

STRATEGIC PLAN FOR

# MANDINGALBAY YIDINJI COUNTRY



Prepared by the Mandingalbay Yidinji Aboriginal Corporation 2009



## Dedication

This Strategic Plan is dedicated to the memory of all Mandingalbay Yidinji people that have gone before us, to our Elders who continue to guide us, to our children who will follow in our footsteps and to all future generations who will inherit and care for Mandingalbay Yidinji Country



Jubalum

## Our Vision for Mandingalbay Yidinji Country

We meet our responsibility to Country by:

- Protecting all our sacred places
- Maintaining and passing on our Culture, Knowledge and Practices
- Caring for all the animals, plants and their environments
- Using our traditional resources sustainably
- Repairing the damage caused by others in the past
- Developing an economy that is respectful of our Country
- Sharing our Country and Culture with visitors from near and far
- Working in partnership with others who support our Vision

## ACKNOWLEDGMENTS

We wish to acknowledge and thank Terrain Natural Resource Management for providing funding and other support for the development of the Strategic Plan. We are also very grateful to the many individuals and organisations that provided their time, expertise and support, including:

- Allan Dale, Steve McDermott, Chantal Roder, Lyle Johnson, Kath Shurcliff, Fiona Barron (Terrain NRM);
- Brendan Malone, Frank Gleeson, Andrew Millerd, Bruce Lawson, Bruce Rampton & Dave Fuller (Department of Environment and Resource Management)
- Louise Johns (Queensland Primary Industries and Fisheries)
- Doug Smith (Queensland Acid Sulfate Soil Investigation Team)
- Darren Cleland (Department of Employment, Economic Development and Innovation)
- Nigel Hedgcock, Bruce Jennison & Bill Carrodus (Wet Tropics Management Authority)
- Robert Willmet and Lara Crew (Indigenous Coordination Centre)
- Denis Walls (Cairns Wetland Park Committee)
- Richard Bush (Southern Cross University)
- Doon McColl (Great Barrier Reef Marine Park Authority)
- Louise Doyle (National Native Title Tribunal)

### **Special thanks to:**

- Dermot Smyth (Smyth and Bahrtdt Consultants)
- Steve McDermott (Terrain NRM)
- Allan Dale (Terrain NRM)
- Minister Peter Garret for investing in the future of Mandingalbay Yidinji people.

### **WARNING**

**We wish to advise that the names and photographs of people who have passed on are contained within this plan.**

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# WHERE IS MANDINGALBAY YIDINJI COUNTRY?

Mandingalbay Yidinji Country lies just to the east of Cairns across Trinity Inlet. Mandingalbay Yidinji Country includes East Trinity Environmental Reserve, the Murray Prior

Range, the western slopes of the Nisbet Range and across the Malbon Thompson Range into the Coral Sea (see indicative boundary on the map below).





# PART 1: INTRODUCTION

## Purpose of the Strategic Plan

The Strategic Plan sets out our concerns and proposals regarding the use, management and governance of Mandingalbay Yidinji Country, with a particular focus on the following protected areas:

- Grey Peaks National Park
- Malbon Thompson Forest Reserve
- East Trinity Environmental Park
- Giangurra Reserve
- Great Barrier Reef Coast Marine Park
- Trinity Inlet Fish Habitat Area

Many of these protected areas lie within other forms of protected area - the Wet Tropics and Great Barrier Reef World Heritage Area.



© Steve McDermott

*Hills Creek, East Trinity, Mandingalbay Yidinji Country*

These protected areas were established on our Country by Commonwealth, State and Local governments over many years without our consent. The Strategic Plan aims to establish the framework for collaboration between Mandingalbay Yidinji people and the protected areas management agencies, including the implementation of commitments contained within the Indigenous Land Use Agreement between Mandingalbay Yidinji People, the State of Queensland and the Wet Tropic Management Authority (discussed in detail in Part 2).

The Strategic Plan will lay the ground work for building the capacity and opportunities for Mandingalbay Yidinji people to be involved in the day to day management of the natural and cultural values of Mandingalbay Yidinji Country, and outline opportunities for our involvement in eco-tourism and other economic development initiatives in the region.

The development of the Strategic Plan follows many years of struggle by Mandingalbay Yidinji people for recognition of our inherent rights and interests in our traditional Country. Having recently gained recognition of our native title rights and interests in at least some of our Country, we now look forward to devoting our energies to repairing and caring for our Country.

## Developing the Strategic Plan

The development of the Strategic Plan was coordinated by Dale Mundraby and Vince Mundraby on behalf of the Mandingalbay Yidinji Aboriginal Corporation and all Mandingalbay Yidinji people, facilitated by consultant Dermot Smyth with support from Steve McDermott of Terrain NRM.

Consultation meetings and visits to Country were held with Traditional Owners and with government agencies that have responsibilities and interests in Mandingalbay Yidinji Country. In March 2008 representatives of these agencies participated in a workshop at which the key aspirations and proposals outlined in this Strategic Plan were discussed.



© Dermot Smyth

*Traditional Owner Dale Mundraby and Steve McDermott of Terrain NRM inspect Mud Island during the development of the Strategic plan*

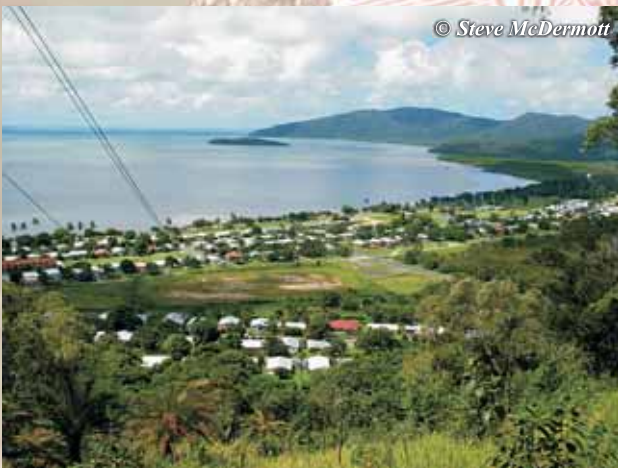


## PART 2: MANDINGALBAY YIDINJI PEOPLE AND COUNTRY

### Mandingalbay Yidinji People

We, the Mandingalbay Yidinji people, are the direct descendents of the Aboriginal people that have owned, occupied, cared for and sustainably used the Country extending from the ridgeline of the Malbon Thompson Range to Trinity Inlet for many thousands of years.

Though control of our traditional lands and waters has been alienated from us in the past, we have never been separated from our Country. When our grandparents and great-grandparents moved to the nearby mission at Yarrabah in the early 20<sup>th</sup> century we continued to visit, camp, hunt and gather on our Country. We continued to care for the Country and its sacred places, and we maintained cultural knowledge and practices.



*Yarrabah Aboriginal Community  
Located on Gungandji traditional land and home  
to many Mandingalbay Yidinji people*

While our culture and way of life have changed over the last 100 years, our identity as Mandingalbay Yidinji people remains strong and our inherited cultural rights and responsibilities to Country have not diminished.

