

SUBMISSION 28

KULLA Land Trust
c/- Coen Post Office
Coen QLD 4871

17th February 2011

Committee Secretary
Standing Committee on Economics
House of Representatives
PO Box 6021
Parliament House
Canberra ACT 2600

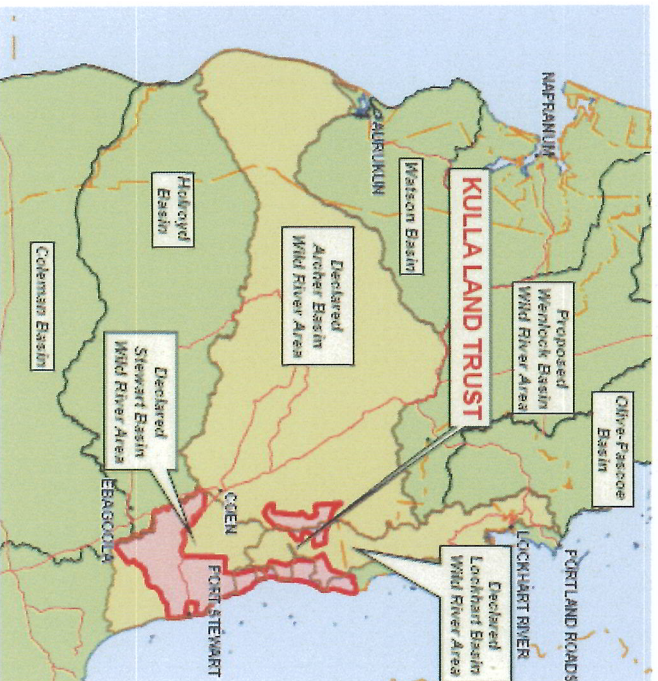
Dear Sir or Madam,

Wild River Environmental Management Bill 2010.

The KULLA Land Trust is pleased to make this submission to the Inquiry into Indigenous economic development in Queensland and review of the Wild Rivers (Environmental Management) Bill 2010 and does so with the strongest support of the Bill. As the Traditional Owners and custodians of lands wholly within a gazetted Wild River Area, we believe that no decision without our consent contravenes our Native Title rights. At no time did the KULLA Land Trust ever agree to Wild Rivers being imposed on our Country and we formally registered our objection in meetings with the Queensland department of Natural Resources & Water as well as through formal Traditional Owner submissions in November 2008. All the concerns we raised were ignored.

Background

The KULLA Land Trust was formed in 2000 to hold traditional lands of Kaanju, Umpila, Lama Lama and the Ayapathu people. Our Land predominantly lies within the Stewart basin but also crosses into the Lockhart and Archer basins



Plus Attachment 1.

In August 2008, more land was handed back in the form of the newly created KULLA National Park, located on Aboriginal Freehold, the second CYPAL National Park under the Cape York Peninsula Heritage Act (2007). This was a significant step forward for the relations between the State and the Indigenous People of Cape York. CYPAL National Parks require joint management decisions. We negotiated our case with the government, including where National Parks of Nature Refuges would lie, jointly protecting the most precious environments within our homelands. We also negotiated the areas that would be designated for our people's future - where we could live on Country, build our own sustainable enterprises and fulfil our social, cultural and economic aspirations.

One of the significant benefits of tenure discussions is that the specific natural and cultural values of the areas are assessed (scientific and the Traditional way) at the time of negotiation. Appropriate measures are then agreed to ensure the significant areas requiring conservation are conserved in the appropriate manner and set out in the KULLA Indigenous Land Use Agreement (ILUA). In terms of the Mt Croll / McIlwraith Range, this involved the declaration of the KULLA National Park for over 150,000 hectares the formation of three new Nature Refuges (Balclutha Creek Nature Refuge, Balclutha (Lava Hill) Nature Refuge and Mt Croll Nature Refuge) totalling in over 8,000 hectares of further land under high levels of protection. We believed that the rest of the land was for our economic aspirations.

At the time when this outcome was being formally recognised and celebrated, the very same government using an opposing process to nominate all our Country to be brought under the control of Wild Rivers Legislation. This time in vast contrast to the State Land dealings, it occurred without our input or our consent. We did not agree to it, we raised issues and we were largely ignored. In April 2009, seven of our waterways were gazetted Wild Rivers (Stewart River, Massey Creek, Breakfast Creek, Balclutha Creek, Rocky River, Nesbit River, Chester River) - six to the maximum level permitted under the legislation. Anyone who knows our Country knows that these seven waterways are different contrasting and require their own unique management plan – not one from off the shelf – some are small creeks, many are dry for much of the year, few have environmental threats that would benefit from the Wild River legislation.

