

# HEADS OF AGREEMENT

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## THIS AGREEMENT

is made on the fifth day of February 1996

BETWEEN the CAPE YORK LAND COUNCIL ("CYLC") and the PENINSULA REGIONAL COUNCIL of the ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION ("ATSIC"), representing traditional Aboriginal owners on Cape York Peninsula,

AND the CATTLEMEN'S UNION OF AUSTRALIA INC ("CU"), representing pastoralists on Cape York Peninsula,

AND the AUSTRALIAN CONSERVATION FOUNDATION ("ACF") and THE WILDERNESS SOCIETY ("TWS"), representing environmental interests in land use on Cape York Peninsula.

1. The CU, ACF and TWS acknowledge and affirm that the Aboriginal people, represented by the CYLC, and the Peninsula Regional Council of ATSIC, are the original inhabitants of Cape York Peninsula who are entitled by their traditional law to their traditional customs and culture, including access to areas of traditional significance.

1. The Aboriginal people of Cape York Peninsula, the ACF and TWS acknowledge and affirm that pastoralists of Cape York Peninsula (including non CU members) are significant landholders who have existing legal right and concerns related to their industry and lifestyle.

1. The parties acknowledge that there exist on Cape York Peninsula areas of significant conservation and heritage value encompassing environmental, historical and cultural features, the protection of which is the responsibility of State and Federal Governments in conjunction with the parties.

1. The parties maintain their respective positions on the East Coast Wilderness Zone but shall encourage negotiations between pastoralists in the Zone and the State Government on its creation. If the negotiations prove unsuccessful, the parties undertake to meet again to discuss the matter.

1. All parties are committed to work together to develop a management regime for ecologically, economically, socially and culturally sustainable land use on Cape York Peninsula, and to develop harmonious relationships amongst all interest in the area.

1. Subject to clause 5, all parties are committed to the development of a sustainable cattle industry on Cape York Peninsula.

1. The parties are committed to jointly approach the State Government to secure upgraded lease tenure for pastoral properties and restructure lease boundaries under the existing provision of the Queensland Land Act. As a necessary prerequisite for this process, a property consistent with clause 5, in consultation with existing landholders. The parties agree to encourage leaseholders to make necessary applications to the State Government for these purposes.

1. The CU and CYLC agree to make joint approaches to secure investment for development of the cattle industry through the Indigenous Land Corporation, The Rural Adjustment Scheme, and other sources.

1. The Aboriginal people agree to exercise any native title rights in a way that will not interfere with the rights of pastoralists.

1. Pastoralists agree to continuing rights of access for traditional owners to pastoral properties for traditional purposes. These rights are:

- right to hunt, fish and camp;
- access to sites of significance;
- access for ceremonies under traditional law;
- protection and conservation of cultural heritage.

1. These rights shall be attached to the lease title and shall be consistent with a detailed code of conduct to be developed between pastoralists and traditional owners. The code of conduct shall ensure leaseholders are protected from public liability claims arising from the exercise of access rights.

1. The code of conduct for access shall be a minimum to apply to the region, but there shall also be provision for additional features to be negotiated between traditional owners and individual landholders.

1. The parties agree that areas of high conservation and cultural value shall be identified by a regional assessment process according to objective national and international criteria. There shall be an independent review acceptable to all parties in the case of dispute as to whether the values are consistent with the criteria. Where such areas are identified, the landholder shall enter into appropriate agreements to protect the area under State or Commonwealth provision which may include World Heritage listing. As part of such agreements, funds shall be provided for management of the area, monitoring of agreements and equitable economic and social adjustment.

1. There shall be no compulsory acquisition of private leasehold or freehold land, without prior negotiation with the landowner, and unless all reasonable avenues of negotiation, including the agreements detailed in clause 13, are exhausted.

1. The purchase of land for the protection and management of cultural and environmental values shall only take place as land becomes available commercially.

1. The parties support the establishment of a fund for the purpose of purchasing land with identified high environmental and cultural values by the Commonwealth Government. The fund also shall contain funds for effective management of land purchased by the fund.

1. Land purchased through the fund shall be assessed for World Heritage values.

1. The management regime to apply to land purchased through the fund shall be negotiated between the Commonwealth and State Governments and traditional owners and shall be based on culturally and ecologically sustainable use of the land's resources to achieve Aboriginal economic viability. Negotiations will involve relevant community organisations and traditional owners on a sub-regional basis, and particularly in the following sub-regions:

- Kowanyama
- Pormpuraaw
- Aurukun
- Napranum
- Old Mapoon
- Northern Peninsula
- Lockhart River
- Coen • Laura
- Cooktown
- Hope Vale
- Wujal Wujal

1. The nomination for World Heritage listing on any land on Cape York Peninsula shall proceed only where there is a management arrangement which is negotiated with all landholders who may be affected directly by such listing.

1. The parties shall approach the Commonwealth and the State to become parties to this agreement process.

1. The parties are committed to pursuing agreements with the mining and tourism industries and with other industries with interests in Cape York Peninsula.