
The Parliament of the Commonwealth of Australia

Inquiry into Indigenous
economic development in
Queensland and advisory
report on the Wild Rivers
(Environmental
Management) Bill 2010

House of Representatives Standing Committee on Economics

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Chair's foreword

This inquiry covered the important issue of Indigenous economic development in Cape York. The isolation of the region means that, while Indigenous participation in cultural activities is vibrant, Indigenous people face additional hurdles to participating in the market economy. The inquiry has brought out many of these problems, but has also pointed to opportunities and successes in areas such as natural resource management and Indigenous cultural activities.

The focus of the inquiry was on the Queensland *Wild Rivers Act 2005*. Although there is room for improvement in implementing the Act, this should not obscure the main picture that it benefits Queensland through preserving the natural values of rivers that have all, or most, of their natural values intact while still permitting Indigenous economic development and maintaining a suitable environment for traditional activities.

The committee held a number of hearings in far north Queensland and it soon became apparent that a large degree of misinformation has been in circulation about the Act. Perhaps the key message of the inquiry is that consultations under the Act need to be improved. Clearly, the Queensland Government expended significant resources in travelling to remote communities and discussing with them the Act and the declarations made under it. However, the committee received a clear message from some Indigenous communities that the consultations were not sufficient.

During the inquiry, the Queensland Government announced an important measure to improve its consultations. It will establish Indigenous reference committees for any potential wild river area on Cape York Peninsula. These bodies will ensure members can directly advise the Minister about declaration proposals as well as their community's aspirations for future economic

development. The aim of the Queensland Government is for each reference committee to reflect the native title, traditional ownership and Indigenous stakeholders in the relevant river basin.

The Queensland Government also outlined several other initiatives supporting Indigenous economic development. It will facilitate economic growth on Cape York through a strategic regional economic development plan. It will examine how to create jobs in the Cape, including nature-based opportunities that are being enhanced by the *Wild Rivers Act 2005*. The Queensland Government will also build the capacity of Indigenous councils in dealing with planning legislation and establish an independent economic development mentors support network.

I commend the Queensland Government for taking an active approach on these issues and for responding to concerns raised during the Inquiry.

The inquiry also examined the Wild Rivers (Environmental Management) Bill 2010, which was introduced in the House in November 2010. The inquiry process has revealed a flawed document which is unworkable for a variety of reasons. Importantly, the Bill uses ambiguous definitions which would result in confusion and would override the *Wild Rivers Act 2005* putting the successful Wild Rivers Rangers program at risk. The committee has concluded that the Bill should not be passed.

Indigenous economic development is a large and complex issue and this report can only cover part of such a wide topic. However, this report does include important recommendations on how the Commonwealth can be more involved in assisting Indigenous economic development in Cape York. I also anticipate that the material presented to the committee and made public will contribute to a greater awareness of these issues and assist policy development in the future.

I would like to thank those who made submissions to the inquiry and the witnesses who attended hearings. The committee is very appreciative of this assistance and expertise. I also thank my colleagues on the committee for their contribution to the report.

Craig Thomson MP
Chair



Contents

Chair's foreword	iii
Membership of the Committee	viii
Terms of reference	ix
List of abbreviations	xi
List of recommendations	xiii

THE REPORT

1 Background	1
Referral of the Inquiry	1
Committee objectives and scope	1
The 2010 Senate Inquiry and its outcomes	2
Pre-existing legislation	3
<i>Wild Rivers Act 2005 (Qld)</i>	3
Conduct of the Inquiry	5
Structure of the report	6
Note on references	7
Overall finding	7
2 Cape York – Context and Consultation.....	11
Geo-economic context	11
Topography, soil and water	11

