

Attention:
Ian Holland
Secretary, the Senate Environment, Communications, Information Technology and
the Arts Committee

Dear Ian

I wish to make a submission regarding the GBRMPA Act Amendment Bill. I understand that the closing date for submissions was last Monday, but I was only made aware of the Committee Inquiry this afternoon and I would therefore request that you circulate my submission to Committee Members.

The purpose of my submission is to urge the Committee in the strongest possible terms to reject the proposal to remove Indigenous representation on the Board of the Great Barrier Reef Marine Park Authority.

I have been a consultant and researcher in Indigenous environment and resource management policy development and protected area governance for over twenty years, and have had considerable involvement in issues relating to Indigenous involvement in the governance and management of the Great Barrier Reef Marine Park. I am a member of the Australian Institute of Aboriginal and Torres Strait Islander Studies, a member of the World Commission on Protected Areas and a member of the World Conservation Union (IUCN) Inter-Commission Taskforce on Indigenous and Local Communities and Equity in Protected Areas (TILCEPA - see www.tilcepa.org).

In 1992/93 I was a consultant to the Resource Assessment Commission's Coastal Zone Inquiry, during which I documented Indigenous interests in coastal and marine management around Australia (see Smyth, D.M 1993 *A Voice In All Places - Aboriginal and Torres Strait Islander Interests in Australia's Coastal Zone*, Resource Assessment Commission, Canberra). Chapter 10 of the *Coastal Zone Inquiry Final Report* (<http://www.environment.gov.au/coasts/publications/rac/index.html>) included the following recommendation relating to Indigenous people's representation on boards and authorities involved in the governance of protected areas, including marine parks. Note that the recommendation specifically addressed the need for Indigenous representation on the Board of the Great Barrier Reef Marine Park Authority:

R.19 The Inquiry recommends that the Australian and New Zealand Environment and Conservation Council, in conjunction with the Aboriginal and Torres Strait Islander Commission and representatives of land councils and other indigenous organisations, establish criteria for the participation of indigenous people in the management of conservation areas, including national parks, marine parks and World Heritage areas; the criteria include provision for indigenous people's representation on relevant authorities and boards of management or equivalent bodies, and for the establishment of indigenous consultative committees to advise these bodies on issues that affect them; the Commonwealth take the initiative in this process by amending the *Great Barrier Reef Marine Park Authority Act 1975*, in accordance with this recommendation and the recommendation of the 1993 Whitehouse report that the Authority be authorised to enter into formal management agreements with indigenous communities.

The *Great Barrier Reef Marine Park Authority Act 1975* was subsequently amended to implement this recommendation.

Over the last 10 to 15 years there have been considerable advancements in the recognition of Indigenous peoples' rights and interests in the governance and management of terrestrial and marine protected areas in Australia and overseas. Because of initiatives in developing co-management arrangements for the governance of Kakadu, Uluru, Booderee and other Commonwealth, State and Territory national parks and marine parks, and the development of the Indigenous Protected Area Programme, Australia is regarded internationally as a world leader in the involvement of Indigenous peoples in protected area governance and management. With the strong support of delegates from Australia, the 2003 World Parks Congress (attended by the Australian Government's Environment Minister and high level delegations from all Commonwealth, State and Territory protected area management agencies, as well as Australian Indigenous delegates) developed recommendations to encourage other countries to follow Australia's lead. These recommendations are available at <http://www.iucn.org/themes/wcpa/wpc2003/english/outputs/recommendations.htm#r21>. I strongly urge the Committee to examine Recommendation 24 (Indigenous Peoples and Protected Areas) and Recommendation 25 (Co-management of Protected Areas) in the course of considering the Amendment Bill. The recommendations represent world best practice regarding the involvement of Indigenous peoples in protected area management. The concepts expressed in these recommendations have been reinforced by subsequent decisions of the most recent IUCN World Conservation Congress and the Conference of Parties on the Convention of Biological Diversity (Protected Area Programme of Works).

For the Australian Parliament to remove Indigenous representation on the Great Barrier Reef Marine Park Authority Board would be an extremely retrograde step and flies in the face of progress made in this field over the last 20 years here and overseas. Rather, the Committee should be exploring how Indigenous involvement in the governance of the GBRMP could be strengthened in line with the co-management arrangements in place for terrestrial protected areas. One example to look at is the governance arrangements for the Wet Tropics World Heritage Area (adjacent to the GBRMP) in which there is a statutory Indigenous advisory committee AND Indigenous representation on the Board.

I understand that the intention of the proposed amendment is to implement recommendations of a review on the governance of government authorities and boards. I would like the Committee to appreciate and understand that the governance of a protected area on land or sea is very different than the governance of many other government institutions. Boards of protected areas make decisions about the management of natural and cultural values that are part of the inherited "countries" (tribal areas and clan estates) of Indigenous peoples - whose interest in these areas are not comparable to the interests of other "stakeholders". It is because of these complexities that comprehensive, well-resourced inquiries in Australia (such as the Coastal Zone Inquiry) and overseas have concluded that special arrangements need to be made for representation of Indigenous people in protected area governance.

I will be in Canberra on Monday June 18th 2007. I would be very happy to meet with you and/or members of the Committee to discuss my submission with them. I will be

delivering a seminar on Indigenous involvement on in the governance and management of protected areas from 12:30 to 2:00pm on Monday 18th June at the Australian Institute of Aboriginal and Torres Strait Islander Studies. You and your Committee would be most welcome to attend.

Finally I wish to urge the Committee to hold one or more public hearings in north Queensland to enable Indigenous people to make verbal submissions to your Inquiry.

Thank you for your attention

Regards
Dr Dermot Smyth