

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

by way of email to: [economics.reps@aph.gov.au](mailto:economics.reps@aph.gov.au)

20 January 2011

**House of Representatives Standing Committee on Economics**  
***Inquiry into Issues Affecting Indigenous Economic Development in Queensland***  
**Submission by Pormpuraaw Aboriginal Shire Council / Pormpuraaw Land & Sea Management**

The Pormpuraaw Aboriginal Shire Council, and its land, sea and resource management agency Pormpuraaw Land & Sea Management, are pleased to make this joint submission to the *Inquiry into Issues Affecting Indigenous Economic Development in Queensland* presently being conducted by the House of Representatives Standing Committee on Economics, having due regard to the Inquiry's Terms of Reference as publicly released by the Hon J Macklin MP on 3 November 2010.

The submission is made on behalf of Kuuk Thaayorre and Wik Mungkan Traditional Owners, who are the legally recognised Trustees of Pormpuraaw Aboriginal lands and waters (Lots 2 and 3 CP KO8 and Lot 5 CP LK2 with various easements, encumbrances and interests), variously referred to as the Pormpuraaw Deed of Grant in Trust or the Pormpuraaw Aboriginal Shire. Thaayorre and Wik Mungkan Traditional Owners are the sole elected representatives of the Pormpuraaw Aboriginal Shire Council. Some 670 people reside permanently at Pormpuraaw, 89.3% of whom identified as being of Aboriginal and/or Torres Strait Islander descent (ABS census, 2006).

This area of Thaayorre and Wik Mungkan Aboriginal lands and waters covers some 4,661 km<sup>2</sup> or 466,198 ha of western Cape York Peninsula; it includes areas of determined exclusive and non-exclusive native title interests (*Wik Peoples v State of Queensland* [2004] FCA 1306); it is of documented regional and national natural and cultural heritage significance (Abrahams and others: 1995, Mackey and others: 2001) and may potentially be found to be of world heritage significance. Custodial associations in the area extend to lands, seas (eastern Gulf of Carpentaria) and waters.

In respect of this submission the views stated herein are the views of Thaayorre and Wik Mungkan Trustees of Pormpuraaw, relating only to the situation affecting our custodial lands, seas and waters.

The Pormpuraaw Community, with the assistance of Pormpuraaw Aboriginal Shire Council and Pormpuraaw Land & Sea Management, are committed to the culturally assured, ecologically sustainable management of Pormpuraaw Aboriginal lands and waters, and adjacent marine waters. Thaayorre and Mungkan Traditional Owners fully endorse and authorise the expanding role of Pormpuraaw Traditional Owners Rangers, and their crucial, proven resource management work.

By *culturally assured* we refer to all resource management practices and associated on-ground implementation having full regard to Aboriginal law, protocols and governance as determined by the area's Traditional Owners. At Pormpuraaw this entails Aboriginal management of Aboriginal lands, seas and waters.

By *ecologically sustainable* we refer to related activities ensuring greatest possible native species survival into the future, so that our children's children and their children may benefit from all present resources. In our view, this is of increasingly vital importance given the prognosis of global warming and scenarios associated with human influenced climate change.

**In summary our submission confirms:**

1. *Kuuk Thaayorre and Wik Mungkan Traditional Owners and the general Pormpuraaw Community together support the general intent and operative effect of the existing Wild Rivers Act 2005 (Qld) where the free, informed and prior consent of all affected Traditional Owner interests is confirmed. This wording reflects Article 19 of the UN Declaration of the Rights of Indigenous People, declared in 2007 and subsequently endorsed by the Australian Government in April 2009. We note that the provisions of the Act in its present form fall short of this definition.*
2. *Kuuk Thaayorre and Wik Mungkan Traditional Owners and the Pormpuraaw Community are fully committed to the holistic, long term and rigorous protection of the still pristine Edward, Coleman and Holroyd river systems and their catchments (the latter two (2) are listed for Wild Rivers consultation), and the holistic preservation of hydrology, floodplains, dune ridges and river deltas at Pormpuraaw, comprising our custodial homelands.*
3. *Notwithstanding the fact that the Queensland Government has indicated that the Coleman and Holroyd rivers are nominally listed for progression under Wild Rivers related consultations, we do not believe that the Wild Rivers (Environmental Management) Bill 2010 will provide any substantive benefit to ourselves as Traditional Owners in the pursuit of our vision for the future of Pormpuraaw Aboriginal lands, seas and waters and our homelands' many, diverse resources.*
4. *Kuuk Thaayorre and Wik Mungkan Traditional Owners and the Pormpuraaw Community do not now, and will not in future, support mining activity to any extent on Pormpuraaw Aboriginal lands or within Pormpuraaw Aboriginal waters (mineral exploration through to mine development). The Council formally lodged a comprehensive petition to the Queensland Government's Minister for Natural Resources to this effect seeking declaration of a Restricted Area under the Mineral Resources Act 1989 Qld (Feb. 2010). The State response declined to grant this petition, advising that other statutory mechanisms were available to safeguard cultural and natural values (including the existing Wild Rivers Act 2005 (Qld)). The Traditional Owners, Council and the Pormpuraaw Community remain very disappointed with the State's response in this instance.*
5. *Kuuk Thaayorre and Wik Mungkan Traditional Owners and the Pormpuraaw Community are fully committed to the creation of local, sustained and professional permanent employment for Traditional Owners in the active management of all our resources ('natural' and 'cultural', although as Traditional Owners we do not make such criteria distinctions).*
6. *Kuuk Thaayorre and Wik Mungkan Traditional Owners and the Pormpuraaw Community have identified the continuing and expanded operations of Pormpuraaw Land & Sea Management as a key priority. Pormpuraaw Land & Sea Management has initiated highly collaborative partnerships with multiple statutory agencies in the delivery of professional sustainable resource management at the local and inter-regional level.*
7. *Recent Pormpuraaw resource management planning has identified priority resource use and management issues including the unanimous desire by Thaayorre and Mungkan Traditional Owners to prohibit mining at Pormpuraaw and to provide professional fee for service resource management (Ngamp inth Wantharr Yumpnham: this is what we are going to do, Pormpuraaw Land & Sea Country Cultural & Natural Resource Management Plan 2010-2015 copy enclosed).*

