



17 February 2014

Committee Secretary
Joint Select Committee on Northern Australia
PO Box 6021
Parliament House
Canberra ACT 2600

PMB 30 Cairns Mail Centre
Queensland 4892 Australia
Phone: +61 7 40603240
Fax: +61 7 40603234
Email: chuula@bigpond.com
Web: www.kaanjungaachi.com.au
ABN: 74 277 585 078 **ICN:** 4024

Via email: jscna@aph.gov.au

Dear Committee Members,

Chuulangun Aboriginal Corporation makes the following submission to the Inquiry into the Development of Northern Australia.

If any further details or clarification of this submission are required I can be contacted by email at chuula@bigpond.com or by telephone on 07 40603240.

Sincerely,

David Claudie
Kuuku I'yu Northern Kaanju Traditional Owner Custodian
CEO, Chairman
Chuulangun Aboriginal Corporation

Submission to

**Inquiry into the Development of Northern
Australia**

Joint Select Committee on Northern Australia

Chuulangun Aboriginal Corporation

PMB 30 | Cairns Mail Centre | Qld 4892

E-mail: chuula@bigpond.com

Web: www.kaanjungaachi.com.au

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1. Introduction

This submission to the Inquiry into the Development of Northern Australia is made on behalf of Traditional Owner Custodians, residents and managers of some 840,000ha of bio-culturally significant country centred on the Wenlock and Pascoe Rivers in Cape York Peninsula. We have a significant interest in the region and are qualified to contribute to this Inquiry as we have in-depth specialist knowledge and on-ground experience of Indigenous land tenure, governance and representation, ownership, management and sustainable economic development based on thousands of years of custodianship, use and management of our homelands. Whilst our submission concerns our interests in our traditional homelands, our discussion can also be applied to the wider region.

In our submission we give a brief background to the Chuulangun Aboriginal Corporation, briefly address the terms of reference and put forward a model for the development of Northern Australia based on homelands development, environmental protection and the conservation economy.

2. Background to the Chuulangun Aboriginal Corporation

Chuulangun Aboriginal Corporation is a not-for-profit homelands-based organisation established in 2002 and incorporated under the Commonwealth Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act). We manage more than twenty-two clan estates on behalf of the relevant Kuuku I'yu Northern Kaanju Traditional Custodians, an area which stretches from the headwaters of the Wenlock and Pascoe Rivers, north to Schramm Creek, south to the Archer River and west to and including Embley Range on Cape York Peninsula (see map). Our homelands are overlaid by a range of land tenures including Aboriginal Freehold, pastoral lease, homestead lease, permits to occupy, reserves and National Parks.

Almost 200,000 hectares of our homelands are Aboriginal Freehold (under the Mangkuma Land Trust) and it is over this Aboriginal Freehold that in 2008 we declared the Kaanju Ngaachi Wenlock and Pascoe Rivers Indigenous Protected Area (IPA) which is under the National Reserve System and is managed by CAC on behalf of the Traditional Custodians for biodiversity and cultural heritage protection.

Our guiding principles are:

- *Interconnection of the cultural and biological (the bio-cultural)* – Kuuku I'yu Northern Kaanju people do not separate out the natural landscape from the cultural one as to do so is irrational
- *Our ancient governance is as relevant today as in the pre-colonial past* – we manage our Ngaachi in accordance with Indigenous laws based on bloodline and ancient systems of governance and we expect others to respect this
- *Working together for mutual benefit* – we work with our neighbours and people in the region to support the local economy, sustainable land management and sustainable livelihoods on country
- *Capacity-building the homelands* – we develop homelands-based projects, education and training that will enhance the capacity of people living on homelands.
- *Correlating the Indigenous and western sciences* – we incorporate, where appropriate, Indigenous knowledge with western scientific processes providing beneficial outcomes for natural and cultural resource management policy and practice.

From our base at Chuulangun on the upper Wenlock River we undertake homelands and economic development based on sustainable land and resource management principles. Our activities include cultural heritage protection, employment of rangers, environmental services, development of opportunities in the carbon market, low-key tourism including campgrounds and cultural tours in association with our industry partners, and the development of micro-enterprise based on Indigenous knowledge of plant medicines.¹ Chuulangun Aboriginal Corporation is providing an effective model of independent Traditional Owner driven economic development within a land management framework and is supporting collaboration between Indigenous and non-Indigenous land owners and managers in the region committed to living and working on country.

