



The Hon. Warren Entsch MP
Chair
Joint Select Committee on Northern Australia
PO Box 6021
Parliament House
CANBERRA ACT 2600 AUSTRALIA

jscna@aph.gov.au

Via post and email

17 February 2014

Dear Mr Entsch,

I welcome the opportunity to write to you regarding the input of the Joint Select Committee to the Northern Australia White Paper. The Cape York Institute will also make a submission in response to the soon to be released Green Paper by the Northern Australia Taskforce.

The Indigenous people of Cape York are critical to the future of Northern Australia through their presence and identity, and increasingly through their enterprise, and use of their land. You will be aware that the Cape York Institute is pursuing a comprehensive development model for Cape York Indigenous people through Cape York Welfare Reform and Empowered Communities. This development framework is a prism by which all government objectives and expenditure should be considered, including an unwavering focus on rebuilding social norms, lifting education outcomes, and engagement with the real economy.

If we are to be successful in building a pathway from disadvantage to a sustainable, economically viable future for Indigenous people living in remote and regional areas, then are several specific issues that I urge the Committee to consider within its terms of reference.

- 1 Maximising the economic return from the already very substantial infrastructure and network of services in Indigenous towns.
- 2 Consider what additional infrastructure is needed in and near Indigenous towns for development to take-off.
- 3 Increased investment to accelerate the resolution of native title and land tenure processes.



- 4 Conducting resource assessments on Cape York for irrigated and dryland agriculture, similar to the recently completed Flinders and Gilbert Agricultural Resource Assessment, to assess the potential of land and water resources for agriculture at a catchment-by-catchment level.

Maximising the return from existing infrastructure and services in Cape York Indigenous towns

There are 17 Indigenous towns on Cape York with a total population of almost 10 000 people including 10 discrete Aboriginal Shire Councils and two autonomous Island Councils. Each town has a significant inventory of local infrastructure including an urbanised footprint of serviced land (including grid power and water) with road and kerbs; health clinics; council offices; airstrips; marine facilities; stormwater, sewage and water treatment; and schools. All residents live in government funded housing.

The net sunk cost of existing infrastructure on Cape York is several billion dollars with an annual bill for new infrastructure, repairs and maintenance, and services being several hundred million dollars. For example, it is estimated that the Cape York share of the National Partnership Agreement for Remote Indigenous Housing alone is \$70 million per year between 2009-2018 (Land Program Office estimate). It is therefore astounding that this extraordinary pool of infrastructure is not accounted for and incorporated into government policy and planning frameworks for Indigenous economic development, including discussion to date on the Northern Australia White Paper.

CYI's vision for Cape York Indigenous towns is that they are vibrant economic hubs with a range of small and medium enterprises operating with the majority of people owning their own homes. Mobility and orbiting will be an important part of the education and employment story, the same as for any small Australian town. It is critical that policy actions by government match local aspirations, and leverage and create an economic return from the massive ongoing investment in infrastructure and services. Local families deserve this focus and taxpayers demand it.

What new infrastructure is needed

If the vision for existing infrastructure is seen within a development context then further questions naturally arise about what new or greenfield infrastructure is required to enable development to take-off. Necessary new infrastructure covers a spectrum of needs, including new roads and port facilities to help connect towns and people to the mainstream economic grid, and land administration infrastructure long taken for granted by people living in non-Indigenous towns.

With regard to roads and ports, it seems absurd that so much money would be spent on building and servicing infrastructure in remote Indigenous towns whereas funding for connecting road and port infrastructure is sporadic and limited by comparison. Again, this focus stems from the *de facto* development model being pursued by government. CYI asserts that there is a very strong case for



investment in roads to connect Cape York Aboriginal towns with major arterial roads such as the Peninsula Development Road (PDR).

The funding for connecting roads and arterial roads on Cape York are of an equal priority and must not be seen as a common pool. For example, recent discussions about redirecting \$210 million of allocated 'connecting road' funding to the PDR demonstrate the partial nature of the guiding rationale. There is no dispute that the PDR deserves funding but additional funding should be found and not hypothecated from critical connecting road infrastructure funding for Aboriginal towns.