**Substantive Responses to Committee Terms of Reference**

1. *Our view on issues surrounding Queensland's Wild Rivers Act 2005*

*Kuuk Thaayorre and Wik Mungkan Traditional Owners and the general Pormpuraaw Community together support the intent and operative effect of the existing Wild Rivers Act 2005 (Qld), to the extent that we view the existing Wild Rivers Act 2005 as an environmental protection mechanism, which we as Traditional Owners will not engage with unless we are provided the resources to confirm and discuss amongst ourselves, in our own time, the benefits and limitations arising from a*

*Wild Rivers nomination in our area, before the nomination proceeds to declaration of a catchment under the Act.*

Our predominant concerns regarding our traditional lands and waters centre on the past (limited) and potential (significant) local impacts of mineral exploration and mining development activities.

Exploration Permits for Minerals have been issued for parts of our Country since the middle of the last century. Presently two (2) companies retain multiple EPM interests across our Country, predominately for mineral sands and rare earths, in particular along the significant Gulf of Carpentaria coastline. In part these EPMs straddle extensive river deltas including the Mitchell-Coleman delta, which is referred to as such given the very expansive, highly inter-braided nature of these systems during the northern wet season. One other company withdrew its EPM interests following community meetings at Pormpuraaw and our aforementioned submission to the State.

We identified the following information in the development of *Ngamp inth Wantharr Yumpnham*: this is what we are going to do (Pormpuraaw Land & Sea Country Cultural & Natural Resource Management Plan 2010-2015) relating specifically to large scale mineral sand mining (Mudd:2009):

*Heavy mineral sands are named due to the dense and heavier nature of the principal minerals sought, rutile-zircon-ilmenite-monazite, compared to the sand matrix within which they are most commonly found in economic deposits.*

*The Australian heavy mineral sands industry had somewhat humble beginnings in the 1930's and is presently a major world producer of mineral sands products, namely rutile (TiO<sub>2</sub>), ilmenite (FeTiO<sub>2</sub>), zircon (ZrO<sub>2</sub>) and monazite (a phosphate mineral rich in rare earths and thorium). The principal elements being sought are titanium (Ti, from rutile and ilmenite), zirconium (Zr) from zircon and rare earths from monazite. The industry grew out of the emergence of large scale dredging technology in the early 1900's, initially developed for alluvial gold and tin mining, and has adapted and expanded to its present position. An important factor that helped Australia develop a leading world position in the mineral sands market was its development of technology in the 1960's for processing the large quantities of ilmenite-dominant mineral sands resources, especially in Western Australia. By removing the iron present in ilmenite, a 'synthetic' rutile product can be produced of marketable quality.*

*The coastal regions of Australia continue to provide the dominant regions for mineral sands mining.*

*There is only quite sparse data available for the mineral sands industry with regards to ore mined and milled and its associated heavy mineral grade and overburden/waste. Good data sets are available for the total state production of rutile, ilmenite, zircon and monazite, principally from ABARE ... , as well as state annual reports and publications though gaps for some years remain. It was stated by Lee (2001) that ore grades are declining gradually and that the mineralogy is becoming more complex over time, requiring more vigilant attention in mine planning and operations.*

*As can be seen, Australian economic resources continued to increase significantly over the past decade, mainly related to recent exploration success in the Murray Basin... Of the economic ilmenite, rutile and zircon resources, 21.0, 24.7 and 21.0%, respectively, are classified as inaccessible to mining (eg. due to policy, conservation, military or other land use restrictions). The 2007 production rates of ilmenite, rutile and zircon [ensure] sufficient resources at present rates for at least 75 years.*

[note: 600 kt/year = 600 x 1000 tonnes / year = 600,000 tonnes / year]

Our concerns regarding this form of 'development' activity extend across the entire range of related activities - from initial exploration activities (eg: core sampling/drill holes, bulldozing and activation of seismic lines, disturbance arising from access and traverse through Country, external workforces) through to mine development and the mining of the mineral resources once located and proven.

We are gravely concerned about the resultant devastation of country and the inability of Country to

be returned – in its holistic substance as a living Aboriginal ‘cultural landscape’ and in its evolving biodiverse ‘natural’ condition – following exploration activities, surface mining and related land clearing. The full range of these activities adversely impact on Culture, Country and our people. We know such activities destroy sites of cultural importance, irreversibly impact upon hydrology and ecological communities, the significant local resources our people use everyday and compromise our spirituality and thus our social and physical well being. We observe with concern the results this kind of ‘development’ has brought to our neighbours and countrymen to the north, where country has been irreversibly damaged over many decades in the mining of bauxite at Aurukun and Weipa.

Our most important concern is ensuring our custodial homelands retains all their functions far into the future:

- the spiritual richness and cultural Knowledge that flows through our respective Country and is embodied in our Ancestors, our Elders and our people, that reverberates through Country by way of ‘dreamings’, totems and strict resource use protocols;
- the many-faceted cultural landscapes we continue to commit to managing well on the foundations of our Law, our Traditional Knowledge and our Culture: in the face of significant new threats and emerging challenges such as declared pests and human generated climate change;
- the spiritual and physical integrity of the hydrological processes active within and beneath dune ridges, salt pans and estuarine areas on our respective Country, linked through Story, continuously used and occupied by our Ancestors, our Elders and our Peoples;
- the ability of our Community to determine its own future, in generating of locally empowered work, ecologically sustainable enterprise and meaningful community development; and
- the ability to resist the imposition of ‘development’ models by outside interests, particularly where the net returns of related activities flow out of the community and where the impacts arising from such ‘development’ become long-term burdens for the local community, irreversibly compromising the homelands and the resources local people rely on.

