

Attn: Committee Secretary, Transport and Resources Committee

## **Cape York Land Council submission to Transport and Resources Committee Inquiry into the *Land and Other Legislation Amendment Bill 2022 (Qld)***

This submission is made by the Cape York Land Council (CYLC), a registered native title representative body that advocates, supports, and empowers Cape York Aboriginal people to establish and manage their rights and interests in land and sea to produce social, cultural, and economic benefits.

On 17 March 2022 the Minister for Resources introduced into the Queensland Parliament the Land and Other Legislation Amendment Bill 2022. The Bill was referred to the Transport and Resources Committee for consideration. It is due to report to Parliament by Friday 6 May 2022. The CYLC was invited on March 22 to make a submission.

The CYLC will restrict brief observations to two issues which are of particular relevance to our mission. They are that the Bill:

- **Corrects an outdated definition of *landholder of the land* in the *Cape York Peninsula Heritage Act 2007 (Qld)* (CYPHA) to reflect who may hold Aboriginal land**

The CYLC supports this amendment.

- **Improves the administrative process for listing regional ecosystems and clarifies the policy intent of certain provisions in the *Vegetation Management Act 1999 (VMA)***

The CYLC has long advocated for the State to honour a commitment made in parliament on 18 August 2016 by former Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships, Jackie Trad, to review the CYPHA, provisions of which intersect with the Vegetation Management Act. She said:

*“While the Cape York Peninsula Heritage Act 2007 provides a framework to allow clearing for Indigenous development, no applications have been pursued to date. That is why tonight I am making a commitment to undertake a Cape York Development and Sustainability Review and appoint a Cape York Development and Sustainability Steering Group consisting of Indigenous leaders, NGOs and government agencies.”*

This commitment remains merely a line in Hansard despite representations to the former Premier and Minister about the lack of action.

The VMA and the CYPHA recognise that Aboriginal development aspirations will be constrained by vegetation clearing restrictions, and thus make provision for clearing for a special Indigenous purpose including within an Indigenous Community Use Area (ICUA).

The CYLC strongly recommends reform of the CYPHA to support Aboriginal landowners to realise development opportunities.

### **Addendum**

Further, there is a matter the CYLC recommends for inclusion in this or a subsequent Bill:

- **Amendment of section 50 of the *Aboriginal Land Act 1991 (Qld)* (ALA)**

It has recently come to our attention that the wording of the section has the consequence of preventing an established Registered Native Title Body Corporation (RNTBC) that already holds land under section 40 of the ALA from ‘upgrading’ that landholding to being held on behalf of the native title holders of the land. It is our understanding that this consequence is unintentional.

Section 50 of the ALA already contemplates that there will be occasions in which it is appropriate for an Aboriginal Corporation that becomes a RNTBC to hold the land on behalf of native title holders only. The offending part of section 50 is subsection 50(1)(a), and particularly the phrase “...after it becomes the trustee of the land”. An example of an appropriate amendment to resolve the issue could be as follows:

**50 Application to hold Aboriginal land for native title holders**

(1) *This section applies if—*

- (a) *a CATSI corporation that is the trustee of Aboriginal land becomes is a registered native title body corporate after it became the trustee of the land; and*
- (b) *under the Commonwealth Native Title Act, a determination has been made that native title exists in relation to all or a part of the land; and*
- (c) *the registered native title body corporate is registered on the National Native Title Register for the determination.*

(2) *The registered native title body corporate may apply to the Minister in the approved form for an approval to hold the land under this Act for the native title holders of the land.*

Through such an amendment the timing of the Corporation becoming either a trustee or the RNTBC for the land will be irrelevant.

If you require any further information, please do not hesitate to contact me.



Terry Piper  
**Acting Chief Executive Officer**