

Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Via email: legcon.sen@aph.gov.au

31 March 2010

Dear Secretary,

Inquiry into the Wild Rivers (Environmental Management) Bill 2010 [No 2]

I make this submission on behalf of Giringun Aboriginal Corporation (Giringun) which represents the interests and concerns of 9 Traditional Owner groups: Bandjin, Djiru, Girramay, Gugu Badhun, Gulnay, Jirrbal, Nywaigi, Warrgamay and Warungnu peoples whose land and sea country extends across the southern wet tropics, northern dry tropics and associated marine waters of north Queensland.

Our submission to this Inquiry supports the *Wild Rivers Act 2005* and opposes the Wild Rivers (Environmental Management) Bill 2010. Moreover we herewith express our concern that issues surrounding the exiting Wild Rivers legislation have been unduly politicised and distorted, resulting in substantial tensions and confusion, in particular amongst Traditional Owner interests.

Our submission outlines 1) Giringun's focus as a regional land and sea management agency; 2) our interests and experiences with the *Wild Rivers Act 2005* and 3) our concerns regarding the proposed Wild Rivers (Environmental Management) Bill 2010.

Giringun's focus as a regional land and sea management agency

The area of North Queensland we refer to as the Giringun region comprises the lands, waters and sea country of Bandjin, Djiru, Girramay, Gugu Badhun, Gulnay, Jirrbal, Nywaigi, Warrgamay and Warungnu peoples, extending from Rollingstone (north of Townsville) to the Mission Beach area, including coastal islands and reef around Hinchinbrook, Family and Dunk islands, and inland from the Clarke River district to the Ravenshoe/Mt Garnett area, a region in excess of 150,000 km². This area extends across the indicative traditional land and sea estates (country) of our 9 member Traditional Owner groups. It includes one declared Wild River: Hinchinbrook Island.

Giringun's mandate to negotiate regional level outcomes is confirmed across this region. It also acts to support the individual priorities of member groups both on request and where these are integral to securing regional scale outcomes.

Giringun's vision is to provide leadership, direction and assistance in the provision of sustainable outcomes for the improvement and positive development of the social, cultural, spiritual, environmental and economic well-being of all the Aboriginal people of the Giringun region for the benefit of the region.

Since 1996, Girringun has established itself as a recognised and well-respected advocate for Traditional Owner interests in this region, with a strong focus on the negotiation of collaborative land and sea management including cultural heritage preservation and ecosystem restoration. Many of these have resulted in the longer term employment of Traditional Owners and other Indigenous people at Girringun or by third parties under the umbrella of collaboration and partnership.

Multiple external stakeholders collaborate with Girringun on project and programme implementation. These include (amongst others) Aboriginal community organisations; Indigenous representative bodies; statutory land and sea management agencies; local, State and Commonwealth government departments; local and regional service providers; schools and tertiary education institutions; research bodies and regional NRM bodies.

In early 2010 Girringun established the Girringun Aboriginal Rangers, presently co-funded to 2014 by the Australian and Queensland governments (under the Working on Country and Wild River Rangers programmes). Girringun is concurrently engaged in a land and sea country Indigenous Protected Area Co-management consultation process over its area of interest. Marine waters within this region are covered by the Girringun Traditional Use of Marine Resources Agreement (signed in 2005) accredited by the Great Barrier Reef Marine Park Authority and the Queensland Government.

Girringun's interests and experiences with the *Wild Rivers Act 2005*

The Hinchinbrook Wild River declaration occurred in February 2007, being one of the first declarations under the *Wild Rivers Act 2005*. Girringun affiliated Traditional Owners are the traditional custodians of this island and its surrounding waters. In addition to its acknowledged natural and aesthetic values, the island is of outstanding cultural importance with many known sites of significance, dreaming pathways and storylines.

Whilst the associated consultation and comment period was brief and did not expressly seek to engage directly with Traditional Owners, Girringun was aware of the Queensland Government's intention to declare Hinchinbrook a Wild River at the time. Subsequently, Girringun has been able to negotiate the resourcing of 2 Ranger positions under the Wild River Rangers programme. These positions form 2 of 11 Ranger positions.

The Hinchinbrook Wild River area is included in the current Girringun Region Indigenous Protected Area Co-management consultation process. In future, subject to the direction of Traditional Owners, and the agreement of statutory interests, this Wild River may be included in a Girringun Region Indigenous Protected Area declaration by end 2012.

Girringun's concerns regarding the proposed Wild Rivers (Environmental Management) Bill 2010

It is the considered view of Girringun that the Private Members Bill being proposed by Mr Abbott will not substantially or positively contribute to greater, collaborative Traditional Owner decision-making in relation to a Wild Rivers declaration.

Girringun's area of interest is characterised by a highly fragmented terrestrial environment, where much of the land has been cleared for agriculture and many of our region's waterways greatly modified to accommodate agricultural, urban and rural development. Nevertheless the region encompasses part of two World Heritage Areas

(the Wet Tropics of Queensland and the Great Barrier Reef). However, the highly adverse (negative) impact of past and on-going exploitation through development is becoming more and more evident with highly adverse (negative) implications for the immediate and longer-term health of our traditional lands, seas and waters. The only declarable Wild River identified to date within this region is Hinchinbrook Island.

We recognise that this situation is different to the situation on Cape York Peninsula, both in terms of tenure and land uses. Nevertheless a wide range of development pressures and impacts threaten the natural and cultural values of land and sea country belonging to Traditional Owner groups with connection to areas of Cape York Peninsula. In particular, potential impacts arising from major mining, tourism and urban development.

All levels of government must adopt appropriate, culturally assured engagement and consultative processes as a first step in the development of robust policy and legislation.

This means talking directly to the respective Traditional Owners concerned when considering and negotiating arrangements relating to the use of land and sea country, and its management. It means making available information and background materials that are easy to understand and digest. It means ensuring government decision-making is more transparent. This is particularly critical in under-serviced, remote communities.

Wherever possible, this means working together across cultures and across all levels of government and community to secure, for the benefit of all future generations, meaningful collaborative outcomes which are culturally, ecologically, socially and economically viable and sustainable over the long term.

The current *Wild Rivers Act 2005*, despite its known shortcomings in terms of adopting a proper, robust culturally assured process, does go some way to providing Traditional Owners with a useful tool to generate longer-term ecologically sustainable outcomes for their respective country, its inherent spiritual values, and its cultural and natural values.

On behalf of Giringun Aboriginal Corporation and its member Traditional Owners, I thank you for this opportunity to provide our comments to this Senate Inquiry.

Yours sincerely

Phillip Rist
Executive Officer
Giringun Aboriginal Corporation