

24 January 2011
Committee Secretary
House of Representatives standing committee on economics enquiry
Parliament House
CANBERRA
ACT 2600

Dear Secretary,

Inquiry into Indigenous economic development in Queensland and review of the Wild Rivers (Environmental Management) Bill 2010

The promises of negotiation and proper consultation between the Government and Indigenous people on Cape York were never honoured in the Wild Rivers process.

The majority of Indigenous people on Cape York are astonished by how the Wild River Declarations were implemented. Traditional owners have been vocal in condemning the Government's lack of commitment to the Cape York Heads of Agreement, which was adopted and accepted by Indigenous groups throughout Cape York.

Free prior and informed consent was never considered during the development of the Wild River legislation. For the Government to admit they got it wrong, they would have to admit to unethical decisions which led to the gifting of the legislation to the Greens in return for preferential votes.

If there is nothing to hide, why wasn't an enquiry held? Why wasn't the impact of the legislation conveyed to the Indigenous people on the Cape? Why did the government throw up a smoke screen (Wild River ranger program) that was not established until the people of the Cape started questioning the implementation of the legislation? How was it possible for Minister Robinson to read and consider each submission between being appointed as Minister, and signing off on the legislation?

We have spiritual connections to all rivers and waterholes. The Rainbow Serpent has made the Rivers, this comes from our Ancestral dreaming. Like India's spiritual connection to the River Ganges, we hold the rivers in the same esteem. For a non-traditional owner to enter upon other peoples land, a ritual of baptising must be held to appease the spirits of past traditional owners.

The Government conducts a welcome to country by acknowledging traditional owners. We ask that they practice what they preach by listening to Indigenous people.

Climate change and Environmental protection have been politicised so much, that Governments now use them as vote levers during elections.

Aboriginal people have proven our conservation skills over 40,000 years. But instead of giving the original conservationists (Indigenous people) the opportunity

to continue to develop our conservation skills, the government instead imposed the Wild Rivers legislation.

This is my submission as a member of my people. I am a Bullgun Warra man from my grandfather, who is a traditional owner from the Cooktown area, and a Angkamuthi man from my grandmother, a traditional owner for the area from Ducie River (old Mapoon) up to Injinoo.

My Grandmother was from the stolen generation from Western Cape York, a lady whose rights were neglected by the government. I have also been a volunteer for the past twelve months with the Give Us a Go campaign.

I have done this work because I believe the legislation is unjust. During this time I have visited many communities throughout Cape York including; Pormparaaw, Kowanyama, Lockhart River, Mapoon, Aurukun, Laura, Hopevale and Coen. All are, or will be affected by the Wild River Legislation and concern is widespread in the communities.

This submission supports the intent of the Wild Rivers (Environmental Management) Bill 2010 to ensure Aboriginal traditional owners interests in management, development and use of native land are protected through the requirements of Aboriginal traditional owner agreement.

This submission supports the intent of the Wild Rivers (Environmental Management Bill) 2010 that provides for Wild River Declarations upon native title land to lapse should no agreement with Aboriginal traditional owners be reached within 6 months of the enactment of the Act.

This submission supports the Wild Rivers (Environmental Management) Bill 2010 for the following reasons:

I see this legislation as another form of *assimilation*, introduced to keep our peoples' rights as traditional owners, custodians of the land, from being recognised.

The *Wild Rivers Act 2005 (Qld)* reduces *our rights* to develop our lands through ecologically sustainable development and undermines our desire to be less dependent on welfare.

In Mapoon, I sat with the old men and ladies - the same old men and ladies who were classed alongside flora and fauna before the referendum in 1967 - and felt their sadness and sorrow as elders of this community, who had their houses burnt to the ground by the Bjelke Peterson government, to make way for mining.

The *Wild Rivers Act 2005* feels the same to them by taking traditional land with no consideration of its impacts on traditional owners who just want to get on with life - managing their country and generating real jobs for their children. Wild Rivers is a return to those days of disrespect.

In Lockhart River, I visited the Land and Sea Centre that had progressed in leaps and bounds, with weed and pest control for traditional lands, and policing of turtle and dugong hunting. Rangers and traditional owners for that area were not credited for this and other work in conservation and preservation. Their rivers were seen as unprotected – what an insult. Now the Wild River legislation will undermine all good

work achieved by traditional owners relating to ancestral lands, in respect of their "Native Title". Yet another government agency will try to tell them how to manage their rivers.