The Case of Breakfast Creek Wild River

Throughout the nomination of the first three Cape York basins, we continually explained to the Government that the High Preservation of one kilometre each side of the rivers (particularly the small creeks around Silver Plains) was not necessary to protect the environment. We argued that taking such measures would add costs to any agricultural or other development opportunities by not only removing available land for us to use but also adding costs into being able to get access to water. In the declaration, the Government reduced the High Preservation area around Breakfast Creek (500metres) but left it at 1km for all other rivers. In the consultation report their reasoning was:

Natural values of Breakfast Creek

Issue:

• Previous clearing around the Silver Plains area will have impacted on the natural values of Breakfast Creek and therefore it should not be considered a wild river.

Response:

Further analyses of Breakfast Creek found that the stream as whole retains almost all of its natural values particularly hydrology, the primary driver of riverine systems. Also, suggestions that the width of the high preservation area should be relative to the size of the stream ignore the potential for developments such as mining or agriculture to have greater relative impacts on the waterways. In light of this Breakfast Creek remains a wild river for the Stewart Basin. However, it was determined to reduce the high preservation area width to 500 metres each side of Breakfast Creek.

This reduction reflects:

- that the existing riparian vegetation has been reduced in some areas as a result of historical grazing activities on Silver Plains (though this is not expected to have reduced the natural values over the whole system)*
- that given the nature of stated proposed development aspirations on Silver Plains, plus the natural structure of the river and its environment, a risk based approach acknowledges that a 500-metre buffer (high preservation area) still has a high chance of preserving the integrity of the natural values of Breakfast Creek*
- a stated desire to progress property development on Silver Plains involving an intensification of grazing activities, ecotourism and horticulture, which aligns with Government commitment to advance Indigenous economic development.*

The final declaration was changed to reduce the width of the high preservation area along either side of Breakfast Creek from 1 kilometre to 500 metres. No other changes were made as the approach to designation of management areas is consistent with the Gulf of Carpentaria and other Cape York declarations.

[Stewart Basin Wild River Declaration Consultation Report 2009 – p14]

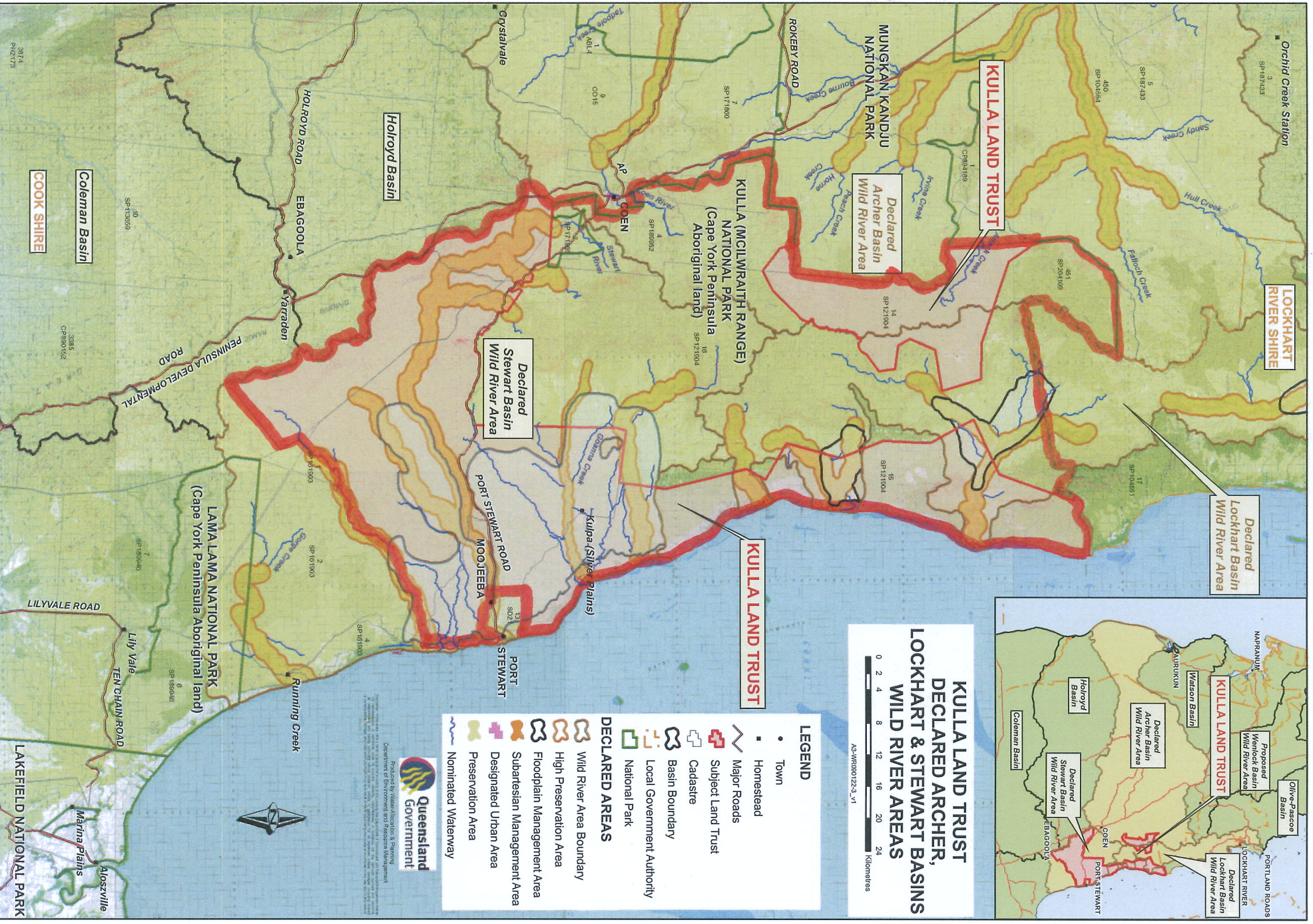
While we agree that 500 metres is much better than 1kilometre for Breakfast Creek we wonder why it is that 500 metres is not good enough for the other rivers and creeks (which remain at one kilometre)? In our discussions for Silver Plains and the previous development we talked of Massey Creek and the Stewart River as well. Massey Creek is part of Silver Plains and it is part of our "development aspirations on Silver Plains" as well. And what about future aspirations – why are they being shut off to us because we did not develop earlier? Again, if Breakfast Creek is considered well protected at 500 metres why are Traditional Owners of other rivers not given the same opportunity?