### Mandingalbay Yidinji Country

Mandingalbay Yidinji Country includes a great diversity of environments in a relatively small area, including:

- Rainforest and open woodland on the Nesbitt and Malbon Thompson ranges;
- Estuarine mangroves and saltwater wetlands of Trinity Inlet;

- Beach and intertidal environment;
- Marine environments and reefs Islands

This diversity of environments has sustained us for countless generations. The saltwater environments provide many species of fish, over 30 species of shellfish, dugong and several marine



*Dugong*

turtle species, as well as edible fruit and seed from mangroves. The environments on land support populations of echidnas, bandicoots, kangaroos, wallabies, possums, kangaroo rats, fruit bats, goannas and other reptiles, cassowaries, ducks, geese and other waterbirds, as well as over 100 plant species with edible tubers, fruit and nuts.

The richness and diversity of resources on our land & sea Country, and our sustainable use and management of those resources, gave us a strong traditional economy for thousands of years. We established semi-permanent camping areas always within easy reach of year-round food supplies.



*Cassowary*



Our cultural tradition tells us that the mountains, streams, estuaries, beaches, and reefs are part of a cultural landscape created during the travels of our ancestral Spirit-Beings (Dreamings). Significant events that happened on these creation journeys are remembered today as many sacred places located throughout our land and sea Country.

The diversity of animals, plants, environments and cultural landscapes is part of our Country, part of our culture and part of our identity as Mandingalbay Yidinji people. We also recognise that the environments and biodiversity within our Country have great significance to the wider community in the region, in Australia and internationally. For all these reasons we take seriously our inherent responsibility to care for these environments and species into the future.

### **Mandingalbay Yidinji Technology**

Mandingalbay Yidinji people, like other coastal Aboriginal groups in the Cairns region, developed a wide range of technologies from local material – for hunting, fighting, making substantial shelters, baskets, fish traps and tools. Single outrigger canoes were used extensively for finishing, hunting and travelling well into the 20<sup>th</sup> century.



*Yidinji people of the rainforest*

### **Impact of European Colonisation and Settlement**

The first and an enduring impact of the arrival of Europeans was the renaming of features of our Country, beginning with the 1770 visit by Captain Cook, who came ashore at what is now known as Missionary Bay on neighbouring Gungandji Country.

Cook gave the name “Frankland” to a group of islands that we share with other Yidinji people and which was always known to us as *Wanaga*, and named other prominent landmarks such as “Cape Grafton”.

Several European explorers passed through our Country during the early 1800s before European fishermen established beche-de-mer (sea cucumber) stations at Fitzroy Island and Green Island during the 1860s. This was our first contact with long term European settlement, which was accompanied by intermittent conflict, some trade, devastating diseases and the recruitment (sometimes voluntarily and sometimes by force) of Aboriginal men as boat crew and divers and Aboriginal women as sexual partners to the Europeans.

In the 1870s, Fitzroy Island and Rocky Island in Gungandji Country were declared quarantine stations for boatloads of Chinese people arriving to work on the expanding gold fields of far north Queensland. The thousands of immigrants spending time on the islands impacted particularly heavily on Gungandji people, but also on neighbouring groups including Mandingalbay Yidinji.

The establishment and growth of Cairns from the late 1870s onwards led to the increasing disruption of traditional life for all Aboriginal groups of the region. Land was taken and occupied without permission, traditional food resources were depleted and the local Aboriginal population was drastically reduced by disease, kidnapping and decades of conflict with the invading Europeans. Conflict also occurred between local Aboriginal people and other Aboriginal groups who had been forced by Europeans to leave their traditional lands further south.



The Reverend John Gribble established an Anglican Mission at Yarrabah on the shores of Missionary Bay in 1892. Seeking a refuge from the onslaught of European invasion and seeking sustenance to replace their depleted traditional food resources, Aboriginal people from the region, including Mandingalbay Yidinji people, relocated to the mission over the following years. However, while the mission provided a physical sanctuary, it also had its own impacts on our populations and cultures.

The administrative regime at the mission sought to control every aspect of Aboriginal people's lives and to replace their traditional cultures, beliefs and lifestyles with Christianity and European values and practices. The culturally destructive mission practices included separation of parents from their children, who were housed in dormitories, punishment of children who spoke their traditional language and the prevention of initiation of young men and women. Food was scarce, living conditions were unhealthy and malaria was common. By the 1930s infant mortality reached 50%.

With the implementation of the *Aboriginals Protection and Restriction of the Sale of Opium Act* in 1897, Aboriginal people were forcibly moved to Yarrabah from many parts of Queensland, in particular the Atherton Tablelands, Cape York Peninsula and Fraser Island. With a current population of approximately 3,000 people, Yarrabah is the largest Aboriginal community in Queensland.

The original Yarrabah Aboriginal reserve gazetted in 1892 included Mandingalbay Yidinji Country to the west of the current Yarrabah Aboriginal Shire Council boundary. Some of this land was excised and made available to sugar cane farmers by a re-gazettal of the Reserve in 1907. Other areas of Mandingalbay Yidinji Country excised from the Reserve in 1907 became state forest, national park and other environmental reserves. It is this Country, which had once been part of the Yarrabah reserve, that is the primary focus of this Strategic plan.

In addition to the social and cultural impacts of European colonisation and settlement, the

environments on our Country have also been seriously impacted by new forms of land use and the introduction of alien plant and animal species.

Lowland rainforests have been replaced by sugar cane farms, feral cats, pigs and toads and other introduced animals continue to take their toll on our native fauna, and weeds are a major environmental threat, particularly near the settled areas. Our marine environments and traditional sea foods have also been impacted by commercial fishing, coastal development and changes to water quality.

The most devastating impact, however, has been destruction of extensive saltwater wetlands adjacent to Trinity Inlet in what is now known as East Trinity Reserve in the 1970s discussed further in Part 4.



*Regenerating mangroves in wetlands at East Trinity*



## PART 3: NATIVE TITLE

### **Determined Native Title**

On 24<sup>th</sup> April 2006 the Federal Court of Australia determined that the Mandingalbay Yidinji People hold continuing native title over parts of our traditional Country, referred to as Lots 1 to 6 in the map on the following page and explained further below:

- Lot 1 is Giangurra Reserve, which is a 10 hectare environmental reserve managed by Cairns Regional Council (formerly Cairns City Council), over which the Federal Court has determined that Mandingalbay Yidinji People hold co-existing native title;
- Lots 2 and 3 comprise two blocks of formerly Unallocated State Land located between the bund wall and Trinity Inlet, over which the Federal Court has determined Mandingalbay Yidinji People hold exclusive native title above the mean high tide level;
- Lot 4 is an 8 hectare island in the upper reaches of Trinity Inlet near the Redbank boat ramp, over which the Federal Court has determined that Mandingalbay Yidinji People hold exclusive native title above the mean high tide level;
- Lot 5 is Grey Peaks National Park, comprising about 1,000 hectares of Malbon Thompson Range, over which the Federal Court has determined that Mandingalbay Yidinji People hold co-existing native title;
- Lot 6 comprises two portions of State Forest lying to the north and south of Grey peaks National Park, totalling approximately 2,000 hectares, over which the Federal Court has determined that Mandingalbay Yidinji People hold co-existing native title.