In five hours in Lockhart River, I was able to obtain 156 signatures on a petition to stop the Wild River legislation. There was not one person who did not want to sign. That is how broad the opposition is. The government and The Wilderness Society is talking nonsense when they say the communities are split. Other than a few Indigenous individuals on the Cape, Aboriginal people have united against Wild Rivers.

Aurukun is the community with the largest mine in their backyard. To oppose the mining giant CHALCO would be fruitless because of the state's interest, but the Wilderness Society negotiated deals to exclude the Bauxite region from Wild Rivers listing. One rule for mining and state interests, and one rule for the Aboriginal people.

Like much of Cape York, the country surrounding Aurukun is rich in environmental diversity and consists of undamaged spiritual lands and rivers, cared for by the indigenous people who have a tradition and a responsibility that is still practised and passed from generation to generation. This place gives the meaning of belonging to the land for the traditional owners.

All traditional owners were happy to tell me where their lands extend from, and how they take non-indigenous people under their wing, proudly showing them culture and traditional land. But when conversation turned to the Wild River legislation, what was once a smiling proud indigenous traditional owner became nothing more than a shell of a man whose hopes and aspirations of returning to his land have been stolen and manipulated under the "Wild River legislation". You see, his land is everything he has.

Many people did not even know if they had been consulted or not about Wild Rivers. Many had never seen a map of where Wild Rivers would go. Many that I talked to did not even know their traditional homeland had already been declared a high preservation zone.

Another disturbing fact was that some people I talked to who had been "consulted" didn't understand what had been said. You see, for most people in Aurukun English is a second language. People were embarrassed by academic English and speeches given by government. People were shamed that they didn't understand and so would just nod. I fear government people may have seen this as endorsement.

Therefore, any negotiations in this region, as limited as they were, had to be considered flawed.

Ironically in Aurukun, the Archer River was one of the first rivers to be declared in Cape York. The Archer River has the highest density of recorded sacred sights of any river in Australia. Federal parliament needs to understand the depth of this insult. You see, every one of these sites has a say in how the river is managed. Whether you can fish in that pond, or bath at that end, or take water from there. It is complex, and it is the reason the river is in such good condition. The *Wild Rivers Act 2005* ignores all this.

Pormpurraw (Edward River) is another community I visited where many elders felt aspirations of returning to country and starting a business in the cattle industry or tourism will be almost impossible.

The legislation causes fear with its complex regulations – it all just becomes too much. Wild River rangers also spoke out about how they felt frustrated by the process and how their role now has yet another brand – but no long-term security. In all communities I visited, we talked with mayors when possible, and invited councillors to every community meeting. We had good feedback from councils who see this as 21st century dispossession - the way it was imposed on all indigenous people with no regard for their welfare.

Indigenous people in Coen and Laura were also adamant that they were left out of any process or negotiation relating to their traditional lands.

On visiting the communities, what became apparent was the question, ‘Why have we (Traditional Owners) been *targeted* by this Act?’ It is an Act that fails to recognise our right to be included in land and sea management, that makes no provision for the recognition of living cultural values by only recognising heritage, that effectively departs from the requirement of conservation to be undertaken in agreement with traditional owners with provision for joint-management when its purpose is preservation.

For these reasons, I believe such an Act undoubtedly undermines the cultural integrity of my people.

The issues surrounding the current Wild River legislation is its unethical implementation, the timeframe in which it was rushed through, the lack of consideration of concerns raised by traditional owners in submissions, and the lack of transparency in consultations.

We believe the state’s actions breached the United Nations Declaration on the Rights of Indigenous Peoples, and breached our Native Title rights. The state showed utter disregard for Cape York inhabitants’ future aspirations for economically sustainable development. Which have also been undermined by The Wilderness Society and government bureaucrats who have introduced so much red tape that most development would not be able to proceed.

This is a summary of concerns and Issues I heard in Cape York:

- TWS used unethical tactics, including having a member from another clan speak publicly in favour of Wild Rivers on behalf of traditional lands they are not Affiliated with
- Wild Rivers undermines Native Title rights
- Wild Rivers disregards the “UN Declarations on the Rights of Indigenous Peoples”.
- Our people will become more welfare dependent because of the red tape and outright prohibition of activities, regardless of whether they are developed as ecologically sustainable development on our own Traditional Lands.

- The Act erodes cultural integrity.
- Community members believe consultation, if any, wasn't held in good faith.
- There was broad opposition to the legislation
- Many people did not even know where the Wild Rivers are
- Many people find the word 'wild' offensive

Thank you for the opportunity to provide this submission.

Yours faithfully,

Harold Ludwick