration, initial work force assessment and plan, familiarisation of CFI project registration and carbon contract arrangements (ERF and voluntary), developed relationship with ACCU purchasing facility through the Aboriginal Carbon Fund, early conversations with near neighbours to scope future expansion opportunities;
- won contract to become regional RJCP supplier which can potentially support ranger employment, experience in heritage protection;
- biodiversity surveys completed showing matters of national environmental significance and other values needing protection; and
- initial planning for development of a ranger program.

How you can partner with us:

We acknowledge that more work is required to fully appraise and realise these opportunities and invite interested parties to collaborate with us to complete assessments and, where warranted, develop business cases for each of them. We envisage that new collaborative work will include:

- the development of a land management (ranger) group;
- training and future needs assessment with career and organisational capability pathways and stage one implementation;
- detailed business planning for specific activities and anticipated future development of those project;
- sourcing funds to support start-up and development costs; and
- assessment and development of specific management tools, skills and capability, including organisational support for administration.

Our commitment:

To facilitate this work and optimise prospects of successful completion, we undertake to:

- establish effective methods and forums for productive interaction with other parties;
- foster engagement of all relevant landholder and community representatives with the authority to make binding decisions;
- facilitate and communicate prompt decision-making when the quality of information and analysis meets the needs of landholders and other key decision-makers; and
- seek, in conjunction with potential partners, access to the financial and other resources needed to access relevant information and undertake the necessary high quality analysis.

We seek to begin work during the 2020 calendar year. Our contact details are:

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