Transport and infrastructure	12
Land Tenure.....	13
Industry sectors	15
Minerals and Mining	15
Indigenous workforce participation in the mining industry	16
Agriculture.....	17
Cattle Grazing	17
Tourism	18
Population and the labour market	19
Workforce participation in Cape York.....	20
Workforce Capacity.....	21
Consultation and consent on the <i>Wild Rivers Act 2005</i> (Qld)	21
Conclusions	23
Speaking for country and “own representative institutions”	24
Conclusions	26
The <i>Wild Rivers Act 2005</i> (Qld) and Indigenous economic development	27
Capital for developments	28
Conclusions	28
The <i>Wild Rivers Act 2005</i> (Qld) and mining	29
The <i>Wild Rivers Act 2005</i> (Qld) and tourism	30
The <i>Wild Rivers Act 2005</i> (Qld) and cattle	31
The <i>Wild Rivers Act 2005</i> (Qld) and Natural Resource Management	31
Conclusions.....	32
Opportunities.....	33
Current economic conditions.....	33
Supporting the Cape York economic development plan	34
Partnerships.....	36
3 The Wild Rivers (Environmental Management) Bill 2010	39
Background	39
Purpose and overview of the Bill.....	39
Analysis of the Bill and its provisions.....	40
Overview	40
Clause 3.....	41
Clause 4.....	46

Clause 5.....	48
Clauses 6 and 7	50
Conclusions.....	52

DISSENTING REPORT

Dissenting report.....	55
Introduction	55
Background	56
Barriers to economic development	57
Prima facie rejection of any social or economic development	57
Arbitrary sterilisation of usable land	58
Bureaucratic barriers to economic development	61
Opportunities for sustainable and environmentally sound economic development	62
Genuine economic development.....	62
Failure of the Wild Rivers (Qld) Act 2005 to create opportunities	63
Conclusions.....	64

APPENDICES

Appendix A– Submissions	67
Appendix B– Public Hearings	69
Appendix C– Exhibits	75



Membership of the Committee

Chair	Mr Craig Thomson MP
Deputy Chair	Mr Steven Ciobo MP
Members	Mr Scott Buchholz MP Mr Stephen Jones MP Dr Andrew Leigh MP Ms Kelly O'Dwyer MP Ms Julie Owens MP

Committee Secretariat

Secretary	Mr Stephen Boyd
Inquiry Secretary	Mr David Monk (from 9 March 2011) Mr Justin Baker (until 18 February 2011)
Principal Research Officer	Dr Andrew Gaczol
Technical Advisor	Ms Kit Quarry
Administrative Officer	Ms Natasha Petrovic



Terms of reference

On the 3 November 2010 the Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon Jenny Macklin MP referred the following reference to the Committee.

The Committee should examine the scope for increasing sustainable Indigenous economic development in Queensland and including in the Cape York region having regard to the aspirations of Indigenous people and the social and cultural context surrounding their participation in the economy.

The Committee should consider:

1. existing environmental regulation, legislation in relation to mining and other relevant legislation including the *Wild Rivers Act (Qld)* 2005 and the *Environment Protection and Biodiversity Conservation Act 1999*;
2. the impact which legislation in the form of the Wild Rivers (Environmental Management) Bill 2010 would have, if passed; and
3. options for facilitating economic development for the benefit of Indigenous people and the protection of the environmental values of undisturbed river systems.

The inquiry should pay particular attention to the following:

- The nature and extent of current barriers to economic development and land use by people, whether Indigenous or non-Indigenous, including those involved in the mining, pastoral, tourism, cultural heritage and environmental management;
- Options for overcoming or reducing those barriers and better facilitating sustainable economic development, especially where that development involves Indigenous people;

- The potential for industries which promote preservation of the environment to provide economic development and employment for Indigenous people;
- The effectiveness of current State and Commonwealth mechanisms for appropriate preservation of free-flowing river systems which have much of their natural values intact, including the preserving of biodiversity;
- Options for improving environmental regulation for such systems;
- The impact of existing environmental regulation, legislation in relation to mining and other relevant legislation on the exercise of native title rights and on the national operation of the native title regime and the impact which legislation in the form of the Wild Rivers (Environmental Management) Bill 2010 would have on these matters.

