

## Agriculture and Environment Committee

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**From:** CEO | Jabalbina [REDACTED]  
**Sent:** Monday, 7 December 2015 9:13 PM  
**To:** Agriculture and Environment Committee  
**Cc:** Cook Electorate Office; CEO | Jabalbina  
**Subject:** Submission Amendments to the Nature Conservation Act

[REDACTED] [REDACTED]

Dear Committee,

Re: Review of the Nature Conservation Act 1992 (NCA)

Jabalbina Yalanji Aboriginal Corporation (RNTBC) have great concerns for the proposed amendments to the *Nature Conservation Act 1992*, in **regard to** the removal of Part 2, Section 4(a) of the NCA's Objects which currently reads (underlined section proposed for removal):

### 4 Object of Act

*The Object of this Act is the conservation of nature while allowing for the following-*

- (a) the involvement of indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom;

Jabalbina Yalanji Aboriginal Corporation would like to retain Object 4 (a) and support the proposed improvements to be made to joint management in stage 2 following consultation with Aboriginal Traditional Owners.

It is acknowledged that elsewhere in the Act, such as in section 5 (f) and in section 6 there is noted recognition of interests and opportunities for involvement of Aboriginal and Torres Strait Islander people. However, the significance lies within the Object of an Act. The Object states the intentions of the Act and provides the ideological framework in which the Act is to be pursued. Should the intention of the Act be only to reinstate 'the conservation of nature' as the sole object of the NCA to ensure the preservation of nature prevails over all other interests, then we forgo many future opportunities to invest, benefit and enhance critical and fundamental shifts for the true and effective involvement of Aboriginal and Torres Strait Islander people in national park management.

Jabalbina Yalanji Aboriginal Corporation believe that removal of Part 2, Section 4(a) of the NCA's Objects, would be detrimental to many Indigenous people whom have an interest in national park management under Aboriginal tradition or Island customs.

Likely impacts from the removal of this clause, would result in;

- Limited recognition of Aboriginal and Torres Strait Islander peoples legal rights under the *Native Title Act 1993* (CW);
- Limited future opportunities for Queensland wide Aboriginal and Torres Strait Islander peoples to equally engage in future management, employment and economic development derived initiatives from effective involvement of Indigenous peoples in the management of protected areas;

- In terms of the Wet Tropics World Heritage Area, restrictive future opportunities for Aboriginal Traditional Owners to fulfil their cultural and customary obligations, as highlighted on the 12 November 2012 when the Australian Government recognised the outstanding Aboriginal heritage of the Wet Tropics through the inclusion of the Cultural Values of the Rainforest Aboriginal Peoples on to the National Heritage List.
- Disregard for Traditional Owner free, prior and informed consent, engagement and participation in matters affecting them and their lands in relation to national park management.
- In breach of the national *Environmental, Protection and Biodiversity Conservation Act (1999)*(CW); Objectives of the Act that enhances the protection and management of important natural and cultural places; recognises the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and further, promote the use of Indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge;
- In breach of the 1997 Heads of agreement on Commonwealth and State roles and responsibilities for the Environment, where it was identified five areas were needed to develop a more effective framework for intergovernmental relations on the environment in particular, in the listing, protection and management of heritage places;
- In breach of international human rights declarations, such as the United Nations Declaration on the Rights of Indigenous Peoples, of which Australia is a signatory to, particularly: Article 26 that recognises Indigenous peoples rights in ownership and decision making on traditional lands and that the State shall provide legal recognition and protection of these lands, and Article 29 where Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources;
- In breach of the international Convention on Biological Diversity, of which Australia is a signatory to, in particular to article 8(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;

Sincerely

**Jim Turnour**  
**Chief Executive Officer**  
**Jabalbina Yalanji Aboriginal Corporation RNTBC**

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