

Cape York Peninsula Heritage Act—what does it mean for the Indigenous community?

The *Cape York Peninsula Heritage Act 2007* was proclaimed on 2 November 2007.

The Act is a significant land management initiative developed through consultation between the Queensland Government, Indigenous and non-Indigenous people, and the conservation and development sectors.

It introduces new measures to protect the natural and cultural values of Cape York Peninsula, provide economic opportunities for Indigenous communities and ensure future development is sustainable.

The Department of Environment and Resource Management (DERM) is the lead agency and is responsible for coordinating the implementation of the Act with other government agencies and stakeholder bodies.

How will Indigenous communities benefit?

Under the Act, the Cape York Indigenous community will benefit from:

- a new class of protected area to enable national parks to be created over Aboriginal land without the need for lease-back arrangements
- designated *Indigenous community use areas* within Aboriginal land that are suitable for aquaculture, agriculture or grazing purposes and create, for those areas, a limited capacity for clearing under the *Vegetation Management Act 1999*
- the protection of native title rights in the *Wild Rivers Act 2000* and a reserve of water that will be set aside for Indigenous communities.

Who will be affected?

The Act will affect:

- land trusts for Aboriginal land under the *Aboriginal Land Act 1991* based in the Cape York Peninsula region
- the Aurukun Shire Council
- trustees under the *Land Act 1994* of Deed of Grant in Trust (DOGIT) land in the region.

Vegetation clearing

Under the *Cape York Peninsula Heritage Act 2007*, Indigenous communities can undertake limited clearing of vegetation for the purposes of small-scale clearing (special Indigenous purpose) and on *Indigenous community use areas*.

A special clearing code under the *Vegetation Management Act 1999* will assess clearing for special Indigenous purposes. The code will set requirements for the following:

- maximum sizes
- provide buffers to wetlands and watercourses
- prevent the loss of biodiversity
- avoid land degradation
- protect essential habitat for threatened species and place limits on clearing.

Consultation with relevant landholders and the Cape York Peninsula Regional Advisory Committee will ensure that development is located in areas and configured in a way that will still maintain the unique landscape and values of the region.

The Act also allows landholders of Aboriginal land, DOGIT land or Aurukun Shire lease land, to request that part of their land be declared an *Indigenous community use area*.

Indigenous community use areas

Under the Act, landholders of Aboriginal land, Aurukun Shire lease land or DOGIT land in the Cape York Peninsula region can request that their land be declared an *Indigenous community use area*.

Land may be declared an *Indigenous community use area* only if:

- the landholder has submitted in writing that the declaration be made
- consultation has occurred between the Minister, the Regional Advisory Committee and the Regional Scientific and Cultural Advisory Committee
- the land has the potential to support agricultural, animal husbandry, aquacultural or grazing activities, while ensuring that the land use is ecologically sustainable.

Once an *Indigenous community use area* has been declared, landholders can request to clear vegetation for a special Indigenous purpose. Applications for development must be accompanied by a property development plan.

Special Indigenous purpose

A special Indigenous purpose can only occur on Aboriginal land, Aurukun Shire lease land or DOGIT land in the Cape York Peninsula region.

For a development to be considered a special Indigenous purpose, the clearing must be:

- of a minor nature and not result in a significant impact on the environment
- for agriculture, grazing, animal husbandry or aquaculture.

A special Indigenous purpose application must:

- propose development on Aboriginal land, Aurukun Shire lease land or DOGIT land in the Cape York Peninsula region
- propose development in an *Indigenous community use area*
- not involve the clearing of native vegetation in an endangered or of concern regional ecosystem, for the purpose of planting a high risk species, or trees to make woodchips for export
- be accompanied by a property development plan that demonstrates the viability of the development and its impact on the area.

Indigenous management agreements

Indigenous management agreements are between the state and traditional owners. Under the Act, an agreement will enable a perpetual national park to co-exist with Aboriginal land and allow for the joint management of national park lands.

These agreements ensure public rights of access to a national park and outline the responsibilities of parties regarding the management of the land.

Agreement requirements

An Indigenous management agreement about the management of land must include details of:

- a lot on plan description of the land
- any interim arrangements for its management
- the process for developing a management plan
- areas of the land to which general public access may be restricted
- information about the management of any infrastructure on the land

- that the land will be managed as a national park (Cape York Peninsula Aboriginal land) in perpetuity
- how the land is proposed to be managed
- the responsibilities of the Minister for Climate Change and Sustainability and the chief executive under the *Nature Conservation Act 1992*, in relation to the management of the land
- the responsibilities of the grantees of the land in relation to its management
- how existing interests in the land will be managed and how future interests in the land will be created and managed.

Code for assessing applications

Applications for clearing for a special Indigenous purpose will be assessed against a special clearing code. DERM will consult with Indigenous land representatives and the Cape York Peninsula Regional Advisory Committee when developing the special clearing code.

How do I apply?

DERM is in the process of preparing information to assist applicants prepare property development plans.

Refer to the fact sheet *Cape York Peninsula Heritage Act—vegetation management framework* for more information on property development plans.

It is recommended that you discuss the proposed clearing with a vegetation management officer before preparing your application.

For more information

The following fact sheets include information relating to the Act:

- Cape York Peninsula Heritage Act—vegetation management framework
- Cape York Peninsula Heritage Act—leasehold land management
- Cape York Peninsula Heritage Act—advisory committees.

For more information on the *Cape York Peninsula Heritage Act 2007* visit the DERM website at www.derm.qld.gov.au.

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For general enquiries contact the
Queensland Government call centre 13 13 04
or visit www.derm.qld.gov.au