### **Exclusive Native Title**

The Federal Court determination recognises our native title rights with respect to Lots 2, 3 and 4 as the rights in accordance with traditional laws and customs to:

*.....possession, occupation, use and enjoyment of the land and waters to the exclusion of all others.*

### **Non-exclusive Native Title**

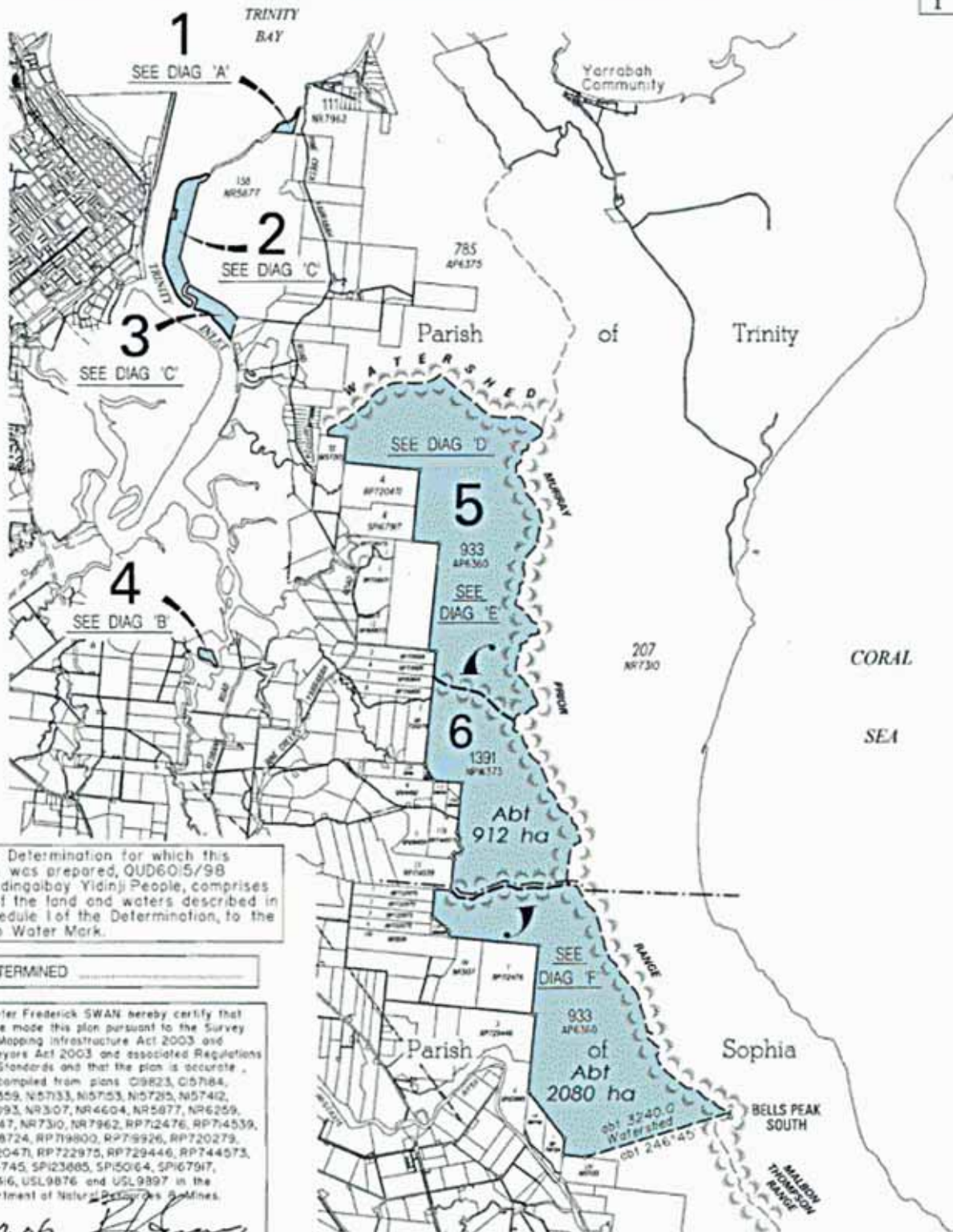
The Federal Court determination recognises our native title rights with respect to Lots 1, 5 and 6 as the non-exclusive right to use and enjoy the land and waters, including to:

- *Access and be physically present thereon in accordance with traditional laws and customs;*
- *Camp thereon in accordance with traditional laws and customs, not including the right to reside permanently or build permanent structures or fixtures;*
- *Hunt, fish and gather thereon for the purpose of satisfying personal domestic, social, cultural, religious, spiritual, ceremonial and non-commercial communal needs in accordance with traditional laws and customs;*
- *Take, use and enjoy the natural resources thereon for the purpose of satisfying personal domestic, social, cultural, religious, spiritual, ceremonial and non-commercial communal needs in accordance with traditional laws and customs;*
- *Maintain and protect from physical harm, by lawful means, places therein of importance to the native title holders in accordance with traditional laws and customs;*
- *Perform social, cultural, religious, spiritual or ceremonial activities thereon and invite others to participate in those activities in accordance with traditional laws and customs;*
- *Pass on native title in relation thereto in accordance with traditional laws and customs;*
- *Make decisions in accordance with traditional laws and customs concerning access thereto and use and enjoyment thereof by aboriginal people who are governed by the traditional laws acknowledged, and traditional customs observed by, the native title holders;*



ADMINISTRATIVE PLAN

Sheet 1 of 4



The Determination for which this plan was prepared, QUD6015/98 Mandingabai Yidinji People, comprises all of the land and waters described in Schedule 1 of the Determination, to the High Water Mark.

DETERMINED

I, Peter Frederick SWAN hereby certify that I have made this plan pursuant to the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the plan is accurate, and compiled from plans C19823, C15784, C157359, N157133, N157153, N157215, N157412, NR3093, NR3307, NR4604, NR5877, NR6259, NR7147, NR7310, NR7962, RP712476, RP74559, RP718724, RP719800, RP779926, RP720279, RP720471, RP722975, RP729446, RP744657, SPI4745, SPI23685, SPI50164, SPI67917, AP7416, USL9876 and USL9897 in the Department of Natural Resources & Mines.

7.10.06 *[Signature]*  
Date                      Cadastral Surveyor

  
**Queensland Government**  
Natural Resources and Mines  
Prepared by  
CABOOLTURE OFFICE  
SOUTH EAST REGION  
DEPT OF NATURAL RESOURCES AND MINES  
LEVEL 4  
33 KING STREET  
CABOOLTURE Q 4510

**Lots 1 - 6**  
Covering Part of Lot 933 on AP6360, Part of Lot 1391 on NPW373, Lot 16 on USL9897, Part of Lot 34 on USL9876, Lot 36 on AP7416 and Part of Lot 111 on plan NR7962.  
PARISH : **TRINITY & SOPHIA** COUNTY : **Nares**  
LOCALITY : **EAST TRINITY PACKERS CAMP, GREEN HILL & ALOOMSA** LOCAL AUTH : **CAIRNS C. C.**  
Federal Court Ref. : QUD6015 /98    MNT Ref. : GC99 /40    File Ref. : CAB /002100  
Marked : CAM Vide plan: NR5877    Map Ref. : 8063 & 8064    Drawn : 30 /09 /2005

**NATIVE TITLE DETERMINATION PLAN**  
Scale: **1 : 80 000**  
NOTE : A4 copy is reduced  
  
**AP9675**

Map showing areas of determined Mandingabai Yidinji Native Title

- *Determine membership and filiation to the native title holders in accordance with traditional laws and customs.*

### **Interpreting the determination**

As noted above, the Federal Court determined that Mandingalbay Yidinji hold exclusive native title to Lots 2 and 3 above high tide level. The meaning of 'high tide' in the determination is the meaning given in the *Land Act 1994 (Qld)*; which defines 'high tide' as "*the ordinary high water mark at spring tides*" – not a very precise definition.