Kuuk Thaayorre and Wik Mungkan Traditional Owners and the Pormpuraaw Community are fully committed to the holistic, long term and rigorous protection of the still pristine Edward, Coleman and Holroyd river systems and their catchments and the holistic preservation of hydrology, floodplains, dune ridges and river deltas at Pormpuraaw.

2. *Our view on the scope for increasing sustainable Indigenous economic development in our region, with regard to our aspirations as Indigenous people of western Cape York Peninsula*

*Kuuk Thaayorre and Wik Mungkan Traditional Owners and the Pormpuraaw Community are fully committed to the creation of local, sustained and professional permanent employment for Traditional Owners in the active management of all our resources (‘natural’ and ‘cultural’ – although as Traditional Owners we generally do not make such criteria distinctions).*

European ‘development’ related (non-mineral) economic opportunities at Pormpuraaw are limited:

- Pastoral industry (predominately cattle grazing) is considered marginal at best given distance to market, seasonal constraints and general unsuitability of soil types for foreign pasture introduction – existing pastoral activities are highly localised;
- Horticultural industry is presently restricted to local market garden development on limited areas of better soil types, although at the regional level seasonal constraints and generally unsuitable soil types prevail;
- Commercial fishing limited by licence – the local community continues to be concerned at on-going illegal commercial fishing activities in the region and undertakes related surveillance and regulatory agency liaison; and
- Tourism is increasing during the northern dry season but generates increased demand on

local administrative, land and sea management resources – tourist areas must be maintained and patrolled, tourist access to alcohol and firearms must be policed, tourist access must be permitted, recreational fishing and pig shooting must be monitored.

The relatively light land uses dominating the Pormpuraaw region are illustrated in recent regional profiles developed for the Holroyd, Coleman and Mitchell<sup>1</sup> river catchments (Tropical Rivers and Coastal Knowledge (TRaCK), 2009). In summary, in all three catchments the dominant land use sectors range from *land in natural condition* through *land under conservation* to *traditional Indigenous use* and *production from unchanged land i.e. grazing*. Most employment in all catchments is generated by the intra-regional (pastoral) agricultural/grazing sector or the local provision of government/public services.

The local community relies heavily on local economies based in service delivery including land and sea management, pastoral activities and subsistence resource use (TRaCK 2009). It is unlikely that these primary local economic drivers will change into the foreseeable future. Indigenous pastoral activities in the region are generally conducted at localised smaller and supplementary scales.

As indicated above, mining associated activities within the Pormpuraaw area have the potential to impact adversely upon the community and its existing economic base. Resource companies are generally based outside of the local communities most affected by their activities, with the majority share of profits ending up outside of local or regional economies. In most instances where mining development occurs in remote areas of northern Australia, local employment is generally negligible at the exploration stage and is likely to be very limited even if an exploitable deposit were to be located. The skilled labour force residing at Pormpuraaw is limited.

Since 2006, Pormpuraaw Land and Sea Management has successfully revitalised its land and sea management portfolio, with secured multi-year funding from State and Commonwealth agencies supporting an integrated, multi-faceted land and sea management programme based at Pormpuraaw and servicing the whole of the Aboriginal Shire area. A central priority of the agency is the professional training of its staff in a wide range of technical and manual skills. These initiatives are based on holistic cross-community, cross-bioregional relationships with statutory management agencies, Kowanyama and other Cape York Peninsula communities.

Pormpuraaw Land and Sea Management operational activities include a range of essential services extending to government agency liaison; pest weed and feral animal control; GIS mapping, surveying and data collection; visitor management; veterinary clinic, domestic animal registration and health; beach and marine debris collection including removal of ghost nets; coastal surveillance and patrol work, liaison and referral activities in collaboration with key State and Commonwealth agencies (Fisheries Qld, Customs & Immigration, AQIS). Day to day management activities and related project work have received additional State and Commonwealth resources through innovative and competitive land management partnerships such as Animal Health services, CSIRO, traditional ecological knowledge recording and AQIS coordinated training.

These arrangements are presently supported by the Queensland Government's Wild River Rangers programme and by the Australian Government's Working on Country initiative, and have further benefited from the establishment of collaborative projects focusing on illegal fishing, coastal and quarantine surveillance.

Lessening the reliance of our community on government/public funding and subsidies is a priority, however sustained local employment and financial independence will require time.

Pormpuraaw Land and Sea Management has been a long-term participant in the Carpentaria Ghost Nets project, and has a strong and collaborative working relationship with the Kowanyama community and Kowanyama Aboriginal Land & Natural Resource Management Office (KALNRM).

---

<sup>1</sup> Although the Mitchell river catchment falls outside the Pormpuraaw area as such, the nature of wet season inundation in the region essentially combines the deltas of the Mitchell and Coleman alluvial fans for around half the year on an annual basis.

3. *Our view on the social and cultural context surrounding our participation in the economy as Indigenous people of western Cape York Peninsula*

*Kuuk Thaayorre and Wik Mungkan Traditional Owners and the Pormpuraaw Community do not now, and will not in future, support mining activity to any extent on Pormpuraaw Aboriginal lands or within Pormpuraaw Aboriginal waters (mineral exploration through to mine development).*

The Council formally lodged a comprehensive petition to the Queensland Government to this effect seeking declaration of a Restricted Area under the *Mineral Resources Act 1989 Qld* (Feb. 2010) *copy enclosed*. The State response in early 2010 declined to grant this petition, and has directed the Council to consider other statutory mechanisms including the existing *Wild Rivers Act 2005* (Qld).

