



CAPE YORK LAND COUNCIL
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Agriculture, Resources and Environment Committee
Parliament House
Brisbane, QLD 4000

By email only: AREC@parliament.qld.gov.au

RE: Water Reform and Other Legislation Amendment Bill 2014

Thank you for accepting this late submission.

Cape York Land Council (CYLC) is the Native Title Representative Body (NTRB) for the Cape York region and in this role, fulfils statutory functions under the *Native Title Act 1993* such as supporting applications for the determination of native title and developing land use agreements. In addition to performing NTRB statutory functions, CYLC also performs broader Land Council functions including post-determination support for native title holders, and support for Aboriginal land holders with their home ownership and economic development aspirations.

We support the desire to ensure that the State's water resources are used responsibly and productively for the benefit of all Queenslanders, while retaining certainty and security of water entitlements, and balancing economic, social and environmental outcomes; and we share the Government's desire to create economic development opportunities in rural and regional Queensland. However, we are concerned that the proposed amendments will not achieve those desired outcomes, and that they may be at the expense of the interests of the Traditional Owners of Cape York.

We do not have sufficient time or resources to carry out a full assessment of the Bill and the proposed amendments, and note that there has been no prior consultation with Indigenous groups from Cape York, in relation to the Bill. It appears that no other Indigenous groups have made submissions on the Bill. We suspect that this is likely to be because they are not aware of it, or its potential consequences. North

Queensland Land Council has asked us to advise that they share the concerns we are raising in this letter.

The following matters of concern to us do not appear to have been adequately addressed in the Bill:-

- Native title rights and interests may exist in water, and must be taken into account before water allocations are made. Water plans and maps should include identification of areas where native title exists, or may exist (we understand that there is no provision for public consultation in the development of these documents);
- Water allocations should not be made until the effects of the allocation on native title rights and interests, and other Indigenous cultural values in water have been assessed and mitigated (for example, where upstream or large scale deregulation may affect downstream or other users of water). The proposals for reductions in assessment are not supported;
- Water allocations to other proponents must take into account the prospect of future water needs for Aboriginal economic development projects on Aboriginal land. Even though there may be limited Aboriginal economic activities and demand for water currently, the aspiration is to increase this significantly in the future;
- Water allocations must also take into account s27 of the Cape York Peninsula Heritage Act, which provides that a water resource plan made in relation to an area in the Cape York Peninsula Region must provide a reserve of water in the area to which the plan relates for the purpose of helping indigenous communities in the area achieve their economic and social aspirations;
- Notification requirements should include notification to registered native title holders, registered native title claimants and land trusts who may be affected by the proposed use.

We are happy to provide further detail if required. Please do not hesitate to contact us.

Yours faithfully
CAPE YORK LAND COUNCIL



Peter Callaghan
Chief Executive Officer