We want to protect our homelands – we will do so with or without legislation as we have always done. But such action must be by consent. We have proven before that we are willing to negotiate on where we develop and where we conserve – the KULLA ILUA shows that. For Wild Rivers to be declared we must give our consent.

Yours faithfully,



Allan Creek
Chairman, KULLA Land Trust
17th February 2011



LOCKHART RIVER SHIRE

Declared Lockhart River Area

KULLA LAND TRUST

MUNGKAN KANDJU NATIONAL PARK

Declared Archer Basin Wild River Area

KULLA (MCLWRAITH RANGE) NATIONAL PARK (Cape York Peninsula Aboriginal land)

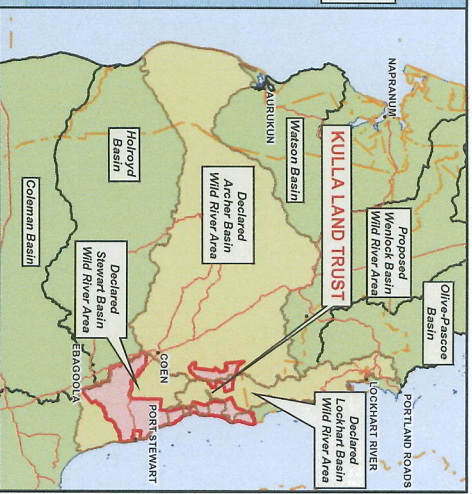
KULLA LAND TRUST

Declared Stewart Basin Wild River Area

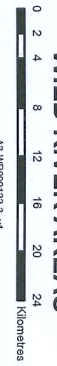
Holroyd Basin

Coleman Basin

COOK SHIRE



**KULLA LAND TRUST
DECLARED ARCHER,
LOCKHART & STEWART BASINS
WILD RIVER AREAS**



- LEGEND**
- Town
 - Homestead
 - Major Roads
 - ▭ Subject Land Trust
 - ▭ Cadastre
 - ▭ Basin Boundary
 - ▭ Local Government Authority
 - ▭ National Park
- DECLARED AREAS**
- ▭ Wild River Area Boundary
 - ▭ High Preservation Area
 - ▭ Floodplain Management Area
 - ▭ Subarrestian Management Area
 - ▭ Designated Urban Area
 - ▭ Preservation Area
 - ▭ Nominated Waterway



Produced by Water Allocation & Planning
Department of Environment & Heritage Management



Crystalvale
ROBEY ROAD
EBAGGOLA
MAYRADEN
PENINSULA DEVELOPMENTAL ROAD
LILYVALE ROAD
TEN CHAIN ROAD
Running Creek
Kulpa (Silver Plains)
MOOJEEBA
PORT STEWART ROAD
PORT STEWART
Lily Vale
Aloszville
MARINA PLAINS
LAKEFIELD NATIONAL PARK