Thaayorre and Mungkan Traditional Owners have clearly indicated that a key priority for ourselves, and for the Pormpuraaw Community as a whole, is to fully engage and participate in the meaningful, sustained land and sea management of Pormpuraaw lands, seas and waters, so that the region's resources remain available to both current and future generations of Pormpuraaw residents. In our view, activities associated with mineral exploration and development hold real potential to curtail short term and longer term outcomes generated through integrated land and sea management coordinated by the Council through Pormpuraaw Land and Sea Management.

As Thaayorre and Mungkan Traditional Owners, we and the Pormpuraaw Community actively invest in on-ground Aboriginal land and sea management at the local level through Pormpuraaw Land and Sea Management, employing a growing number of Traditional Owners with the support of the Council. Aboriginal customs and practices inform how land is used and managed, including essential land and sea management services provided by the agency for the whole of the Pormpuraaw region.

Cultural knowledge, law and custom informs and directs many aspects of daily life at Pormpuraaw. This extends to the use of all manner of local resources by ourselves as Traditional Owners (and by other local people in accordance with Aboriginal protocol) in the course of our everyday lives. We rely on these resources to a significant extent, and as such we must ensure their safeguarding for the future. We see multi-generational jobs in this, not in the destruction of these resources for one generation's gain.

A recent study estimates that, with an attributed annual value in the order of some \$550,000 to the neighbouring community at Kowanyama (immediately south of Pormpuraaw), some 40% of household food income is obtained from subsistence activities including hunting, fishing and collection (Monaghan in Howley, 2006<sup>2</sup>). In our view, it is reasonable to assume such activities would occur to a similar extent at Pormpuraaw given the close relationship, proximity and general similarities of the two communities. This is a very significant proportion of community household food income. Our supermarkets are Pormpuraaw's beaches, coastal waters, rivers, creeks, swamps, dune ridges and floodplains. We need to make sure our supermarkets stay open – for the future.

We refer the Committee to recent research undertaken by the Centre for Aboriginal Economic Policy Research, ANU (CAEPR Discussion Paper 286/2007):

If the last 30 years has been the era of land rights—when Indigenous interests succeeded to attain some recognition of their prior ownership of the continent—the next 30 years will be the era of land and resource challenges, when the nation must work to implement effective land management regimes and resource strategies. Currently, there is a documented 'investment deficit' in managing the Indigenous estate, and this may well have adverse spillovers onto adjacent conservation estate and private lands. At the same time, the Australian public is increasingly aware of the issues of climate change, water shortage, environmental degradation, and ecological sustainability. What is not yet well understood is that Indigenous interests, given their substantial land holdings, have a crucial role to play in confronting these challenges and finding solutions that are in the national interest.

<sup>2</sup> *Draft Cape York Peninsula Marine & Coastal Natural Resource Management Action Plan*, Howley, C., 2006 (unpublished)

Pormpuraaw Land and Sea Management is engaged in environmental services provision, agency liaison (customs, immigration and biosecurity), on-ground land and sea management, community rangers, applied fire management and related data monitoring. We are increasingly engaging in Carbon Abatement research and biodiversity monitoring. We are seeking to address the aforementioned "investment deficit" by generating viable, ecologically sustainable local enterprises.

As Thaayorre and Mungkan Traditional Owners, we and the Pormpuraaw Community see ourselves as a key partner in the identification of these challenges as they arise, in how they impact on our respective Country and our resources, and in how this can contribute to the coming national effort. We also want a dedicated role in finding the solutions.

4. *The impact which legislation in the form of the Wild Rivers (Environmental Management) Bill 2010 would have, if passed.*

In our view, the Wild Rivers (Environmental Management) Bill 2010 does not address the fundamental constraints applying to us as Aboriginal Traditional Owners and resource managers of our custodial homelands: Thaayorre and Mungkan Aboriginal lands, waters and seas.

These fundamental constraints centre on the continuing inability of ourselves as Traditional Owners to determine:

- how *resources contained on the surface or within our custodial lands, seas and waters* are accessed and used (Crown reservation of minerals)
- how *resources flowing through our custodial lands - our custodial waters* - are accessed and used (water resource use and commercial allocations)
- how *resources growing on our custodial lands and in our custodial waters* are accessed and used (vegetation management legislation, state and federal environment protection laws)
- how *resources moving through our custodial lands, seas and waters* are accessed and used (state and federal environment protection laws, listed threatened/endangered fauna)

Our ability as Traditional Owners, and custodians of our ancestral homelands, to determine resource use and/or development activities by others - even on Aboriginal land - remains confined within an overly arduous litigative process (native title) and its limited 'right to negotiate' mechanism.

Where Indigenous people choose to take the native title road, results are proscribed by compromise.

Too often Elders die waiting for outcomes decades in the making; communities and families are divided by requirements to prove continuous connection in the face of dispossession, forced removals and sketchy historical records; and millennia of oral history and knowledge of country is accorded less weight than title papers perpetuating the ideals and foundations of *terra nullius*. The legal profession overwhelmingly benefits from native title, community has a much harder time of it.

We do not need a native title outcome to inform us about how we as Traditional Owners want to look after our lands, seas and waters. We want development on our terms, not on terms driven by government policy, multinational mining interests or small mining companies after short term returns.

It is the on-going lack of Common Law recognition of our past, present and on-going economic use of our custodial resources that silences us as Traditional Owners in the face of other parties' economic and commercial exploitation of the widest range of 'cultural' and 'natural' resources - on Aboriginal custodial lands, in Aboriginal custodial seas and waters.

