



**Cape York Land Council
Aboriginal Corporation**

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

8 August 2018

Re: Inquiry into the *Great Barrier Reef 2050 Partnership Program*

Dear Committee Secretary

Cape York Regional Organisations (CYROs) comprise the sister organisations of the Cape York Land Council, Cape York Partnerships, and Balkanu Cape York Development Corporation. We operate in partnership on issues of common interest, such as management of the Great Barrier Reef. In this capacity we welcome the opportunity to comment on the Inquiry into the *Great Barrier Reef 2050 Partnership Program*. Our submission is structured to address the Terms of Reference for the Inquiry.

The Cape York Land Council (CYLC) is the Native Title Representative Body (NTRB) for the Cape York region. CYLC's representative area includes all land and sea country north of the Daintree River, including the Great Barrier Reef catchment and lagoon. In our NTRB role we fulfil statutory functions under the *Native Title Act 1993* (Cth). In our broader Land Council role we support, protect and promote Cape York Aboriginal peoples' interests in land and sea to positively affect their social, economic, cultural and environmental circumstances.

Balkanu Cape York Development Corporation is an Indigenous-owned and run not-for-profit corporation overseen by a Board of Indigenous Traditional Owners. It operates solely for the social and economic benefit of, and on behalf of, Cape York's Indigenous people.

Cape York Partnerships is an Indigenous policy reform and leadership organisation dedicated to empowering Cape York Indigenous people.

Background

Cape York's Aboriginal people have a very strong interest in the management of the Great Barrier Reef (GBR) due to their traditional ownership of and connections to the GBR and its catchment, and their contemporary use of the reef and responsibility for its management. In the Cape York region, which includes the northern third of the GBR, Aboriginal corporations own, under Aboriginal freehold title, almost all of GBR land catchment. This land ownership makes them responsible for land management and the quality of water that flows into the GBR lagoon.

Aboriginal people also hold native title rights and interests in GBR land and waters that provides them with rights and responsibilities for GBR use and management. Almost all land in the Cape York GBR catchment is either determined that native title exists, or is under claim. CYLC is also preparing to lodge a native title claim over sea country, including the Cape York GBR catchment.

Because Cape York's Aboriginal people hold these legally recognised interests in northern GBR land and sea they must be integral to its management and partners in any GBR management programs. This Inquiry provides an opportunity to identify and promote some of the key ways in which Aboriginal people must be involved as partners in GBR management.

Delivery of the Reef 2050 Plan, including through the Great Barrier Reef 2050 Partnership Program and through other avenues

The GBR is a World Heritage Area (WHA). WHA management principles state that management of a WHA must be decided and implemented with the Free, Prior and Informed Consent (FPIC) of the Indigenous people for the area. GBR management therefore must be done with the FPIC of GBR Aboriginal Traditional Owners.

GBR Traditional Owners have indicated their strong desires to be involved in developing the content and implementation of the Reef 2050 Plan. Aboriginal corporations have existing and potential capacities to implement key aspects of the Reef 2050 Plan including managing water quality, managing crown of thorns starfish and reef restoration. Indeed, Aboriginal land holding corporations own almost all land in the GBR catchment north of the Daintree River so are responsible for land and water management and the impacts this has on the GBR.

Cape York's GBR Traditional Owners have indicated that the most effective way to involve them in delivery of the Reef 2050 Plan is for each Traditional Owner group to identify the Reef 2050 actions it has an interest in and capacity (or potential capacity) to implement. The actions would be outlined in local Traditional Owner Implementation Plans, subsidiary and complimentary to the Reef 2050 Plan, and invested in with Reef 2050 funding.

If this approach was adopted then FPIC for the Reef 2050 Plan, and therefore the GBR WHA, could be demonstrated through an Indigenous Land Use Agreement (ILUA), pursuant to the *Native Title Act 1993* (Cth). The ILUA would confirm Traditional Owner consent for the management of the GBR WHA in accordance with the Reef 2050 Plan and subsidiary Traditional Owner Implementation Plans.

Proficiency of the Great Barrier Reef Foundation and its capacity to deliver components of the Reef 2050 Plan

CYROs consider that the GBR Foundation has the proficiency and capacity to deliver components of the Reef 2050 Plan, and supports that the GBR Foundation manages the \$440M made available for GBR management.

