

29 October 2010



Committee Secretary

Senate Legal and Constitutional Committee

PO Box 6100

Parliament House

Canberra ACT 2600

Dear Sir/Madam,

To Whom It May Concern:

I refer to the call by the Senate for submissions into the *Wild Rivers (Environmental Management) Bill 2010*. I would like to make a submission to this Inquiry.

I am a Traditional Owner, Apalach Clan Group, and have lived in Aurukun for 48 years. As such I believe that I have the authority to make this submission on my behalf and on behalf of the community in general.

The Aurukun community has previously seen the need for Commonwealth intervention to protect the rights of its people. In 1978, the Queensland Government decided to take over control of both Aurukun and Mornington Island reserves. Both communities were against this and protested seeking the help of the Commonwealth Government. After lengthy negotiations, legislation for self-management of the two reserves was introduced into Federal Parliament and the Aboriginal and Torres Strait Islanders (Queensland Reserves and Communities Self-Management) Act was passed on 7 April 1978. On the same day, the Queensland Government revoked the two reserves which meant that neither the Queensland Act nor the new Commonwealth legislation applied to

the area any longer. Further negotiations took place between State and Federal Ministers and after lengthy discussions, an agreement was reached wherein local authorities would be created for the former reserves and that the land should be leased to the newly created councils for a period of fifty (50) years. The Aurukun Shire Council is the trustee for the land within the Aurukun Shire Lease.

I note that the Wild Rivers (Environmental Management) Bill 2010 is a:

“Bill for an Act to protect the interests of Aboriginal traditional owners in the management, development and use of native title land situated in wild river areas, and for related purposes”

I also note that clause 4(3) of the Bill states:

“In particular, it is the intention of the Parliament that this Act protect the rights of traditional owners of native title land within wild river areas to own, use, develop and control that land”

And clause 5 states:

“The development or use of native title land in a wild river area cannot be regulated under the relevant Queensland legislation unless the Aboriginal traditional owners of the land agree”

I support the intent of the Bill to prevent the regulation of the interests of Aboriginal traditional owners in the management, development and use of native title land situated in wild river areas without their agreement. I believe that the recent experiences of the traditional owners and Shire Council with the declaration of the Archer River Wild River Area without proper consultation with the traditional owners and Council and without the consent of traditional owners justifies this Bill. In particular I am extremely concerned that large areas of land south of the Archer River were declared as High Preservation Area without prior notification to the Council and traditional owners and without affording the Council and traditional owners due process to make submissions about the proposal.

I am also aware that the proposed Bill is consistent with Article 19 of the UN Declaration on the Rights of Indigenous People. This UN Declaration is supported by the Commonwealth Government and states:

"States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them".

The people of Aurukun have fought for many years for the recognition and protection of their rights. From their first encounters with the Dutch in 1605, old man Peinkinna defending his rights to the Privy Council and old man Koowarta taking matters to the High Court, the people of Aurukun have a proud history of defending their rights. I support the action of the Commonwealth to prevent the arbitrary and unjust removal of the rights of the traditional owners of Cape York.

Yours faithfully,

Phyllis Yunkaporta

Traditional Owner

(Deputy Mayor, Aurukun Shire Council)