

I would like to make a number of points for the senate committee's consideration regarding the Wild Rivers (Environmental Management) Bill 2010 [No 2].

### **1) Traditional Ownership is language group and clan-based, not “Cape York” based.**

Cape York Peninsula is the traditional home of around 30 language groups. Within some language groups there are still discrete “clan estates” that “speak for” particular areas of country. This system, the basis of traditional governance, is complex. Many people have told me it is “unworkable”. On the contrary, it is the only system that *will* work. It is still the way that indigenous people are recognised in places such as Coen and Lockhart River. A lack of recognition of traditional governance is a guarantee of problems on the ground on any issue.

Native Title Representative Bodies, Regional organisations and Councils have their roles but speaking for Cape York Peninsula as “*we, the traditional owners of Cape York...*” on land management issues is not among them. Ask this question in any community on Cape York Peninsula and I am sure you will hear this again and again. Griffith University's Poh-Ling Tan, an expert in water and law, has said the same thing. Balkanu and its “sister organisations” have only been able to get away with this because local people are mostly unaware that it is even happening, and the broader community is unaware of that someone from central Cape York does not even speak the same language as someone from Hopevale in southern Cape York, let alone be willing to give them some sort of veto on an issue that affects them.

What this means is that the question of protection of any river may have a range of answers. A river catchment can include the country of several “language groups”, who may disagree on a Wild River proposal. As I write this submission, I have noted a number of lawyers concluding that indigenous opposition is a given, and beginning to prepare their cases. I ask them and you, the senate committee, what will you do if one group says “yes” to protection of a Wild River and another says “no” in the same catchment?

A river catchment is a connected system, and actions in one part of the catchment have repercussions elsewhere. Fish and other animals travel up and down these river systems. The flows of the rivers are connected to important cultural values. Australia's recent history is littered with stories of environmental and economic ruin when actions in one part of a river catchment has left other users (such as graziers in northern NSW and fishermen in the Coorong) in the lurch. This time, I would like to think Traditional Owners, especially those actually living on country who have economic, cultural, environmental and social stakes in the river's protection, would get our support to advance in a sustainable direction without being undermined by poor and unsustainable practices elsewhere along that river.

### **2) All indigenous views need to be considered**

Supporters of the Wild Rivers legislation, such as David Claudie (Kuuku I'yu or Kaanju people), who lives at Chuulangun on the Wenlock River, a place inaccessible in the wet season except by plane, and Gina Castelain (Wik people, Aurukun), occasionally appear in the media, but their voices have been drowned out by dozens of articles and copy from Balkanu and the Cape York Land Council.

One of the advantages the anti-Wild Rivers lobby has had in this debate is the lack of access to media in the communities of Cape York Peninsula. Radio and newspapers are scarce and few people use the

internet, making word-of-mouth the sole source of information. In a mystifying decision, the Queensland Government hired Balkanu, rather than local Corporations and Land Trusts (at least notionally representative of the Traditional Owners of each River), to do Wild River consultations. Predictably, Balkanu used the money to run a scare and confusion campaign, and because of their media experience and connections, opponents of Wild Rivers were given a platform in the national media.

Wild River supporters among indigenous people are not as media-savvy as the Pearson brothers or Richie Ah Mat, but I should not have to point out that this does not make their opinions any less valid. These people don't necessarily fully understand or even care about the power of certain elements in the media to airbrush them out of the national Wild Rivers debate or to give someone like Gerhardt Pearson a platform to discredit them in order to present a more sellable story. "Green vs black" (a social movement "vs" a race of people) is infantile, politically motivated and essentially impossible, given that aboriginal people obviously cover the political spectrum on major issues like anyone else. Given this, I have been asked by a few indigenous people why a media campaign against Wild Rivers would be a problem? I believe it is a problem if our representatives and community do not perceive that indigenous people in support of Wild Rivers exist. The media are not bound by an imperative to seek out such people, who may be harder to reach, but I would ask the senate committee as elected representatives to ensure that all indigenous voices have an equal level of respect and recognition, including those that are harder to hear.

### **3) The need to focus on and resource land management and Wild Rivers is not an either/or issue.**

While people argue about the need for land management rather than protection of river values (as if the two could not be carried out concurrently), indigenous rangers are already out there, some working as Wild River Rangers, looking after the rivers. Some of the rangers are in full-time paid employment for the first time in their life. On the Wenlock River, lagoons and riverbanks have been rid of weeds like Sicklepod and Hymenachne. In the Gulf of Carpentaria, rangers are controlling rubbervine and tackling pest fish. On the Staaten River, some 3700 feral pigs have been culled. Traditional fire management will soon return to large areas of Kaanju country, protecting the riverine rainforest (and its wildlife such as the culturally important Palm Cockatoo and Cuscus) from damaging late dry season fires.

