

30 March 2010

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
Parliament House  
CANBERRA  
ACT 2600

Dear Secretary,

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

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 [No 2] to ensure Aboriginal traditional owners interests in management, development and use of native land are protected through the requirements of Aboriginal traditional owner agreement, setting the terms of agreement and giving and evidencing the agreement. This submission supports the intent of the Wild Rivers (Environmental Management Bill) 2010 [No 2] 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 is supportive of the Wild Rivers (Environmental Management) Bill 2010 [No 2] 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 of being less dependant 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 their lands, also policing of the turtle and dugong hunting. As rangers and traditional owners for that area, they were not credited for their work in conservation and preservation. Their rivers were seen as unprotected – 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 Western regime and 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. I cannot believe the government or the Wilderness Society when they say the communities are split. Other than a few Indigenous individuals on the Cape I have seen Aboriginal people 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 states 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 on 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 extended 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 who's 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 had talked to that 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, as limited as they, in this region 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. The Senate needs to understand the depth of 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. You see it is complex, and it is the reason the river is in such good condition. The *Wild Rivers Act 2005* ignores all this.

Pormpurrav (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*, was going to be almost impossible. The legislation causes fear with the complex regulations surrounding the Wild River legislation – 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, and we have had good feedback from councils who see this as 21<sup>st</sup> 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 is 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 time frame by rushing it through, the lack of consideration of concerns raised in submissions, as well as the lack of transparency in consultations, breach's of the United Nations Human Rights Declaration on Indigenous Rights, breach of the Native Title. All this shows disregard for the Cape York inhabitants Future aspirations for economically sustainable development, have been undermined by bureaucrats from the Wilderness Society and government who have introduced a myriad of red tape that would render much development unviable.

Summary of concerns and Issues I have heard in Cape York;

- TWS have used unethical tactics including having a member from another clan speak publically in favor of Wild Rivers on behalf of traditional lands they are not affiliated with
- Undermines Native Title rights
- A blatant disregard and commitment to the “UN Declarations on Indigenous Rights”.
- Making our people more welfare dependent by implementing a myriad of red tape and outright prohibition of activities, regardless of whether they are developed as ecologically sustainable development on our own Traditional Lands.
- 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 Wild Rivers is
- Many people find the word 'wild' offensive

Thank you for the opportunity to provide this submission.

Yours faithfully,

Harold Ludwick  
Queensland