In 1996 the Queensland Supreme Court<sup>1</sup> determined that "*the ordinary high water mark at spring tides*" means:

*"The long term average of the heights of two successive high waters during those periods of 24 hours (approximately once a fortnight) when the range of tide is greatest, at full and new moon".*

The Supreme Court's interpretation corresponds to the definition of the tidal plane *Mean High Water Spring Tide* published in *Queensland's Official Tide Table and Boating Safety Guide*. The level of the Mean High Water Spring Tide for Cairns is 2.57 metres above datum (i.e. 2.57 metres above the Lowest Astronomical Tide).

The Mandingalbay Yidinji native title determination therefore recognises exclusive possession over all areas of Lots 2, 3 and 4 that are higher than 2.57 metres above datum.

Detailed topographic maps provided by DERM indicate that most of Lots 2 and 3 and approximately half of Lot 4 lie above 2.57 metres, and hence comprise exclusive native title land.

The Trinity Inlet Section of the Great Barrier Reef Coast State Marine Park Area includes coastal land and water up to the level of the highest tide<sup>2</sup> (known as the Highest Astronomical Tide, which for the Cairns area is 3.42 above datum). This means that Mandingalbay Yidinji exclusive native title land in Lots 2, 3 and 4 lies entirely

within the Marine Park and the Fish Habitat Area. The recognition of exclusive native title within a Marine Park and a Fish Habitat Area raises challenging issues for the future management of these areas, for example:

- Does the existence of a Marine Park and a Fish Habitat Area over exclusive native title land impair that native title?
- What are the implications for the involvement of Mandingalbay Yidinji People in the governance and management of the Marine Park and Fish Habitat Area?
- Should the boundary of the Marine Park and the Fish Habitat Area be renegotiated now that exclusive native title has been determined over Lots 2, 3 and 4?

Though the determination of native title on Lots 1, 5 and 6 led to the negotiations of Indigenous Land Use Agreements (ILUAs) between Mandingalbay Yidinji People and various government agencies (see below), no such negotiations have yet been undertaken towards possible ILUAs with respect to Lots 2, 3 and 4. However, during the development of this Strategic Plan, officers of the both the Queensland Department of Environment and Resource Management (responsible for the management of the Marine Park) and Queensland Primary Industries and Fisheries (responsible for the management of the Fish Habitat Area) expressed their commitment to ongoing collaboration with Mandingalbay Yidinji People in the management of these areas.

### **Indigenous Land Use Agreements**

Following the determination of native title, ILUAs were negotiated between Mandingalbay Yidinji People and the following organisations and agencies with respect to the use and management of Lots 1, 5 and 6:

- State of Queensland
- Wet Tropics Management Authority (WTMA)

<sup>1</sup> Svendsen, 1999 N Svendsen vs State of Queensland and Anon., Queensland Supreme Court, No 32 of 1996, Demack J - April, 1999

<sup>2</sup> See (*Marine Parks (Declaration) Regulation 2006*, Schedule 2, Section 2, page 70)



- Cairns City Council  
(now Cairns Regional Council)
- Ergon Energy
- Telstra

Of particular relevance to the implementation of this Strategic Plan are the ILUAs with the State of Queensland, WTMA and Cairns City Council, with respect to Grey Peaks National Park, the State Forest and Giangurra Reserve. Key features of these ILUAs are summarised below.

### ***Grey Peaks National Park and Malbon Thompson State Forest***

The ILUA covering these two protected areas contains specific commitments that Queensland Parks and Wildlife Service, Wet Tropics Management Authority and Mandingalbay Yidinji people will:

1. Co-operatively undertake a baseline review of the resources of Grey Peaks National Park, to be completed by October 2007); and
2. Negotiate a long term agreement to address each party's concerns about land management, employment, cultural heritage protection; these negotiation are not restricted to but may include:
  - a. the establishment of new walking tracks for use by the Mandingalbay Yidinji People in commercial tourism enterprises;
  - b. the training and accreditation of specific members of the Mandingalbay Yidinji People as Conservation Officers under the *Nature Conservation Act 1992* (Qld);
  - c. fire management;
  - d. collaborative weed and feral animal control;
  - e. the establishment of scientific research areas: and
  - f. the development of a Management Plan.

While the deadline (October 2007) for the completion of the baseline review of resources in Grey Peaks National Park has expired. Recent

discussions with DERM has resulted in a draft Baseline review being developed for an expanded area covering all of Mandingalbay Yidinji country, tenure blind.

### ***Giangurra Reserve***

The ILUA between Mandingalbay Yidinji People and Cairns City Council recognises the authority of Cairns Regional Council to undertake its normal local government management activities in Giangurra Reserve (and elsewhere in the native title determination area) without requiring the consent from the native title holders. The ILUA also protects the continued public access to and enjoyment of the Reserve.

The ILUA, however, is silent on collaboration between Cairns City Council (and hence Cairns Regional Council) and Mandingalbay Yidinji People on the management of Giangurra Reserve. Through the implementation of our Strategic Plan we seek to work with the Cairns Regional Council in the sustainable use and management of the Reserve as part of our holistic management approach through collaboration with all the agencies responsible for managing protected areas on our Country.

### ***Additional Native Title Claims***

There are currently two additional Mandingalbay Yidinji native title claims pending. The first is for the northern section of Malbon Thomson Forest Reserve and areas of Unallocated State Land south of East Trinity reserve, as indicated in blue on the adjacent map. The areas already determined are shown in yellow.

Once this claim is determined it will provide additional opportunities for partnerships with government agencies and the inclusion of a significantly larger area of Country into the integrated management framework proposed in this Strategic Plan.

The second native title claim is a joint claim with Gungandji people for the southern section of the former Yarrabah Reserve and adjacent islands. When this claim is determined we can expand our management partnerships to include Gungandji people and develop more comprehensive management of the regional land and sea Country.