The Committee should also make recommendations as to what initiatives might be pursued in order to promote economic development while preserving environmental and cultural values.

On 17 November 2010 the House of Representatives referred the Wild Rivers (Environmental Management) Bill to the Committee for Inquiry and Report by the end of the autumn period of sittings in 2011. Submissions addressing this Bill will be received as part of the committee's broader inquiry into indigenous economic development.



List of abbreviations

ALA	<i>Aboriginal Land Act 1991</i>
CAC	Chuulangun Aboriginal Corporation
CDEP	Community Development Employment Program
CLCAC	Carpentaria Land Council Aboriginal Corporation
COAG	Commonwealth Council of Australian Governments
CSIRO	Commonwealth Scientific and Industrial Research Organisation
CYPLUS	Cape York Peninsula Land Use Strategy
DEEWR	Department of Education, Employment and Workplace Relations
DERM	Department of Environment and Resource Management (Qld)
DOGIT	Deed of Grant in Trust
DRIP	Declaration on the Rights of Indigenous Peoples
EPBC	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
IDC	Inter-Departmental Committee
ILC	Indigenous Land Corporation
ILUA	Indigenous Land Use Agreements
LHA	<i>Aborigines and Torres Strait Islanders (Land Holding) Act 1985</i>
MCA	Minerals Council of Australia
NPA	National Partnership Agreement

NPARC	Northern Peninsula Area Regional Council
NTA	<i>Native Title Act 1993</i>
NTRB	Native Title Representative Body
QLD	Queensland
RTA	Rio Tinto Alcan
TSILA	<i>Torres Strait Islander Land Act 1991</i>
UN	United Nations
WRIC	Wild Rivers Inter Departmental Committee



List of recommendations

1 Background

Recommendation 1

The Commonwealth Government continues to address the economic and geographical barriers to Indigenous economic development through its closing the gap programs across Australia and in particular, in Cape York; and the Queensland Government proactively affirms its commitment to addressing Indigenous disadvantage by pursuing place based initiatives for economic participation in Cape York.

2 Cape York – Context and Consultation

Recommendation 2

The committee notes the economic benefit of major infrastructure and investment programs and recommends that the Queensland and local governments in Cape York work with Infrastructure Australia and Regional Development authorities to progress these programs.

Recommendation 3

The committee further notes the Indigenous training and employment benefits of major infrastructure and investment programs and recommends that Queensland and Australian Governments ensure these opportunities are maximised.

Recommendation 4

The committee recommends that the Commonwealth Government continues to partner with the mining industry to facilitate training and employment so that workforce participation in the industry becomes a mainstream employment option for Indigenous people.

Recommendation 5

The committee recommends that the Queensland Governments mentors support network initiative be linked to Commonwealth Government initiatives for Indigenous small business development in business, tourism and administration.

Recommendation 6

The committee recommends that the QLD Government strengthen its consultation and engagement framework for the *Wild Rivers Act 2005* (Qld). The committee notes that the establishment of Indigenous reference committees group under the Cape York Sustainable Communities initiative is intended to address this and to work directly with Indigenous stakeholders on improving the wild rivers consultation process.

Recommendation 7

The committee recommends that the Indigenous Reference Committee framework be developed and extended to service Indigenous peoples throughout Queensland on issues relating to economic development.

It is important that all stakeholders be engaged in this process and endorse the framework.

Recommendation 8

The committee recommends that the Queensland Government provides information to Indigenous communities and individuals which assists them to step through the operation of the *Wild Rivers Act 2005* (Qld) and other conservation and land management legislation.

Recommendation 9

The Commonwealth support the Queensland Government in developing its strategic regional economic development plan for Cape York under its Sustainable Cape Communities initiative.

Recommendation 10

In consultation with Indigenous communities, the Queensland Government increase opportunities for Indigenous business partnerships under its Sustainable Cape Communities initiative.

3 The Wild Rivers (Environmental Management) Bill 2010

Recommendation 11

That the House of Representatives not pass the Wild Rivers (Environmental Management) Bill 2010.