Home ownership and economic development have been a core focus of Welfare Reform for over five years yet the results have been abysmal. There has not been a single home ownership outcome within any Cape York Indigenous town. This is not for a lack of local aspiration. The core problem that always was, and remains, is the lack of enabling tenure and local land administration systems. A functional land administration and tenure system is essential infrastructure that is missing from these towns.

To address the historical lack of investment in land administration and other public goods that are part of the development system, the actions that must be implemented in an integrated and compatible manner in each Aboriginal town are:

1. Preparation of a *Sustainable Planning Act 2009* (Qld) compliant planning scheme for the relevant local government area.
2. The establishment of proper cadastral infrastructure (survey, subdivision and registration of all lots used for a discrete purpose, building code compliance).
3. Resolution of tenure and infrastructure anomalies such as roads off alignment and encroachments.
4. Resolution of informal, contentious and unregistered interests in land, including interests or entitlements created under the *Aboriginal and Torres Strait Islanders (Land Holding) Act 1985* (Qld).
5. Negotiation of an ILUA to authorise the creation of leasehold interests in land where native title exists, and the surrender of native title to enable tenure conversion to freehold.
6. Cultural heritage clearance of land identified for future development.
7. Completion of *Aboriginal Land Act 1991* (Qld) land transfer processes, including in a way which ensures all levels of government and other interested parties continue to have access to and secure interest in the land and infrastructure they deliver services from.



8. Tenure conversion to freehold where agreed.
9. Preparation of trustee policies for the lease or sale of communal land and infrastructure to parties of their choice.
10. Establishment of trust accounts to help underwrite home ownership and economic development investments in the short to medium term.
11. Building capacity of the key participants in home ownership and economic development, including local government, trustees, home owners and business operators.

Increased investment to accelerate the resolution native title and land tenure

It has been over twenty years since the High Court's Mabo decision and the commencement of the *Native Title Act 1993* ('NTA'), and over twenty-five years since the issue of Deed of Grant in Trust (DOGIT) titles in Queensland. The resolution of native claims for Cape York is about 30 per cent complete and the transfer of DOGIT titles from Aboriginal Shire Councils (as appointed trustees) to Indigenous land trusts has only been partially completed in a handful of communities with not a single town area transferred.

The pace of progress in these areas is unacceptable and will continue to stunt local aspirations for land and enterprise for decades to come if the current approach is maintained. Government must understand the central importance of accelerating and completing these processes.

Increased investment is required for both the resolution of claims and transfer of land as well as building and supporting the capacity of Prescribed Bodies Corporate (PBCs) and Land Trusts to manage their portfolio of interests. Investment by government in this area should be seen as an enabling action that is temporary and gradually reduced over time with PBCs and Land Trusts becoming fully independent and self-sustaining in the medium term.

Cape York catchment-by-catchment agricultural resource assessments

I have noted with interest the recent release of the CSIRO-led Report Flinders and Gilbert River Agricultural Resource Assessment (FGARA). This comprehensive report provides an excellent suite of information for planning and decision-making by landholders and government. The Queensland Government has already used this report to grant six new water licences in these two catchments.

In contrast to the FGARA study, the resource assessment framework used to develop the draft Cape York Regional Plan in directly adjacent catchments appears to consist primarily of a desktop mapping exercise that has drawn lines on satellite images with large swathes of land to be set aside under amber zones or Strategic Environmental Areas (SEAs).



Even a simple desktop assessment of the agricultural potential of Cape York using the Australian Government and Queensland Government mapping resources shows that the amber zones have significant agricultural potential and water resources within SEA boundaries yet the draft guidelines for amber zone 'prohibit' both irrigated and dryland agriculture. As for the failed Wild Rivers approach, there is a very high proportion of Aboriginal land in the amber preservation zone.

There must be an end to the zero-sum game approach so evident in the draft Cape York Regional Plan. The focus must be on identifying the economic potential and attracting external investment to Cape York. A comprehensive approach by the Queensland and Australian Governments on resource assessment and planning for Cape York is the necessary first step.

I congratulate the Australian Government on its focus on making Northern Australia the next frontier of development the renewed focus. There is great potential that this process can substantially assist to transform Queensland's Indigenous communities from concentrated centres of dysfunction to small economically viable towns that hold a special place in our nation's identity and make an important contribution to the economy of their regions.

I look forward to ongoing engagement in the development of the Northern Australia White Paper.

Yours sincerely

Fiona Jose

CEO

Cape York Institute