**NATIVE TITLE DETERMINATION APPLICATION**

**QUD6015/98**

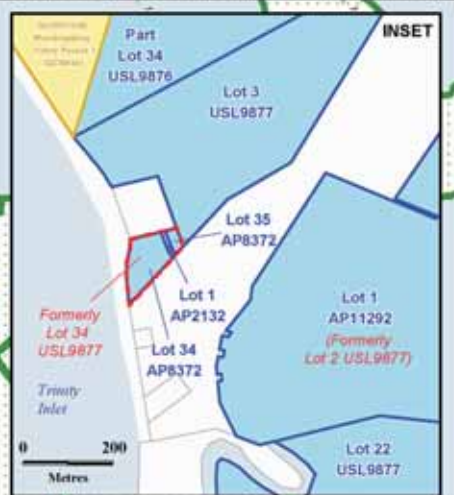
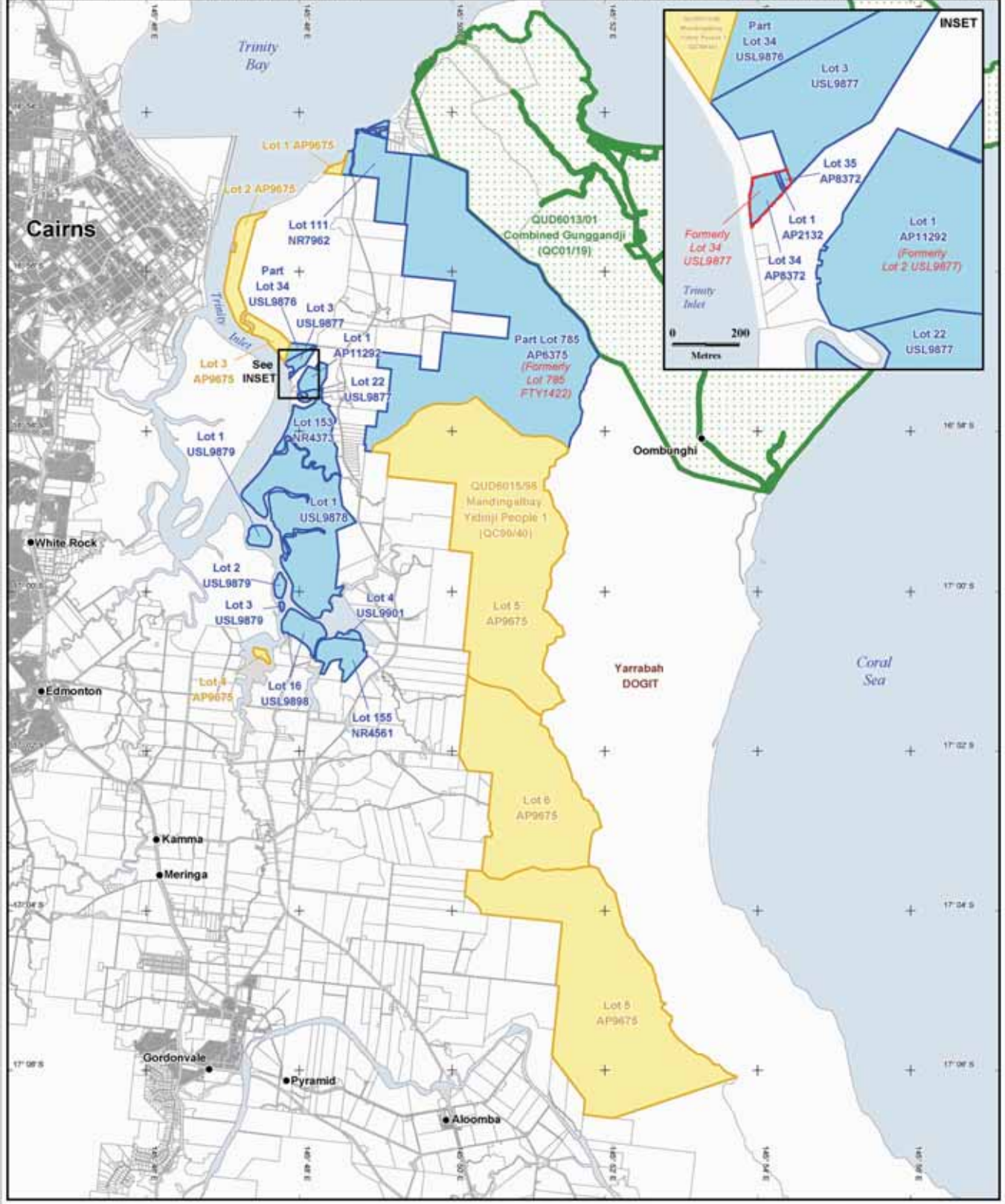
**Mandingalbay Yidinji People 1 (QC99/40)**

- QUD6015/98 (QC99/40)  
Mandingalbay Yidinji People 1 (DETERMINED 24/04/98)
- Additional Lots
- QUD8913/01 Combined Gungahdjil (QC01/19)

NOTE: To determine areas subject to claim within the external boundary, reference to the application description is necessary. Application boundary data compiled by NNTT or sourced from the NRMW (Qld). Cadastre data sourced from Dept of Natural Resources, Mines and Water, Qld (Dec 2003) and (October 2005).  
P:\QUD\_INFO\Products\QUD6015\1999\QUD6015\_98 Mandingalbay Yidinji People 1 Mapping\2004\_1\QUD6015\_98\_01\QUD6015\_98\_01\_A37.mxd  
 Date: 29/01/06  
 Map created by: Geospatial Services, National Native Title Tribunal (09/08/2006)



The Registrar, the National Native Title Tribunal and its staff and officers and the Commonwealth, accept no liability and give no undertakings, guarantees or warranties concerning the accuracy, completeness or fitness for purpose of the information provided.





## PART 4: USING AND MANAGING MANDINGALBAY YIDINJI COUNTRY

### Principles of use and management

We are committed to using and managing our Country in accordance with the following principles:

- Native title rights will be protected;
- ILUAs will be honoured and implemented;
- Cultural and natural values will be protected;
- Cultural knowledge and practices will be nurtured and transmitted to future generations;
- Resources of Country will be used sustainably;
- Economic development on our Country will equitably benefit Mandingalbay Yidinji People, other local Aboriginal people and the wider regional community;
- Country will be managed in collaboration with government agencies and others with responsibilities on our Country;
- Infrastructure and enterprise development will be designed to minimise harmful impact on our Country
- Sustained efforts will be made to repair damage to our Country;
- Visitors will be welcome to enjoy and respect our Country;

### Economic and Community Development

The implementation of this Strategic Plan provides significant opportunities to address serious economic and social disadvantage among Mandingalbay Yidinji and other local Aboriginal people. Some of these opportunities are explained further below.

#### *Protected Area Management*

All of Mandingalbay Yidinji Country that is the focus of this Strategic Plan is part of one or more

protected area (national park, state forest, environmental reserve, world heritage, marine park and fish habitat area), yet currently no Mandingalbay Yidinji people are employed in the management of these areas. As a matter of equity and to ensure that all their cultural and natural values are protected, it is essential that we have a significant involvement in protected area management on our Country.

Over time we envisage that our involvement in the protected area management industry will include:

- Employment as rangers, cultural heritage officers and in other capacities with DERM (national parks, environmental reserves and marine parks);
- Employment with QPI&F in monitoring and managing the Fish Habitat Area, and the monitoring of fish populations in the East Trinity Reserve;
- Employment with QASSIT in the rehabilitation of East Trinity Reserve, in particular the management of acid sulphate soils and the return of the area to a saltwater wetland;
- Employment within our own Mandingalbay Yidinji Caring for Country Unit, Djunbunji Land and Sea working in partnership with government agencies and/or managing protected areas under contract to government agencies.

#### *Mandingalbay Yidinji Wetland Park*

We are supportive of proposals for the development of a Wetland Park of international significance on what is currently known as the East Trinity Reserve. We are committed to working with the Cairns Wetland Park Committee, the Department of Employment Economic Development and Innovation, DERM and other stakeholders to develop and promote the wetlands on Mandingalbay Yidinji Country as a major tourist destination close to Cairns, where visitors can enjoy and learn about our Country and culture.