3. Addressing the Terms of Reference

It is noted that the limited Terms of Reference for this Inquiry infers a narrow definition of progress, growth and development based on monetary values alone and of particular concern is that there is no mention of the natural and cultural environment. It is disconcerting that an Inquiry aimed to examine the potential for the development of Northern Australia has commenced its task by seemingly disregarding the region's social, cultural and environmental values thereby dismissing the importance of the conservation economy and the vast social and cultural capital in the region.

The use of language in the Terms of Reference, such as the words 'mineral', 'energy', 'industries', 'trade', 'investment', 'regulatory', 'taxation' and 'impediments to growth', are words you would expect to find in an Inquiry about development, but the fact that there is no reference to 'environment', 'culture', 'communities' and 'sustainability' suggests that the Inquiry is very limited and the outcomes predetermined, that is, policies and programs designed to develop Northern Australia regardless of the negative impact on communities and the environment. Efforts to establish a 'conducive' regulatory, taxation and economic environment suggests that emphasis will be placed on monetary values to measure growth and development, ignoring important non-monetary values such as improvements in health, social and cultural well-being, protection of Indigenous heritage and biodiversity conservation.

A strategy for the development of Northern Australia should balance environmental, cultural, social and economic values, which is a fundamental tenet of ecologically sustainable development (ESD). The National Strategy for Ecologically Sustainable Development was endorsed by the Council of Australian Governments in 1992. Under this strategy Australia's goal is "Development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends", and its objectives are:

- to enhance individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations
- to provide for equity within and between generations
- to protect biological diversity and maintain essential ecological processes and life-support systems ².

It is imperative that this National Strategy for ESD be embraced by the Committee when developing the recommendations and white paper relevant to this Inquiry.

¹ More information about the Chuulangun Aboriginal Corporation and our activities is available on our website at www.kaanjungaachi.com.au.

² See: <http://www.environment.gov.au/node/13029>

In remote Northern Australia there are many small, discrete Indigenous communities on homelands and many more Indigenous people centralised in so-called 'growth' towns. There are vast tracts of land held by Indigenous people under inalienable communal title, and communities are put under pressure to develop this land for mining and other purposes with the promise of employment and prosperity for their communities. Therefore this Inquiry must be examined within the framework of current proposals for leasing or alienation of Indigenous lands as policies to develop the North, much of which is Indigenous-held, if not done in collaboration with Indigenous communities, will most likely erode Indigenous-held lands and Indigenous rights.

The Australian Human Rights Commission³ note that strategies for economic development must be holistic and provide not just a mechanism to generate capital, but also ensure the infrastructure, skills, capacity and resources needed to manage this capital are present in Indigenous communities (AHRC 2005: 160). Policies and programs must work in collaboration with strategies to improve Indigenous disadvantage, by building links with capacity building programs on the ground, developed by Indigenous communities themselves, which will improve the social framework of communities and enhance their capacity for economic participation. Health care, housing, education and employment are issues that are not only areas of need but are fundamental human rights that remain unmet in many remote Indigenous communities (AHRC 2005: 160) and these must be addressed alongside other strategies in the region. Further, generating income and employment from resources in remote localities while sustaining cultural, social and natural capital, are complex and interrelated components of ESD.

The principle of free, prior and informed consent (FPIC) which is enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is fundamental to the human rights standard of the full participation of Indigenous peoples in decisions which affect them or their lands. Indigenous communities must be empowered to participate and this requires a policy approach directed towards communities (AHRC 2005:162). It is most important that the Committee also embrace the UNDRIP and FPIC as respect for Indigenous rights should be at the foundation of any strategy to develop Northern Australia.

4. Environmental protection, homelands development, and the conservation economy

We propose a model for the development of Northern Australia which will balance sustainable economic development with natural and cultural resource management, environmental protection, homelands development and the conservation economy and satisfy the principles enshrined in the UNDRIP, FPIC and the National Strategy for ESD.