I have worked with the Chuulangun Rangers in the field during fauna surveys in recent months. It is an ongoing project and the information will be kept and used by Kaanju people for management, rather than squirreled away in a university lab. "New" species to western science are still being discovered on Kaanju lands, and others have been photographed in the wild by the rangers for the first time. The bush knowledge extends beyond science as well. The rangers know where roads can be placed, when to tackle feral animal control, where tourism can and cannot go and where and when to conduct traditional burning. It's also been clear to me that Kaanju people in this area are spending more time on the rivers than they have in many years. That anyone would be happier or more proud to cart their country away on a mining truck or knock it down to grow mangoes is not for me to say, but I harbour my doubts.

As a conservation biologist by profession, I see this as extremely important work, and skills worth investing in with full-time employment and training, just as I have been employed and trained as a white Australian. In Victoria, where I live, the need for a workforce to look after river health is not even questioned; Ten Catchment Management Authorities each have multi-million dollar annual budgets to do their work on Victoria's stressed river systems. That indigenous people just beginning to

get formal recognition and resources to care for one of the world's greatest tropical environments are being called “watermelon rangers” on “green welfare” is absurd and to me represents a curious form of discrimination.

If the Wenlock River is protected, this work can continue in the knowledge that it will not be undone by stupid planning decisions elsewhere in the river system. Creatures such as the Barramundi, Sawfish, Crocodile and Flying-fox will still be able to move up and down the system, and be able to find habitat throughout. For the people at Chuulangun, that is a very big deal.

#### **4) The identification of Australia's Wild Rivers have a strong scientific rationale**

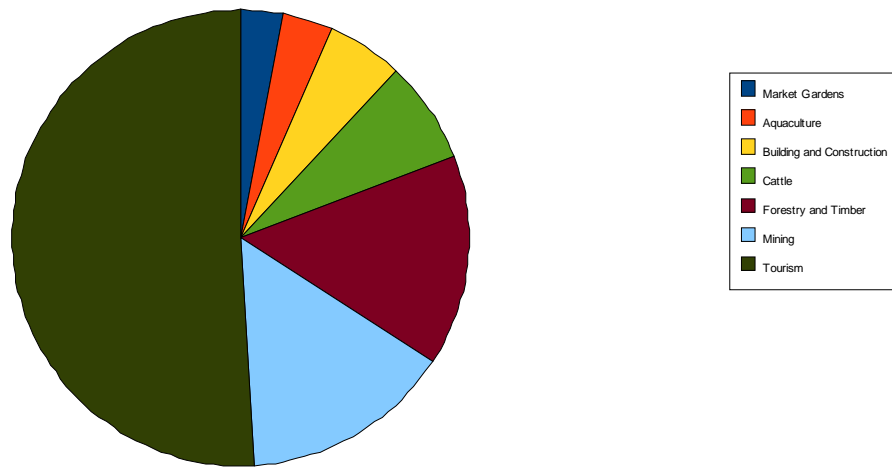
Wild Rivers was a concept started in the early 1990s by the federal government and the scientists from the Australian National University, headed by Dr Janet Stein. They looked at the health of every river in Australia who produced a scientific paper called “*Spatial analysis of anthropogenic river disturbance at regional and continental scales: identifying the wild rivers of Australia*”. The highest-quality rivers in Queensland are mostly on Cape York Peninsula, the Gulf of Carpentaria and far-west Queensland. That these are the areas beyond the frontier of intensive agriculture and feed into the some of the best fisheries and highest quality reef systems in the country is not a coincidence.

#### **5) “Economic development” is not synonymous with agriculture, deforestation and mining; Jobs on Cape York Peninsula are most likely to come from tourism-related industries**

The Northern Australian food bowl remains a dream among many involved in agriculture. It wasn't that long ago, 2007 in fact, that Bill Heffernan, Noel Pearson and Lachlan Murdoch were spruiking this concept in the *Bulletin*. Putting the reliance of estuarine and marine fisheries on wet season river flows aside (the wet season flows are what keeps the banana prawn industry in the Gulf afloat), the notion that southern Australia had its chance at broad-scale agriculture and now somehow its northern Australia's turn is ludicrous-Tim Flannery called it a “vampire myth”. The world's weather is changing, and a major reason for the increased greenhouse gases in our atmosphere is deforestation (or “land clearing” as we like to call it in Australia). Opening up a new agricultural front in the north would have to go hand in hand with Australia returning to its status as a country with one of world's highest rates of deforestation. Given that our country is close to its greenhouse targets only because the Queensland Government brought in controls on the appalling rates of deforestation in the state in 2004, it is difficult to see how the lid could be lifted again without Australian greenhouse emissions careering upwards again, especially given the glacial rate of reform in the energy and transport industries in the meantime.

