

4<sup>th</sup> April 2011  
Committee Secretary  
Senate Standing Legislation Committee on Legal and Constitutional Affairs  
CANBERRA  
ACT 2600

## **Inquiry into the Wild Rivers (Environmental Management) Bill 2011**

To whom it may concern

My name is Harold Ludwick a Bulgun Warra and Angkamuthi man. I am a resident of Hopevale on Cape York Peninsula 45 min North of Cooktown. My Grandmother was an Angkamuthi elder from Injinoo whose land extends from the Ducie River North to Injinoo.

Many of the rivers between Ducie and Injinoo are subject to declaration under the Wild River Legislation the most well known being the Jardine River.

I have been an advocate for the right of my people, Indigenous people, for as long as I can remember.

In 2005 the Wild River Legislation was passed, a legislation which I personally feel was unjust to Indigenous people on Cape York.

My interest in the Legislation grew when I started to understand how my people weren't involved in the process, the very people who not only live on this land, but live with this land, the people who have a spiritual and cultural connection to every inch of their estates a people who protected it's diversity by continuously moving not as Nomads but the first people to live sustainably in Australia.

With this in mind, consultation and negotiations should have been considered paramount with the Indigenous people of Cape York, but reminiscent to the 1967 Referendum where the Commonwealth was issued powers to legislate "in the best interest" of Aboriginal people, Indigenous people suffer under mindless decisions made by Government with no thought to include Indigenous people.

With knowledge of most Indigenous people having Native Title Rights on Cape York Peninsula and the push for Self Determination, our people were not afforded the opportunity to be included, or respond, that privilege was given Green groups namely The Wilderness Society members.

I'd like to quote what Noel Pearson has said in regards to Self- Determination:

*"Self-determination and land rights is not just the power to say no, it's the power to say yes as well. Otherwise what we own is only half of what we're entitled to".*

And our people from Cape York want conservation, but not to the extent that inhibits, development or requirements of applications that would have astronomical related costs and stifles self-determination.

The Wild River Legislation states any development in a "High Preservation Area" will not be permitted, this includes aquaculture and farming some of the most viable industries, any development will require applications to be submitted, we have seen \$50k+ used in pro bono work for a ablution block in a World Heritage area, Indigenous people on Cape York can never be able to raise that amount of money for a development proposal, The Wild River Legislation is seen as a stepping stone for the introduction for World Heritage that has already impacted on Indigenous people.

The introduction of The Wild River Legislation or its counterpart World Heritage would certainly abolish attempts to pursue Economical Sustainable Development in rural regions; communities would have to continually rely on trucks and barges to provide vegetables and fruit.

Communities have had gardens and orchards when under Missionary rule, were there studies on the impact of these sustainable farms? Not that I'm aware of, I believe this would have blown the myth of Environmental damage on Cape York out of the water, damage on Cape York have been done by Governments interests, such as mining, not Indigenous people.

The majority of Cape York Peninsula is against the Wild River Legislation, but media propoganda will have Australia believe that majority are in favour, which is far from the truth.

In 2009 I joined "Give Us A GO" Campaign a small group who relied on meat raffles, or money from their own pockets to fight for the recognition of Indigenous people on Cape York.

We as a indigenous group observed the unjust behaviour of the State Governments Wild River Legislation, we believed deals were made in favour of the Greens by the State Government, our fears of backdoor deals were justified when we learned Steve Robinson signed off on the Legislation less than two weeks of his appointment as Environmental Minister, a Legislation which takes a Lawyer considerably longer to understand.

Our fears were again justified, when submissions from Indigenous people on Cape York were not accepted after the initial close date, whereas submissions were continually being accepted from "The Wilderness Society"..... once again, a cattle station was bought for Terry Irwin's "Conservation", Traditional Owners whose people are buried on that country were overlooked, a black face would appear in articles for Terry Irwin and the Wilderness Society which I personally feel were of Tokenistic value only, one of the rangers personally revealed to me that Terry Irwin had promised to take them to Las Vegas as Wild River rangers.

Seven communities I have visited were unanimously against the Wild River Legislation sighting white people down South in big air-conditioned offices are taking away their rights to manage their Ancestral land and development which would lead to a reduction of passive welfare, because of fertile land being held in "High Preservation Areas".

## **Summary of Issues**

- There were no negotiations with Indigenous people
- A lack of consultations with Indigenous leaders and communities
- No transparency in limited consultation
- Tokenistic use of Indigenous people
- Causing unrest between Traditional owner families i.e. favoring those that support the Legislation without a holistic approach of full clan inclusion
- Ceremonial sites, Cultural sites, burial sites and inherited ancestral land weren't considered as issues for negotiation
- Opportunities for Self-Determination has been severely minimized
- Elders and community members misled by not revealing the truth of what the legislation means in regards to development and The Right to Negotiate under Native Title.