To the most significant extent, under Common Law, Aboriginal land remains dispossessed government land when it comes to what is within and beneath Country, what flows through Country, what grows on Country and what moves through Country. We assert our rights to manage Country according to Aboriginal Law. Our Law, Knowledge and Culture moves through Country even now.

Where we as Traditional Owners, and custodians of our ancestral homelands, have some ability to determine, control and pursue the management of our custodial resources - which we continue to access, use and rely on in the present day, which we know our children's children will want to enjoy into the future – the benefits are profound. These benefits are not just restricted to our local community, but are tangible benefits for the Queensland community and the Australian nation as a whole.

Recent research clearly points to significant health, well being and employment participation outcomes where local communities and Traditional Owners mobilise to effect local resource, land and sea management - the soundest basis for our Community and the nation's long-term prosperity.

5. Options for facilitating economic development for the benefit of Indigenous people and the protection of the environmental values of undisturbed river systems.

*As indicated earlier in this submission, as Thaayorre and Mungkan Traditional Owners, we have determined that a key priority for ourselves, and for the Pormpuraaw Community as a whole, is to fully engage and participate in the meaningful, sustained land and sea management of Pormpuraaw lands, seas and waters; enabling future generations of our Peoples to enjoy these resources in time.*

All activities associated with mineral exploration and related development hold real potential destroy the many valuable attributes of our intact river systems (the Edward, Holroyd and Coleman) – which we do not delineate to only environmental values.

In *Ngamp inth Wantharr Yumpnham*: this is what we are going to do (the Pormpuraaw Land & Sea Country Cultural & Natural Resource Management Plan 2010-2015), we describe our relationship to these highly significant rivers in the following way:

*Rivers, their paths and their flows across Country, braid life into our distinctly different cultures, languages and identities...*

The massive seasonally swollen but intermittent river systems of our region have sustained our Peoples over millennia - over many thousands of years. Our rivers carry freshwater from highlands far to the east, traversing across the vast grasslands and open woodlands of northern and central Cape York Peninsula.

Each year during the northern Wet Season the rivers flood out onto huge floodplains; swamping their many braided channels for half the year; meandering between dunes; isolating islands of scrub; merging into salt pans. Estuaries loop along the longest of Cape coastlines - mangrove lined, intact, recharging and resilient.

The relationship between the land, water and the sea in our region is of primary importance to ourselves as Traditional Owners and to our Community - we rely on our waterways each and every day for subsistence and supplementary foods; for a range of resource materials; for our economic livelihoods, physical health and spiritual wellbeing.

Negative impacts of concern to the Community and Traditional Owners range from the spiritually specific to more general environmental impacts, of which water-related concerns are of particular local importance. Places and stories with a focus on water-related phenomena have been raised by Traditional Owners and the general Pormpuraaw Community as issues of primary concern.

In actively investing in on-ground Aboriginal land and sea management at the local level through Pormpuraaw Land and Sea Management, together with contemporary management agencies and parties interested in growing a viable alternative economy around sustainable resource use and management, we are already creating integrated approaches to assist Aboriginal land and sea management. We drive our agenda on the basis of cultural assurance and ecological sustainability.



We note that the Commission should pay particular attention to the following matters during the conduct of this Inquiry.

1. *The nature and extent of current barriers to economic development and land use by people, whether Indigenous or non-Indigenous, including those involved in the mining, pastoral, tourism, cultural heritage and environmental management.*

At Pormpuraaw, in our view, these can be summarised as follows:

- Significant major inundation, each and every year from late November to late April which completely isolates the Community other than by air. Commercial barge service operates part year. No amount of road development elsewhere on the Peninsula will mitigate this fact.
  - Dominant soil types and their lack of suitability for European horticulture, agriculture and pasture 'improvement'. Lack of resources to explore locally initiated ecologically sustainable alternatives.
  - Inability of mineral exploration and mine development activity at any scale to effectively and comprehensively rehabilitate Country (not limited to the cultural or natural, extending also to inherent spiritual values). Onus is on rehabilitation after the fact. Provides consent to desecrate Country. Results in active degradation of inherent values held by Aboriginal custodians.
  - Inability (failure) of government to effectively regulate environmental damage arising from exploration activities and mining development before damage occurs. The commonly applied precautionary principle is grossly insufficient in recognising Aboriginal cultural and spiritual values. On-going lack of accounting for full quadruple bottom line (cultural, social, environmental and spiritual) costs of mining impacts prior to regulatory approval.
  - Reluctance of State and Commonwealth governments to grant Traditional Owners rigorous and effective powers to regulate, monitor and police (by way of meaningful compliance powers) resource use and statutory resource management on Aboriginal lands, seas and waters.
  - Growing strains on our Community's limited and increasingly stretched administrative resources in regulating the impacts of increasing visitor and tourist activity at Pormpuraaw.
  - Compounded by the demands placed on Aboriginal Shire Councils to become fully functional and conversant local government authorities within a very short time frame under Queensland Government policies. Inability of Councils to generate significant revenue, pending imposition of a rates revenue raising approach poorly understood by our Community (40 year leases, home ownership and unresolved historical tenure matters).
  - Lack of dedicated cultural heritage and environmental management statues effectively enforceable at the local level. Incident reporting to external agencies located far away and operating on office hours, highly delayed response time for on-site confirmation of breaches, lack of local compliance powers, knowledge and support.
2. *Options for overcoming or reducing those barriers and better facilitating sustainable economic development, especially where that development involves Indigenous people.*

At Pormpuraaw these can be summarised as follows:

- Respecting our unanimous decision as Traditional Owners to not permit any mining in our custodial lands, waters and seas. Acknowledging the Pormpuraaw Community's clear support for our stance.