CYROs supports the GBR Foundation's strategic aims for:

1. Raising funds for research and on ground conservation that addresses threats to the Great Barrier Reef;
2. Designing and delivering projects in partnership with the private and public sector that protect and restore the Reef; and
3. Bringing hope to the future of the Great Barrier Reef through our communications and our projects.

CYROs recognises that the GBR Foundation has a proven track-record over a twenty year period and has established strong partnerships with key management organisations, including Indigenous

organisations. The GBR Foundation also has capacity to raise additional funding from the corporate and philanthropic sectors, and we anticipate that the GBR Foundation will be able to leverage further support and investment for GBR management from the \$440M investment the GBR Foundation is now managing.

CYROs have direct knowledge of the work of the GBR Foundation through its role in the Raine Island Recovery project. Through this project the GBR Foundation has partnered with the Wuthathi Nation and Kemer Kemer Meriam Nation (Ugar, Mer, Erub) Traditional Owners, amongst others, to restore the island's habitat and help ensure the future of key marine species. This project has supported Traditional Owners and built the capacity of Indigenous Rangers, and is an example of the partnership arrangements that could be expanded upon between the GBR Foundation and Traditional Owners across the GBR.

Although CYROs recognise the general proficiency of the GBR Foundation to deliver components of the Reef 2050 Plan we consider that improvements can be made to partnerships with Indigenous people. The new funding model through the GBR Foundation provides an opportunity to address the previous experience of GBR management where limited investment has been made in the northern third of the GBR, and very little of this has been implemented via Traditional Owner groups.

Building on the positive foundations of projects such as the Raine Island Recovery project CYROs will continue to work with the GBR Foundation to establish agreement about a Cape York GBR management delivery model that integrates with Aboriginal regional and sub regional governance and decision-making structures. This will identify agreed priorities and investments for the Cape York section of the GBR through negotiations between the GBR Foundation and Cape York's Aboriginal people. We are confident that the GBR Foundation has the proficiency to enter into such an agreement that will demonstrate best practice in reef management and the participation of Indigenous people.

Proficiency of other organisations and their capacity to deliver components of the Reef 2050 Plan

Traditional Owner groups have significant proficiency, and even greater potential, to deliver components of the Reef 2050 Plan. This proficiency is based on their traditional responsibilities to care for country, and extensive traditional knowledge about, and experience of, GBR management. This traditional responsibility, knowledge and experience must not be lost, and could be used to significant advantage if properly integrated into GBR management partnerships.

As outlined above, Cape York GBR Traditional Owners have identified that their preferred involvement in GBR management would be to prepare Traditional Owner Implementation Plans against the key outputs and actions identified in the Reef 2050 Plan, and have these plans recognised as subsidiary to the Reef 2050 Plan and invested in with Reef 2050 funds. This approach will also satisfy WHA FPIC management requirements.

Traditional Owners have the advantage of being already located in remote areas of the northern GBR catchment and are intimately familiar with the GBR and its issues because of their regular interactions with and responsibilities to the GBR. No other organisation, whether government or non-government, can mobilise a workforce with skills, efficiency and commitment to manage the northern third of the GBR like Cape York Aboriginal organisations can. Operating in these locations is extremely difficult and expensive for any other organisation, and their effectiveness is compromised because of this. With the right support Cape York Aboriginal people can be highly proficient at delivering components of the Reef 2050 Plan for the northern GBR.

Process of granting funding to the Great Barrier Reef Foundation for the Great Barrier Reef 2050 Partnership Program, the terms of agreement for funding, and the ongoing administration of funding

CYROs recognise that process for provision of the \$440M funding to the GBR Foundation was irregular with usual processes, and CYLC would have preferred an open market submission process to ensure a transparent and accountable procurement process.

However, CYROs are confident that the funding agreement between the Australian Government and the GBR Foundation, and the framework the funding agreement sets up regarding performance, governance, monitoring, reporting, consultation and financial management, amongst other things, sets up due transparency and process, and is appropriate to safeguard management of the funds.

Prior activities and operations of the Great Barrier Reef Foundation, including research, public-policy advocacy and fund-raising

CYROs consider that the GBR Foundation has a good track-record of research, public policy advocacy and fund raising, and is committed to achieving the best outcomes for the GBR.

If you wish to discuss any aspect of this submission please do not hesitate to contact us.

Yours sincerely

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Richie Ah Mat
Chairman
Cape York Land Council /
Co-Chairman
Cape York Partnerships

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Gerhardt Pearson
CEO
Balkanu Cape York
Development Corporation