

Our Ref: MP:18214/6303

27 May 2021

Without Prejudice, Confidential

The Hon Sussan Ley MP
Minister for the Environment
Department of Agriculture, Water and the Environment
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear Minister

RE: APPLICATION FOR PERMIT UNDER THE *ENVIRONMENT PROTECTION BIODIVERSITY CONSERVATION ACT 1999 (CTH)* (EPBC ACT- COOLOOLA GREAT WALK ECOTOURISM PROJECT

We act on behalf of the Applicant to the Kabi Kabi First Nation Traditional Owners native title claim (Federal Court QUD 20/2019) (**Claim**). The members of the native title claim group for the Claim, the Kabi Kabi people, are the traditional owners of the land on which an ecotourism project known as the Cooloolo Great Walk Ecotourism Project (**Project**) is proposed to be built and operated. The Project area is included within the area of the Claim.

Our clients understand that the Project is located in an area that contains multiple matters of national environmental significance under the EPBC Act, such as threatened wildlife habitat and ecological communities. The Queensland Government therefore requires approval from the Commonwealth Government under the EPBC Act to proceed with the Project. For the reasons explained below, we write to express the conditional support of the Kabi Kabi Applicant, for the grant of a permit under the EPBC Act to the Queensland Government.

Since late 2018 representative of the Queensland Government have been engaging with the Kabi Kabi Applicant about the Project. Since 2020 we have been representing the Kabi Kabi Applicant in negotiations with the Queensland Government for a proposed indigenous land use agreement (area agreement) under the *Native Title Act 1993 (Cth)* (**ILUA**) so that the State can, if the Project proceeds, grant a lease for an ecotourism facility as part of the Project.

The Kabi Kabi Applicant (as the “Aboriginal Party” under the *Aboriginal Cultural Heritage Act 2003 Qld* (**ACHA**)) and the Queensland Government are also negotiating a cultural heritage management agreement (**CHMA**) within the framework of the ACHA. Measures agreed in principle include

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representatives of the Kabi Kabi People undertaking monitoring of any site works that are necessary to prepare for the construction of an ecotourism facility, to ensure that the Kabi Kabi People's Aboriginal cultural heritage is not harmed by the site works. In connection with the negotiations, the Applicant and some other Kabi Kabi people together with Queensland Government representatives have held several site visits and meetings and are currently discussing a further site walk/visit in the coming months.

Concurrently with the negotiations with the Queensland Government, representatives of the Kabi Kabi people have also been in talks with the private company that is seeking to be granted the lease to construct, maintain and operate the Project.

The Kabi Kabi Applicant's negotiations with the State are reasonably advanced, with agreement in principle having been reached with the Queensland Government on several key aspects of the proposed ILUA and CHMA. Not all matters are agreed in principle yet. Separately, the Kabi Kabi Applicant needs to resolve several matters with the proposed ecotourism facility operator.

If all outstanding matters can be satisfactorily resolved in principle, draft agreements (an ILUA and CHMA) will need to be considered by the wider Claim group.

The Kabi Kabi Applicant's support for the Project in principle is conditional upon:

- (a) finalising all outstanding matters with the Queensland Government and the proposed ecotourism operator;
- (b) the Claim group authorising and entering into an ILUA and a CHMA for the Project.

Yours faithfully



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