We understand that representatives of DERM and QASSIT as part of the process for developing the Wetland Park concept for East Trinity, have already visited similar wetland parks close to urban centres in Singapore and Hong Kong. We also wish to visit these wetland parks to enable us to contribute fully to the development of a world class Mandingalbay Yidinji Wetland Park.

Meanwhile, we have participated as a steering committee member in the development of the East Trinity Masterplan and Prefeasibility Study, undertaken by ARUP on behalf of the Department of Employment, Economic Development and Innovation. The study has investigated the ecotourism potential of East Trinity and has included our aspirations for country and employment.

Eco-tourism opportunities we would like to see progressed include:

- Cultural tours of East Trinity, including a board walk through our exclusive native title land between Trinity Inlet and the bund wall;
- A Cultural Centre with visitor facilities on East Trinity;
- Walking tracks and/or cable car into Malbon Thompson range, possibly continuing over the range into Yarrabah (subject to negotiation and agreement with the Yarrabah Community).

### **Grey Peaks National Park<sup>3</sup>**

This 1083ha national park is a mosaic of sclerophyll and rainforest vegetation that contains a rich diversity of our traditional food and cultural resources. Its steep slopes, gullies and stream were accessed by our people by a network of ancient footpaths.

Because of clearing and changes to fire regimes in similar environments elsewhere in the region, the sclerophyll ecosystems of this Park are now rare in this region and the rainforest and vine forest are critical habitats for cassowary.

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<sup>3</sup> For further information on Grey peaks National Park see the DERM website:  
<http://www.epa.qld.gov.au/projects/park/index.cgi?parkid=252>

From the peak of the range there are spectacular views of Cairns, the Mulgrave River valley, Yarrabah, and the Coral Sea. However, there are currently no public walking tracks or visitor facilities in the Park and there is no Management Plan.

Through the implementation of this Strategic Plan and our ILUA with the State of Queensland and WTMA, we are committed to developing a collaborative Management Plan for Grey Peaks National Park. The planning process will include investigating the potential for establishing walking tracks and other visitor facilities in the Park, consistent with our principle of welcoming visitors to our Country and developing eco-cultural tourism enterprises to benefit our people and the region.

The development of a Management Plan provides an opportunity to develop detailed collaborative arrangements between Mandingalbay Yidinji People and DERM regarding the day to day management of the Park, including fire burning, weed control and feral animal management. Management planning also provides an opportunity to consult with our own people and others about renaming the Park with an appropriate Yidinji language name.

### **Malbon Thompson Forest Reserve**

Malbon Thomson Forest Reserve comprises almost the entire western slopes of the Malbon Thompson Range (with the exception of Grey Peaks National Park) and most of the Nisbet Range. The environments, cultural and natural values and management issues are similar to those described above for Grey Peaks National Park.

The former Malbon Thomson State Forest was re-gazetted as a Forest Reserve by Queensland Government regulation in 2000, under the management of Queensland EPA. The Queensland Government is in the process of converting the Forest Reserve into national park tenure, with the intention of amalgamating it with Grey Peaks National Park. Mandingalbay Yidinji people were not consulted about the transfer from State Forest to Forest Reserve or the proposed transfer to national park.



We understand that world best practice for establishing new national parks, as recommended by the World Commission on Protected Areas (of which Queensland DERM is a member) requires the prior informed consent of Indigenous peoples on whose traditional land the park is established. No such consent has been requested or given in this instance.

While we have, and continue to build, a collaborative working relationship with local and regional Queensland DERM staff, we believe that the transfer of Malbon Thomson Forest Reserve to national park tenure is not the only option or the best option for the protection of the cultural and natural values of the area. Through the implementation of this Strategic Plan we seek to negotiate with the Queensland Government regarding the future ownership, governance and management of Malbon Thomson Forest Reserve. Our preferred option is the transfer of title to Mandingalbay Yidinji People, the negotiation of an ILUA with DERM and WTMA (and conservation covenant if required) to secure the interests of all parties and the inclusion of the area into the proposed Mandingalbay Yidinji Indigenous Protected Area (see below).

#### **East Trinity Reserve<sup>4</sup>**

East Trinity Reserve was formally a natural saltwater wetland of mangroves and samphire flats. In 1970s a bund wall was built to separate the wetland from Trinity Inlet and tidal gates were installed to drain the area with the intention of creating arable land suitable for a sugar plantation. The scheme, developed without consultation with or the consent of Mandingalbay Yidinji People, has been an environmental and financial disaster for which we and Queenslanders are still paying the price for more than 30 years later.

Once the acid sulfate soils of the inlet became exposed to the air and fresh water, sulfuric acid and heavy metals formed, and were washed into creeks and Trinity Inlet after rain. After only one planting season it became obvious that the site was utterly unsuitable for agriculture and should never have been disturbed. The site was subsequently sold for large scale urban



*Tidal water entering East Trinity Reserve through a gate in the bund wall during rehabilitation of the area*

development, but fortunately these plans were eventually abandoned.

In May 2000, the Queensland Government purchased the site in order to rehabilitate and protect its environmental values, managed by DERM. In 2006 East Trinity was declared a reserve for community purposes — an environmental reserve under the *Land Act 1994 (Qld)*.

Over the last few years QASSIT has implemented a rehabilitation scheme aimed at gradually returning most of East Trinity to a saltwater wetland, while neutralizing the sulphuric acid discharge by releasing hydrated lime into restored tidal inflows.

This process is resulting in the replacement of stands of melaleuca trees and other freshwater species with mangroves and other salt-tolerant vegetation.

We welcome this belated investment and effort in rehabilitating the willfully damaged environments of East Trinity. We sincerely hope that one of the lessons learned by the East Trinity fiasco, which has costs tens of millions of dollars so far, is that wholesale transformation of fragile ecosystems should not be permitted without proper research, understanding, community engagement AND the prior informed consent of Traditional Owners.

Because of the tenure history of East Trinity, which became freehold land as part of the attempt to convert it in to agricultural land, native title has been extinguished, and so the land cannot be

<sup>4</sup> For further information on East Trinity Reserve see [http://www.epa.qld.gov.au/parks\\_and\\_forests/find\\_a\\_park\\_or\\_forest/east\\_trinity\\_reserve/](http://www.epa.qld.gov.au/parks_and_forests/find_a_park_or_forest/east_trinity_reserve/)

claimed under the *Native Title Act 1993 (Clth)*. However, as is made clear from the evidence presented to the Federal Court in our successful native title claims over Lost 1 to 6, East Trinity forms an integral part of Mandingalbay Yidinji Country. This Strategic Plan therefore includes our involvement in the management of East Trinity and we very much welcome DERM's stated intention to take a tenure-blind approach to Mandingalbay Yidinji's role in the management of protected areas on our Country, including East Trinity.

However, we believe as a matter of justice and reconciliation it is appropriate for the Queensland Government to transfer ownership of the East Trinity Reserve back to the Mandingalbay Yidinji people, with appropriate levels of support to maintain the current rehabilitation of the reserve. We will be negotiating to achieve this outcome as part of the implementation of this Strategic Plan. We will also commit to maintaining a collaborative approach to managing the area and would be prepared to accept a conservation covenant over the land to ensure that its conservation values will be maintained.

We also welcome the commitments made by QASSIT, QPI&F and Southern Cross University, all of which are involved in monitoring the rehabilitation of East Trinity, to work closely with us and support wherever possible the implementation of this Strategic Plan.