Prior to the unsubstantiated claims on “economic development” in that have dominated the Wild Rivers “debate” since 2007, the Howard government commissioned Kleinhardt-FGI Pty Ltd/Business Mapping Solutions Pty Ltd (hardly a hotbed of radicalism) to investigate employment opportunities outside government services on Cape York Peninsula. The consultants projected that tourism will be the number 1 sector for new jobs for indigenous people on Cape York, estimating that there were more potential new jobs for local indigenous people in tourism than in mining, forestry and cattle combined.

Employment Prospects for Indigenous people on CYP by industry  
(source: Federal Govt Cape York Indigenous Employment Strategy 2005)



I recognise that tourism, if poorly planned, can be bad for the environment and culturally insensitive. But it does not have to be, and while Cape York Peninsula is bogged down in arguments, the Kimberley and Arnhem Land indigenous tourist industries are flourishing. At Chuulangun, there are major opportunities in tourism and also plant medicines, industries that if planned right can provide employment and money to the Kaanju people living there, rather than most of it leaving the cape and going to external tourism operators and bioprospectors. The beauty of these opportunities is that they will provide income and be controlled by the people, not as a royalty to sit in town while large-scale agriculture or mining interests access the large profits by leasing their land.

The tourism opportunities are enormous. A permanent tourism lodge might be set back 200 metres from a wild river, although I believe this is only the case if it is in the riparian vegetation zone. This is a 3 minute walk. I can't be convinced that with all the mountains, rainforests, beaches and plains on Cape York Peninsula that tourism is finished because of this planning rule. In any case, permanent infrastructure would be damaged by floods if in the riparian zone in many places, just as the Archer River Roadhouse frequently is. If proponents of “economic development” mean indigenous employment and a consequent reduction in welfare dependency, rather than some sort of agrarian tropical utopia, then would drop their ideological opposition to tourism markets and recognise it as a major potential employer.

Those claims that Wild Rivers stifles “economic opportunities” outright clearly does not work in the tourism or fishing sectors, or has an unforgivably poor understanding of the effect of industrial development on such industries. The massive employment and economic development generated by improved environmental protection of the Great Barrier Reef and Wet Tropics World Heritage Areas continues apace, but Wild Rivers prevents economic opportunity? I find the opposition from some in the Cairns-based tourism industry a bit sad, given they have already carved out a comfortable niche for themselves and perhaps do not want competition from authentic Cape York tourist enterprises.

## 6) All industries should respect the rivers

Rio Tinto makes large profits from its bauxite mining operation in western Cape York Peninsula and

Chalco Mining Company is sure to do the same when it starts its operation at Aurukun. It will not kill them to accede to the same regulations as everyone else. There should be no difference in the buffer zones from rivers for mining companies. In fact, given the damage caused by bauxite mining (which is the complete removal of the topsoil across thousands of hectares), its arguable that the mining operations should even be further away from the rivers.

#### **7) Deforestation and irrigation are not property rights and threats to the rivers remain**

Broad-scale land clearing has been brought under control in most Australian states. We have already seen the results of “self-regulation”; the highest rates of deforestation in the western world and the disgraceful water “management” in not only the Murray-Darling but many other river basins. Water extraction and deforestation have effects well beyond the property boundaries on water quality, biodiversity, fisheries, tourism, and even the climate itself. Any single proponent of an irrigation operation or aquaculture farm can and usually will argue that their particular operation is not making a major impact; and sometimes they are right. But it's the cumulative impact of many such single operations is why the Murray River struggles to even reach the sea, and why much of central Queensland is a national disgrace that according to University of Queensland research has exacerbated the recent droughts in eastern Australia. River restoration isn't cheap, and its not borne by the people who claim that they can do whatever they like, but all of us.

The response to this point has often been “well, just leave indigenous people will not do that, so legislation isn't necessary”. But the opponents of Wild Rivers have conveniently let everyone forget that the largest landholders on Cape York Peninsula are non-indigenous pastoralists, and that mining companies (bauxite, sand mining and even uranium) have exploration leases all over the place. Wild Rivers doesn't stop mining but at least keeps it away from rivers. Without decent investment or policy in sectors that might employ people and be sustainable for more than a few decades, indigenous people may be effectively forced to accept proposals that they know the land cannot sustain in return for services (e.g. schools or roads) that most Australian citizens rightfully expect. The food-bowl proponents will return (probably not under the name “food bowl”) as the political pendulum swings, and again push for a new agricultural frontier in the north. If Wild Rivers stays, these ideas are largely gone for good on Cape York Peninsula, and natural and cultural fabric of the place can be maintained.

I hope my submission helps with your decision.

Simon Kennedy

(Simon Kennedy is a conservation biologist who works on biology and land management projects for Chuulangun Aboriginal Corporation and Angkum Aboriginal Corporation)