- Regulating and resourcing dedicated revenue allocations for remote and other Indigenous communities by region (eg: the Pormpuraaw Aboriginal Shire would constitute a distinct region). This approach should also be considered outside of the Cape York Peninsula area. Associated revenue allocations could be drawn from State and Commonwealth revenues generated through enforcement of compliance breaches to key environmental and heritage protection legislation, through enhanced mining revenue collection measures, and other progressive revenue reforms.
  - Working with the Community and its key agencies to streamline logistics around agency visits to Pormpuraaw, recognising that the northern dry season is a time of increased activity around the Community's own priorities and that advance notice of all agency visits is greatly appreciated.
  - Resourcing the Community to explore the potential for locally initiated ecologically sustainable alternatives to horticulture and agriculture, facilitation of associated planning and enterprise development by experts with experience in collaborating with remote Indigenous communities and a focus on localised, small enterprise establishment. Working with Council and the Store to integrate local production into the Store product range over time, to increase local self-reliance.
  - Confirming rigorous and effective powers for Traditional Owners to regulate, monitor and police (by way of meaningful compliance powers) resource use and statutory resource management on Aboriginal lands, seas and waters. Revenue raised in local compliance to be invested locally.
  - Creating dedicated local Traditional Owner heritage and environmental management statues effectively enforceable at the local level. Grant commensurate compliance powers to Traditional Owner Rangers. Resource, on an on-going basis, local compliance powers. Ensure these have a dedicated state and/or national statutory environmental and heritage management function.
  - Providing targeted regulatory support, administrative and technical resources to Aboriginal Shire Council in its endeavour to regulate the activities of visitors and tourists accessing Aboriginal lands.
  - Rapid revision and reform of Queensland Government policies and timeframes applying to requirements for Aboriginal Shire Councils to integrate under the State's local government statute. Future moves by the State to amalgamate Aboriginal Shire Councils with mainstream local government agencies in the region would, at the very least, severely diminish the ability of Pormpuraaw's Trustees and all Thaayorre and Mungkan Traditional Owners to regulate access to our custodial lands, seas and waters; to determine and implement culturally assured management priorities for Pormpuraaw.
3. *The potential for industries which promote preservation of the environment to provide economic development and employment for Indigenous people.*

*Kuuk Thaayorre and Wik Mungkan Traditional Owners and the Pormpuraaw Community have identified the continuing and expanded operations of Pormpuraaw Land & Sea Management as a key priority. This extends to strong engagement in regional Natural Resource Management (NRM).*

Pormpuraaw Land & Sea Management has initiated highly collaborative partnerships with multiple statutory agencies in the delivery of professional sustainable resource management at the local and inter-regional level. Recent resource management planning identifies priority issues (*Ngamp inth Wantharr Yumpnham*: this is what we are going to do, Pormpuraaw Land & Sea Country Cultural & Natural Resource Management Plan 2010-2015). In this respect, amongst other activities,

Pormpuraaw Land & Sea Management undertakes fee for service activities for some statutory management agencies and is engaged in Carbon Abatement research.

Such arrangements must be brokered at the local level, with research and corporate interests negotiating directly with the communities they seek to engage with. Regional organisation roles must be determined by the respective Traditional Owner interests themselves. Fee for service contractual arrangements are a significant investment vehicle for sustained local employment.

A historical failing of various economic development enterprises in far northern communities can be attributed in part to a distinct lack of local community ownership in initial planning and development stages for many past commercial endeavours, particularly in remote communities. A reliance on plant and equipment which requires expensive servicing in service centres located at significant distance is a major impediment to local enterprise development. At Pormpuraaw the most long lived local enterprises rely heavily on a locally resident workforce, and are in part conducted on a highly seasonal basis. The key community enterprises and employers are the Pormpuraaw Aboriginal Shire Council including Pormpuraaw Land & Sea Management, the Edward River Crocodile Farm, Barr's Yard detox facility and seasonal outstation based pastoral operations. Other key employers are regional community health agencies and State government agencies with local facilities.

The Council is a key employer within the Pormpuraaw area (57.8% of the Shire population indicated they were employed by local government in the 2006 census). 45% of Pormpuraaw Shire residents are employed full time, with 36.4% employed on a part-time basis, and there is an attributed unemployment rate of 5.5% (ABS, census 2006<sup>3</sup>). A 2006 census derived demographic profile of the Shire indicates 68.8% of the population is aged 15 to 64 years, 27% aged 0-14 and 3.8% aged 65 years and over. Pormpuraaw is presently relatively well placed regarding employment opportunities.

We note key findings of recent research conducted by Green & others (2009), which pays particular regard to the projected implications of human generated climate change now arising for Indigenous communities across northern Australia and draw the Committee's attention to this important work.

Dispossession and loss of access to traditional lands, waters and natural resources as well as a loss of ancestral, spiritual, totemic and language connections to lands are a major documented concern which have made Indigenous people more vulnerable to the effects of climate change.

Encouraging restitution of environmentally beneficial relationships with the land may contribute to reducing the vast differences in social outcomes between Indigenous and non-Indigenous Australians, and in greatly enhancing the adaptive capacity of Indigenous Australians.

Climate change adaptation planning must take the negative historical experience of relocation of Indigenous people from their country into account.

#### *Livelihoods*

Climate change will affect the 'natural' environment, with major flow-on implications for remote communities dependent on natural resources.

The role of people in the landscape helping to manage climate impacts will be crucial and presents a significant opportunity for Indigenous livelihoods.

Economic opportunities arising from climate change for Indigenous people living on land may include the need to better manage and restore ecosystems, and the pursuit of carbon mitigation and sequestration activities.

Indigenous people ... are actively managing vast tracts of both terrestrial and marine environments using ... knowledge systems in northern Australia.

Limited engagement has occurred in the past between natural resource managers and these traditional owners.