### **Fish Habitat Area**

The 7,000 hectare Trinity Inlet Fish Habitat, declared originally in 1989 as two separate reserves (Admiralty Island and Trinity inlet) includes most of Trinity Inlet and Trinity Bay, with exclusions such as the navigation channel that provides access to Cairns port facilities. The purpose of the Fish Habitat Area is to protect the fish habitat of the inlet, while permitting all legal fishing to take place. Under the *Fisheries Act 1994 (Qld)* a resource allocation authority and development approval from QPI&F are required before any disturbance or development can occur in the area.

The *Fisheries Act 1994* recognises Aboriginal peoples' right to take, use or keep fisheries

resources to satisfy our personal, domestic or non-commercial communal needs according to local tradition. However, neither the *Fisheries Act* nor the current management arrangements provide a specific role for the involvement of Traditional Owners in the management of the Fish Habitat Area.

Consistent with our cultural obligation to all of our traditional country, we are committed to collaborating with QPI&F in the management of the Area and we welcome QPI&F's positive response to the development of this Strategic Plan.

As part of that collaboration we will initiate negotiations for an ILUA over our exclusive native title land lying within the Fish Habitat Area. The purpose of the ILUA will be to protect the cultural and natural values of the area and allow for the sustainable use of our exclusive native title land. A priority issue will be planning and negotiating for the construction of a board walk through our exclusive native title land (Lot 2 or Lot 3) as part of the development of a cultural tourism enterprise.

We note also that Section 14 of the *Fisheries Act 1994* provides for the development of management plans specifically to address Indigenous fisheries. Through our collaboration with QPI&F in the management of the Trinity Inlet Fish Habitat Area we will explore the possibility of developing a management plan for our traditional fishery to ensure the sustainability of our fishery and the management of impacts on our fishery from commercial and recreational fishing and other activities.

### **Marine Park**

The Trinity Inlet Section of the Great Barrier Reef Coast Marine Park, a State marine park managed by DERM, occupies the same area of Trinity Inlet and Trinity Bay as the Trinity Inlet Fish Habitat Area (see Figure BV). The current Marine Park Zoning Plan includes our exclusive native title land Park (Lots 2, 3 and 4) in the Estuary Conservation Zone. There is currently no agreement in place regarding the recognition



of our rights and interests or our involvement in the management of the Marine Park.

We welcome the fact that the *Marine Parks Act 2004* protects both the natural and cultural resources within our exclusive native title land and sea Country. In addition to the Mandingalbay Yidinji cultural values on our exclusive native title land and elsewhere in the Marine Park, there are other significant cultural values that we wish to preserve and interpret.

For example, our exclusive native title land between the bund wall and Trinity Inlet is transacted by the clearly visible remains of a narrow gauge tramway built by Chinese market gardeners to transport their produce from their gardens at the foot of the Malbon Thompson Range to a jetty on Trinity Inlet and from there by boat to Cairns. We are keen to develop a boardwalk along the route of this tramway as a means of interpreting both the Indigenous and non-Indigenous values of the area to visitors.

Section 5 of the *Marine Parks Act 2004 (Qld)* includes the following objectives within the overall purpose of Queensland marine parks:

- the cooperative involvement of Aboriginal communities; and
- recognition of the cultural, economic, environmental and social relationships between marine parks and other areas, whether of water or land;

Section 41 authorises the DERM Chief Executive to enter into an agreement for a management plan with native title holders. Through the implementation of this Strategic Plan we will negotiate to an agreement (ILUA and/or Management Plan) for the recognition of our rights and interests in our exclusive native title land and elsewhere in the Marine Park.

Part 5 of the *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004* provides for the recognition of Traditional Use of Marine Resources Agreements within a Marine Park. We are keen to explore this option as part of our

overall agreement with respect to managing the Marine Park, and complementing a possible management plan for our traditional fishery, referred to above.

### **Indigenous Protected Area**

As noted above, much of Mandingalbay Yidinji Country is currently managed separately as the following protected areas:

- Grey Peaks National Park
- Malbon Thompson Forest Reserve
- East Trinity Environmental Park
- Giangurra Reserve
- Great Barrier Reef Coast Marine Park
- Trinity Inlet Fish Habitat Area

Consistent with our holistic view of Country, in which land and sea, and cultural and natural value are inseparable and interdependent, we are committed to working with the relevant government agencies and others to integrating the management of these areas into a single framework. We view the establishment of an Indigenous Protected Area (IPA) a possible mechanism to achieve that goal.

IPAs are an innovative protected area management framework developed by representatives of Indigenous organisations in the mid 1990s to voluntarily participate in achieving a Comprehensive, Representative and Adequate system of protected areas in Australia.

Indigenous representatives developed the following definition of an IPA in 1996:

*An Indigenous Protected Area is governed by the continuing responsibilities of Aboriginal and Torres Strait Islander peoples to care for and protect lands and waters for present and future generations.*

*Indigenous Protected Areas may include areas of land and waters over which Aboriginal and Torres Strait Islanders are custodians, and which shall be managed for cultural biodiversity and*





## PART 5: IMPLEMENTING THE STRATEGIC PLAN

The partnership building necessary for the implementation of the Strategic Plan is already underway. During the development of the Strategic Plan partners took part in several visits to each of the protected areas on our Country, accompanied by officers of DERM (National Parks, Marine Parks), QASSIT, QPI&F and Southern Cross University. Representatives of these and other government and non-government organisations also attended a strategic planning workshop in Cairns in March 2008. We are committed to continue to build these partnerships, as well as develop more formal collaborative arrangements with each of these agencies.

Our capacity to develop these partnerships and to implement other aspects of the Strategic Plan have been strengthened by the establishment of a Mandingalbay Yidinji Aboriginal Corporation office in Gordonvale, supported through funding from FACSIA and in kind support from Terrain NRM. We anticipate additional funding and other support will be available from the Australian Government IPA Program. From September 2009 we expect to have at least two full, time staff involved in coordinating the implementation of the Strategic Plan as well as a 6 person ranger and cultural heritage team managing country.

### ***Priority Tasks***

We have identified the following priority tasks to be undertaken during the first 12 months of implementing this Strategic Plan:

1. Convene community consultation meetings re declaring an IPA and developing a co-management framework with DERM, WTMA, and QPI&F.
2. Undertake study visits to at least two IPAs and at least one co-managed national park.
3. Convene planning/negotiation meetings re implementation of existing ILUAs, leading to an agreed co-management framework for each protected area and for the co-ordinated, tenure blind management of Country. Agencies involved in these planning and negotiations have included WTMA, DERM, QASSIT, ICC, QPI&F, Communities and Cairns Regional Council;
4. Negotiate new agreement(s) and/or ILUA(s) for the management of Mandingalbay Yidinji exclusive native title land within the Trinity Inlet Section of the Great Barrier Reef Coast Marine Park and the Trinity Inlet Fish Habitat Area, involving DERM and QPIF.
5. Negotiate the transfer of ownership of the East Trinity Reserve to Mandingalbay Yidinji people.
6. Commence management plans for:
  - Grey Peaks National Park
  - East Trinity Environmental Reserve
  - East Trinity Section of the Great Barrier Reef Coast Marine Park
  - Trinity Inlet Fish Habitat Area.
7. Undertake a Scoping Study for Mandingalbay Yidinji Caring for Country Unit.
8. Contribute to East Trinity Eco-tourism Study.
9. Develop/implement training and employment program for Traditional Owners' involvement in protected area management (National Park, Forest reserve, East Trinity Reserve, Giangurra Reserve, Marine Park and/or Fish Habitat Area).
10. Negotiate with DERM regarding the future tenure, governance and management of Malbon Thompson Forest Reserve.
11. Commence planning for the establishment of a Mandingalbay Yidinji eco-cultural tourism enterprise, including the construction of a boardwalk along the route of the old Chinese market garden tramway across our exclusive native title land.
12. Seek funding/support for visit to Wetland Parks in Singapore and Hong Kong.



