



Not relevant




6 Cabinet Notes

Not relevant



606 INDIGENOUS LAND USE AGREEMENTS CONNECTED TO CO-MANAGEMENT OF NATIONAL PARKS (Michael Atkinson) – **NOTED (REFER TO MAJOR PROJECTS CABINET COMMITTEE) (MINISTER LOMAX-SMITH DECLARED A CONFLICT OF INTEREST AND THE CABINET NOTE WAS CONSIDERED WITHOUT THE PARTICIPATION OF THE MINISTER)**

Not relevant



TO THE HON. THE PREMIER FOR CABINET TO NOTE

**RE: INDIGENOUS LAND USE AGREEMENTS CONNECTED TO
CO-MANAGEMENT OF NATIONAL PARKS**

1. PROPOSAL

1.1 That Cabinet note the potential financial risks and social implications should proposals to achieve co-management of selected national parks in S.A. not go ahead in tandem with Indigenous Land Use Agreements (ILUA) as part of the Statewide ILUA initiative.

2. BACKGROUND

2.1 In August, 2002, the Government reaffirmed its commitment to the S.A. Statewide ILUA process. Amendments to the *National Parks & Wildlife Act, 1972* were made in 2004, introducing provisions for co-management of parks. The state-wide ILUA Strategic Plan (at attachment) has factored ILUA's resolving native title rights and interests in parks into its negotiation program for the next five years. A list of nominated parks is attached. The Plan recognises that the strategic delivery of co-management agreements tied to ILUA's will be crucial to the entire resolution of some claims through ILUA's and has endorsed the appropriate delivery of co-management agreements where this is so.

2.2 The success of the ILUA programme (which has been agreed by the State, Aboriginal Legal Rights Movement, South Australian Farmers Federation, South Australian Chamber of Mines Energy, South Australian Fishing Industry Council and the Seafood Council) relies upon Indigenous engagement in parks.

3. DISCUSSION

The Social Risk

3.1 The Social Justice Report 2005 by the Aboriginal and Torres Strait Islander Social Justice Commissioner drew attention to the continued gross discrepancy in life expectancy of Aboriginal people compared to their non-Aboriginal compatriots.

- Life expectancy at birth is 59.4 years for Aboriginal males and 64.8 for females, compared to 76.6 and 82.0 year respectively for non-Aboriginal males and females.
- In the period 1999-2003, the infant mortality rate for Aboriginal infants was three times that of their non-Indigenous compatriots.

- These figures correlate to unemployment figures among the Indigenous population of 20%: three times higher than the non-Indigenous rate.
 - Indigenous labour force participation rates, in fact, decline with remoteness, from 57% in metropolitan centres to 46% in remote areas. National Parks are universally in remote areas.
- 3.2 In the same report, Professor Sir Michael Marmot, an international health expert, remarked that the solution to the widespread health problem afflicting Indigenous Australia “will require broad social action that goes well beyond the health sector”.
- 3.3 Co-management agreements over parks (already identified for this purpose, at attachment) are expected to be necessary for any ILUA negotiation that enables the withdrawal of a claim, or a consent determination, over an entire native title claim in areas where a National/Conservation Park is a critical component of that claim. In particular, an ILUA negotiated with a co-management agreement provides an opportunity for Aboriginal people to be engaged in the allocation and management of natural resources, including training and employment. Without such opportunities, little incentive for a claim group to proceed with an ILUA or ILUA's that resolve the entire claim.

The Financial Risk

3.4 **10 Legal professional privilege**

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- 3.5 The Commonwealth Government, however, strongly indicated in August, 2005 that continued funding of this process (for respondents) from financial year 2006-07 will be dependent upon the ability of ILUA parties to resolve native title claims in their entirety. A recent co-management agreement was negotiated with an ILUA over the Vulkathunha-Gammon Ranges National Park, where the native title group agreed to withdraw its claim over the Park, thus saving costs to the State. The resolution of the remainder of the claim by agreement is now far more likely.
- 3.6 The Federal Court has recently listed two South Australian native title claims for trial, with the possibility of further listings in 2006. This has

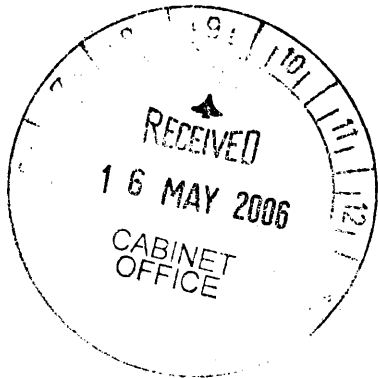
further highlighted the need to expedite the resolution of entire claims through ILUA's to avoid the financial and social cost of litigation.

4. RECOMMENDATION

That Cabinet note the above.

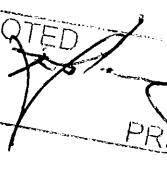
I declare that I have no actual or potential conflict of interest about the proposals contained in this submission.

MICHAEL ATKINSON M.P.  (signature)
 Portfolio: ATTORNEY-GENERAL
 Date: 11 May, 2006
 Contact Officer: Dr Tim Haines
 8207 1783



Ref to m/Projects Cabinet Committee.

In Cabinet

22 MAY 2006
 NOTED

 PREMIER