---

<sup>3</sup> ABS: Australian Bureau of Statistics:  
<http://www.abs.gov.au/websitedbs/D3310114.nsf/home/census+data?opendocument#from-banner=LN>

There is a lack of action-based research and analysis relating to Indigenous knowledge transmission to expected environmental degradation and other effects due to climatic changes. Research and development should give priority to Indigenous institutions that can act as a means of facilitating the research, whilst maintaining strong direction and input from the community. The benefits of greater Indigenous engagement extend beyond increasing employment opportunities – they can lead to increased connection to country, improve health outcomes and strengthened cultural practice.

As Thaayorre and Mungkan Traditional Owners we are of the view that economic resource rights across all sectors must be enshrined in state and federal policy and legislation, consistent across the nation. The historic lack of opportunity extended to Indigenous people must be rapidly addressed.

Emerging opportunities arising from a transition to low carbon or alternate carbon economies in Australia must be made fully and transparently available to remote Indigenous communities.

4. *The effectiveness of current State and Commonwealth mechanisms for appropriate preservation of free-flowing river systems which have much of their natural values intact, including the preserving of biodiversity.*

*In our view, no other presently existing legislative or regulatory mechanism exists which applies to our region and which has a similar operative intent or effect – in respect of cross-catchment environmental protection – to the Wild Rivers Act 2005.*

As we have indicated earlier in this submission, we view the existing Act as an environmental protection mechanism, which we as Traditional Owners will not engage with unless we are provided the resources to confirm and discuss amongst ourselves, in our own time, the benefits and limitations arising from a Wild Rivers nomination in our area, before the nomination proceeds to declaration of a catchment under the Act, on the basis of our own free, prior and informed consent.

Our present interest in this statutory mechanism rests in its capacity to halt future large scale development activities within the stream-bed and within the immediate surrounds of our still pristine rivers. We are interested in protecting floodplains and other catchment features for the long term.

We are committed to no mining or drilling in Pormpuraaw Aboriginal lands, waters and seas.

We are aware of the major pieces of current legislation impacting on our custodial homelands. These are extensively documented in *Ngamp inth Wantarr Yumpnham*: this is what we are going to do, Pormpuraaw Land & Sea Country Cultural & Natural Resource Management Plan 2010-2015.

We are of the informed view that existing legislation at state and federal levels fails to effect culturally assured development restrictions at a large enough scale for us, as Traditional Owners, to be confident of the capacity of these mechanism to protect the myriad of values inherent in our custodial homelands.

Existing statutes seek to protect heritage, species and ecosystems in isolation.

Remember we do not distinguish between the 'cultural' and the 'natural' when it comes to resource use and management. We do not look after the Brolga, the Crocodile, the Barramundi, the Savannah Grass or other plants and animals in isolation. These are our Ancestors, our Totems, our Culture, our Country. We remain connected to our Culture, our Country and its Songs across all 'values' – from the cultural, the natural and the spiritual – integral to ourselves and our homelands.

No legislation proscribes these relationships. Our continuing Aboriginal Law, passed down from our Ancestors through our Elder, and our continuing connection to our respective Country does.

5. Options for improving environmental regulation for such systems.

At Pormpuraaw these can be summarised as follows:

- Do not limit investment in local Traditional Owner resource management to time limited competitive grant processes driven by political cycles and nationally homogenous targets (eg: Caring for Our Country). Move rapidly away from generic program and devolved grant funding regimes.
  - Support local Indigenous Traditional Owner regulation and enforcement of resource use and management which is culturally assured and ecologically sustainable. Provide meaningful levels of dedicated administrative and technical support.
  - Enable remote and other Indigenous communities actively engaged in integrated land and sea management to generate revenue through the development of culturally assured, locally operative regulatory compliance powers. Allow the local people to profit from enforcement where there is commitment to investing revenue raised from compliance into active management (creating employment for Traditional Owners and the local community to generate timely local responses to serious or emerging environmental threats).
  - Invest in Traditional Owner Rangers and local community ground-truthing of existing state and national environmental datasets and on-ground verification of biodiversity.
  - Support the local community to establish cooperative relations which maximise culturally assured research collaboration and third party investment in ecologically sustainable resource management.
  - Commit to substantive resourcing Traditional Owner Rangers where local Land and Sea Management agencies have a demonstrated history of effective resource management; and where resource use and access impacts are considerable (eg: areas identified for mineral exploration or being actively mined).
6. The impact of existing environmental regulation, legislation in relation to mining and other relevant legislation on the exercise of native title rights and on the national operation of the native title regime and the impact which legislation in the form of the Wild Rivers (Environmental Management) Bill 2010 would have on these matters.

We reiterate our intense disappointment that the Queensland Government chose not to use the regulatory powers afforded to the Minister for Natural Resources (presently also the Minister for the Environment) to declare the Pormpuraaw Aboriginal Shire a Restricted Area under s. 391(1)(a) of the *Mineral Resources Act 1989* Qld. Perhaps our public interest as Traditional Owners and the Pormpuraaw Community is of little value in the face of the State's interest in not restricting mineral exploration or the promotion of mining development on Aboriginal lands and waters in our region.

We reiterate our earlier stated concerns, that our ability as Traditional Owners, and custodians of our ancestral homelands, to determine resource use and/or development activities by others - even on Aboriginal land - remains confined within the overly arduous litigative process that is the existing national native title regime and it's limited 'right to negotiate' mechanism.

Wik Mungkan Traditional Owners are part of our community, and are party to the successful Wik Way native title determination (*Wik Peoples v State of Queensland* [2004] FCA 1306). In part this determination confers certain 'exclusive rights'. Whilst royalty payments may arise as a result of government approved mining development on Wik native title lands given the determination outcome, the Traditional Owners of Country within the determination area themselves have no ability to prohibit mining activity on their custodial lands. That right is retained by government through, in our view, fundamentally contradictory resource use and management statute – limited environmental

regulation seeking to conserve 'cultural' and 'natural' resources and, in our view, overly generous mining regulation fostering pro-active resource exploitation.

