



05 January 2011

Committee Secretary
House of Representatives Standing Committee on Economics
Parliament House
Canberra ACT 2600

Dear Secretary

Re: Enquiry into issues affecting indigenous economic development in Queensland.

The following submission is made on behalf of the Social Responsibilities Committee [SRC] of the Anglican Church of Australia, Brisbane Diocese. As the current serving chairperson of the Committee I am authorised to make this submission and the statement contained therein.

In preparing our submission we have been mindful that your enquiry has been precipitated by introduction to the Parliament of the *Wild Rivers (Environmental Management) Bill 2010 [No 2]*. We note that passage of this Bill through the Federal Parliament would create an inconsistency with the existing Queensland *Wild Rivers Act (2005)* and to the extent of that inconsistency the Queensland Act would be invalid.

While we acknowledge the broad scope of your enquiry and wish you well in your efforts to comprehensively canvass the full scope of your terms of reference, our submission focuses on the impacts on Indigenous economic well-being on Cape York Peninsula arising from current implementation of the Queensland *Wild Rivers Act (2005)*.

Submission

The Social Responsibilities Committee of the Anglican Church of Australia, Brisbane Diocese has been engaged for more than the past year in advocacy for change in the manner of implementation of Queensland *Wild Rivers Act (2005)*.

The essence of our advocacy is that Wild Rivers declarations made without the properly acquired informed consent of affected Indigenous traditional owners are an improper restriction on the property and economic rights of the affected communities. By placing significant limitation on the uses to which land can be put the Wild Rivers laws operating in concert with the range of land management law applicable to Cape York are an effective brake on Indigenous economic development opportunities.

While we are judicious in ensuring we form our own independent views on matters such as those canvassed here, we are heartened to note that our advocacy for implementation of Wild Rivers declarations on a consent basis only is consistent with principles expressed by the United Nations in the Declaration of the Rights of Indigenous Peoples where it is stated:

- o *Government shall consult and co-operate in good faith with indigenous peoples to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.*

Cathedral Office, St. Martin's House, 373 Ann Street, Brisbane, Q. 4000

Postal Address: G.P.O. Box 421, Brisbane, Q. 4001

Telephone (07) 3835 2231 Fax (07) 3832 3173

brisdean@anglicanbrisbane.org.au www.stjohnscathedral.com.au

ABN 33671 722 573

We have arrived at our conclusion in regard to the change required [i.e. consent] to avoid in future the negative effects of the Wild Rivers laws after completion of two substantial pieces of research into the likely impacts of the Wild Rivers legislation on Indigenous economic well-being. I attach both of our research reports as Attachment A and Attachment B.

Attachment A: Wild Rivers Policy – Likely impact on Indigenous Well-Being [dated August 2009]

This report presents the findings from our high level theoretical review of the likely impact of Wild Rivers laws on indigenous well-being, part of which is based on planning analysis of three hypothetical development proposals, a banana farm, and aquaculture venture and an eco-tourism accommodation venture. In compiling this analysis we have understood the wild rivers laws to be in practical effect a development planning instrument that operates in conjunction with a raft of other land management and planning law. You will see in the report that our expert planning advisors concluded that the banana farm and the aquaculture venture would not be likely to be approved while a small scale eco-tourism venture would be likely to achieve development approval.

Conduct of the research required for this report and our consultation with indigenous and environment groups led us to form our view on the negative impact on indigenous well-being arising from declaration of wild river areas without consent.

Attachment B: Wild Rivers Policy – Likely impact on sustainable development [dated September 2010]

This report considers in detail the likely impact of wild rivers declarations on sustainable development opportunities. We have looked closely at how the wild rivers laws limit land use options for otherwise productive lands and attempted to identify how these limitations impact negatively on future opportunities.

Our intention in compiling this report was to extend the depth of our understanding beyond the analysis of hypothetical development scenarios canvassed in our first report and to check that our conclusions were sustainable at this more detailed level.

You will see in the report our assertion that the wild rivers laws are an effective brake on sustainable development activity is supported by this more detailed analysis.

We have also noted that some of the assertions that the wild rivers laws do not limit sustainable economic development are patently and self evidently wrong. Take as an example aquaculture which is banned in a wild rivers high preservation area but which, according to the most contemporary scientific advice made available to us during our research, can be ably conducted on a sustainable basis. If sustainable aquaculture in a wild river high preservation area is banned by the legislation, it follows that the legislation limits sustainable economic development activity.

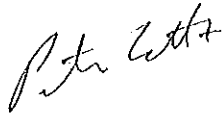
After completion of our research and compilation of the two reports attached, we have documented our suggestions on how implementation of the wild rivers laws could be improved through adoption of a consent based approach. This suggested improvement is captured in the document titled Position Statement – Advocacy For The Right To Free, Prior and Informed Consent – Wild Rivers Legislation on Cape York Peninsula which is included as Attachment C.

SUBMISSION 8

We note with favour the consistency between the position adopted by us in regard to future wild rivers declarations and that proposed in the *Wild Rivers (Environmental Management) Bill 2010 [No 2]*.

I commend this submission to the Enquiry for your detailed consideration.

Peace

A handwritten signature in cursive script, appearing to read 'Peter Catt', is written in black ink.

Dean, The Very Reverend Dr Peter Catt
Chair, Anglican Social Responsibilities Committee
Anglican Diocese of Brisbane

Attachment A: Wild Rivers Policy – Likely Impact on Indigenous Well-Being [dated August 2009]

Attachment B: Wild Rivers Policy – Likely Impact on Sustainable Development [dated September 2010]

Attachment C: Position Statement – Advocacy For The Right To Free, Prior and Informed Consent – Wild Rivers Legislation on Cape York Peninsula