## ***Partnerships***

Mandingalbay Yidinji welcome the support and collaboration we have received from government and non-government agencies during the development of this Strategic Plan. We invite these agencies to continue to develop partnerships with us by supporting the implementation of our Strategic Plan as outlined below.



### ***AUSTRALIAN GOVERNMENT AGENCIES***

#### ***Indigenous Coordination Centre (ICC)***

Opportunities for the Cairns ICC to contribute to the implementation of the MY Strategic Plan include:

- Coordinate a whole-of-government response to, and support for, the implementation of the Strategic Plan;
- Participate in the Mandingalbay Yidinji Strategic Plan Implementation Committee (MYSPIC)

#### ***Department of the Environment, Water, Heritage and the Arts (DEWHA)***

Opportunities for DEWHA to contribute to the implementation of the MY Strategic Plan include:

- Continue to fund and support the development of Mandingalbay Yidinji Indigenous Protected Area as proposed in the Strategic Plan;
- Support the employment of Mandingalbay Yidinji Rangers through the Working on Country initiative;
- Participate in the Mandingalbay Yidinji Strategic Plan Implementation Committee (MYSPIC).



### ***QUEENSLAND GOVERNMENT AGENCIES***

#### ***Department of Environment and Resource Management (DERM)***

Opportunities for DERM to contribute to the implementation of the MY Strategic Plan include:

- Support the integrated management of all protected areas on MY country through the declaration of the MY Indigenous Protected Area;
- Provide resources and other support to implement all DERM commitments in the Mandingalbay Yidinji ILUAs;
- Collaborate with Mandingalbay Yidinji Aboriginal Corporation to develop and implement training and employment programs for MY Traditional Owners to be involved in the management of MY country;
- Participate in the Mandingalbay Yidinji Strategic Plan Implementation Committee (MYSPIC).

#### ***Queensland Acid Sulphate Soil Investigation Team (QASSIT)***

Opportunities for QASSIT to contribute to the implementation of the MY Strategic Plan include:

- Consult with MY Traditional Owners regarding the rehabilitation of the East Trinity Reserve;
- Develop training and employment opportunities for MY Traditional Owners to participate in the rehabilitation of the East Trinity Reserve;
- Facilitate the transfer of ownership of the East Trinity Reserve to Mandingalbay Yidinji Aboriginal Corporation;



- Participate in the Mandingalbay Yidinji Strategic Plan Implementation Committee (MYSPIC).

***Queensland Primary Industries and Fisheries (QPIF)***

Opportunities for QPIF to contribute to the implementation of the MY Strategic Plan include:

- Collaborate with MY Aboriginal Corporation and Traditional owners on the Trinity Inlet Fisheries Habitat Area; management of the Trinity Inlet Fisheries Habitat Area;
- Support the integrated management of all protected areas on MY country through the declaration of the MY Indigenous Protected Area;
- Explore opportunities for the training and employment of Mandingalbay Yidinji Traditional Owners and other Aboriginal people in QPIF programs and projects associated with Mandingalbay Yidinji country and elsewhere.
- Collaborate with MY Aboriginal Corporation on the development of the proposal to construct a board walk across MY native title land between Trinity Inlet and East Trinity Reserve;
- Participate in the Mandingalbay Yidinji Strategic Plan Implementation Committee (MYSPIC).

***Department of Employment Economic Development and Innovation (DEETI)***

Opportunities for DEETI to contribute to the implementation of the MY Strategic Plan include:

- Collaborate with MY Aboriginal Corporation on the development of tourism and other economic development proposals specifically for but not limited to East Trinity;

- Participate in the Mandingalbay Yidinji Strategic Plan Implementation Committee (MYSPIC).

***Cairns Port Authority (CPA)***

Opportunities for CPA to contribute to the implementation of the MY Strategic Plan include:

- Collaborate with MY Aboriginal Corporation on the proposal to construct a board walk across MY native title land between Trinity Inlet and East Trinity Reserve;
- Support MY Aboriginal Corporation in its application to utilise one or more of the leases held by CPA at the Trinity Inland end of the proposed boardwalk;
- Participate in the Mandingalbay Yidinji Strategic Plan Implementation Committee (MYSPIC).

***Terrain Natural Resource Management (Terrain NRM)***

Opportunities for Terrain NRM to contribute to the implementation of the MY Strategic Plan include:

- Continue financial support to enable MY Aboriginal Corporation to employ a Strategic Plan implementation coordinator;
- Assist MY Aboriginal Corporation to negotiate whole of government support for the implementation of the Strategic Plan
- Participate in the Mandingalbay Yidinji Strategic Plan Implementation Committee (MYSPIC).

***Cairns Regional Council (CRC)***

Opportunities for CRC to contribute to the implementation of the MY Strategic Plan include:

- Collaborate with MY Aboriginal Corporation on the implementation of all

CRC commitments in the Mandingalbay Yidinji ILUA.

- Support the integrated management of all protected areas on MY country (including the Giangurra Reserve ) through the declaration of the MY Indigenous Protected Area;
- Participate in the Mandingalbay Yidinji Strategic Plan Implementation Committee (MYSPIC).

### ***Implementation***

The launch of the draft strategic plan for comment in October 2008 and an associated two day workshop in mid November of the same year has seen the beginning of implementation of many aspects of the strategic plan, even before it has been finalised.

Partners have come forth and have been willing to participate with Mandingalbay Yidinji people in progressing their aspirations for country.

To date the following activities are underway and are implementing some of the Strategic Plans priority tasks;

- Establishment of the multi stakeholder MY Strategic Plan Implementation Committee (MYSPIC) consisting of representatives from DERM, WTMA, QPI&F, ICC, Cairns Regional Council, QASSIT, Communities Terrain NRM and MY Traditional Owners.
- Successful funding applications by MY have seen funds provided by DEWHA to consider and plan for the declaration of an Indigenous Protected Area over MY country and to establish a Ranger and Cultural Heritage team
- Completion of a draft baseline study by DERM for MY country, tenure blind in partnership with MY and WTMA.
- DERM commitment to working in partnership with the MY ranger program;

negotiations are progressing well and funding has been successfully sought from DEWHA.

- Agreement on the development of combined MY and DERM work programs for management of MY country.
- Development of Djunbunji Land and Sea Corporation by MY to implement People, Country and Culture outcomes for MY people.
- Participation in the East trinity Masterplan and Prefeasibility Study Steering committee and inclusion of MY aspirations into the final report.
- Provision of co-ordination support by Terrain NRM for the development of the multi-tenure Indigenous Protected Area.