Other than these general statements, the Council and Pormpuraaw Land & Sea Management are not in a position to provide the Committee with detailed advice regarding native title rights and the Bill it is presently considering.

7. *The Committee should also make recommendations as to what initiatives might be pursued in order to promote economic development while preserving environmental and cultural values.*

We summarise here key recommendations made in this regard within our submission. We further refer the Committee to the selected references provided below and as appended to this submission.

1. Enable remote and other Indigenous communities actively engaged in integrated land and sea management to generate revenue through the development of culturally assured, locally operative regulatory compliance powers.
2. Support local Indigenous Traditional Owner regulation and enforcement of resource use and management which is culturally assured and ecologically sustainable. Provide meaningful levels of dedicated administrative and technical support.
3. Support the local community to establish cooperative relations which maximise culturally assured research collaboration and third party investment in ecologically sustainable resource management.
4. Commit to substantive resourcing Traditional Owner Rangers where local Land and Sea Management agencies have a demonstrated history of effective resource management; and where resource use and access impacts are considerable.
5. Invest in Traditional Owner Rangers and local community ground-truthing of existing state and national environmental datasets and on-ground verification of biodiversity.

---

Richard Tarpencha  
Mayor  
Pormpuraaw Aboriginal Shire Council

Denise Bally  
Deputy Mayor  
Pormpuraaw Aboriginal Shire Council

Toby Barney  
Councillor  
Pormpuraaw Aboriginal Shire Council

Freddy Tyore  
Councillor  
Pormpuraaw Aboriginal Shire Council

Dennis Michael  
Councillor  
Pormpuraaw Aboriginal Shire Council

## Selected References:

- Allen, L., Ledger, R. and Kiessling, I. (1999) *Opportunities for Biodiversity Conservation in Northern Australia*, a report for the World Wide Fund of Nature (WWF) Tropical Wetlands of Oceania Program
- Altman, J (2010) *Wild Rivers and Informed Consent*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra
- Altman J.C., Buchanan G.J., and Larsen L (2007). *The Environmental Significance of the Indigenous Estate: Natural Resource Management as Economic Development in Remote Australia*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra
- Altman, J. (2003) *Promoting Aboriginal Economic Interests in Natural Resource Management in NSW: Perspectives from Tropical North Australia and Some Prospects*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra
- Comerford, E., Clouston B. and Greiner R (August 2006). *Designing stewardship payments for ecosystem services*. Department of Natural Resources, Mines and Water, Brisbane
- CSIRO (2009) *Water in the Western Cape region*, pp 417-479 in CSIRO (2009) *Water in the Gulf of Carpentaria Drainage Division. A report to the Australian Government from the CSIRO Northern Australia Sustainable Yields Project*. CSIRO Water for a Healthy Country Flagship, Australia
- Dyack B and Greiner R (2006). *Natural Resource Management and Indigenous Wellbeing*, Aboriginal Policy Research Conference, March 2006, Ontario Canada
- Green, D., Jackson, S. and Morrison, J. (2009) *Risks from Climate Change to Indigenous Communities in the Tropical North of Australia*. A scoping study for the Commonwealth Department of Climate Change and Energy Efficiency, the Western Australian Department of the Environment and Conservation and the Northern Territory Department of Natural Resources, Canberra
- Jackson S (February 2009) *National Indigenous Water Planning Forum: Background paper on Indigenous participation in water planning and access to water*. report prepared for the National Water Commission
- Leigh, C. and Sheldon F. (2008) *Hydrological Changes and Ecological Impacts associated with Water Resource Development in large floodplain rivers in the Australian Tropics*, Australian Rivers Institute, Griffith School of Environment, Griffith University, Nathan
- May, K (2010) *Indigenous cultural and natural resource management and the emerging role of the Working on Country program*, CAEPR Working Paper no. 65/2010, Centre for Aboriginal Economic Policy Research (CAEPR), Australian National University, Canberra
- Mackey, B.G., Nix, H. and Hitchcock, P. (2001) *The National Heritage Significance of Cape York Peninsula, Executive Summary*, ANUTECH, Canberra
- McGrath, C. (2002) *Major pieces of the Queensland Environmental Legal System*, Environmental Law Publishing, Brisbane
- Memmot, P. and McDougall, S. (2003) *Holding Title and Managing Land in Cape York*, Cape York Land Council in conjunction with Aboriginal Environments Research Centre (AERC), University of Queensland, Brisbane
- Mudd, G. M. (2009) *The Sustainability of Mining in Australia : Key Production Trends and Their Environmental Implications for the Future*. Research Report No RR5, Department of Civil Engineering, Monash University and Mineral Policy Institute, Revised - April 2009.
- Outsource Management Pty Ltd, (2005) *Cropping and Horticultural Prospects on Cape York 2005 and Appendices*, Outsource Management Pty Ltd, Cairns
- Petherem, C. and Bristow, K.L. (2008) *Towards an understanding of the hydrological factors, constraints and opportunities for irrigation in northern Australia: a review*, CSIRO, Land and Water Australia, National Program for Sustainable Irrigation, CRC for Irrigation Futures and the Governments of Australia, Queensland, Northern Territory and Western Australia.
- Russell-Smith, J. (2008) *Fire management research in the savannas – recent initiatives, future prospects*, in Savanna Futures Forum 28 February 2008, Charles Darwin University, Tropical Savannas CRC, Darwin
- Williams, D., Stokes, C., Rose, D., Liedloff, A., Hutley, L., Eager, R., and Cook, G., (2008) *Savanna carbon dynamics in Savanna Futures Forum 28 February 2008*, Charles Darwin University, Tropical Savannas CRC, Darwin