Natural and cultural resource management is a key remote area industry with significant employment and economic development potential, particularly when linked to other established and emerging resource-based industries including tourism, and the application of Indigenous knowledge and culture to the commercial provision of environmental services. Investment from government and other sectors is needed to elevate the importance of these industries and strengthen the employment and economic opportunities they can provide, particularly for Indigenous people living in remote areas in Northern Australia.

³ Australian Human Rights Commission (AHRC) 2005 Aboriginal & Torres Strait Islander Social Justice Commissioner Native Title Report 2005, No. 4/2005, Human Rights and Equal Opportunity Commission.

Some programs support Traditional Custodians to take opportunities to develop their preferred sustainable livelihoods on homelands, engage in employment, and participate in the conservation economy and sustainable development (e.g. Indigenous Protected Areas and Working in Country). However, there is a lack of coordinated strategies and investment in remote area development – e.g. tourism, the carbon market, natural resource management, and alternatives to mining – and this is holding back the ability for economic potentials to develop in remote homelands and communities. There is a direct role for government to facilitate an investment strategy in a remote area ‘conservation economy’ and in capacity-building for Indigenous landholders and entrepreneurs which would further support Indigenous people to access the benefits of their land.

This Inquiry should be undertaken in collaboration with Indigenous communities and with respect for the vast specialist knowledge and experience and cultural capital that exists in these communities. A strategy for the development of Northern Australia should be undertaken alongside schemes to improve Indigenous disadvantage which are not necessarily effective under current programs including Stronger Futures in the Northern Territory. Further, alongside new policy approaches there is a need for reform of the native title act and other land rights legislation to better reflect Indigenous governance, representation and land tenure. Importantly, relevant legislation must retain the inalienability and communal ownership of land that is an integral part of Indigenous land tenure.

There is also an issue of equity. Historically, Indigenous people have been denied the benefits of economic development taking place on their homelands, and this continues in many forms today. A social justice approach to the issue would result in a range of compensatory and advancement measures, as of right. Traditional Custodians need more funds at the grass roots level, and better structural arrangements and investment strategies, to enable them to benefit economically from their rights and interests in land.

Contemporary environmental approaches are integrating Traditional Custodian rights and responsibilities to look after country. Unfortunately, centralisation of effort under land and sea centres controlled by local councils and regional city-based bodies is diverting resources, frustrating or limiting efforts on homelands, and failing to deliver and secure conservation and economic outcomes. There is a need for government agencies to recognise, support and work with locally originated, owned, operated and controlled Indigenous organisations on country.

Studies show that people living and working on their homelands benefit from a range of social, cultural, economic and health outcomes, as well as improved employment, training and capacity building opportunities. Despite this, there is inadequate recognition and limited support of (and even hostility towards) the value of a homelands approach to development in remote areas. Government needs to steer away from restrictive and collectivised approach to Indigenous development issues under the narrow frameworks of welfare reform and dependency and move away from the assimilationist mentality which concentrates programs and service delivery into centralised communities and towns.

Homeland development strategies that combine a range of environment protection measures are driving significant opportunities for job creation, training, and enterprise. There is an enormous potential to develop a regional economic structure in environmental services that address climate change, river and water management, biodiversity conservation, carbon sequestration, fire control, quarantine etc, as well as eco-tourism.

It is well documented that the active engagement of Indigenous people on their traditional homelands enhances self-esteem and confidence; reduces social alienation; and acts to promote and preserve health and well-being. Sustainable Indigenous management of land and resources includes a broad range of employment, economic development, training, community and cultural activities in the areas of:

- natural and cultural resource management including biodiversity conservation;
- monitoring of land and resources and reporting illegal activities including poaching and illegal fishing;
- active participation in the sustainable economic use of land and resources in industry sectors such as tourism, wildlife utilization, sustainable use of plant products and the commercial provision of environmental services; and
- practical maintenance of Indigenous knowledge, culture, language and heritage.

Well-coordinated and effective government and other sector investment in the area will strengthen environmental, cultural and heritage values, including those of national significance. It will also ensure the practical maintenance of Indigenous knowledge and cultures alongside, where appropriate, western scientific approaches to land and resource management.

5. Recommendations

In conclusion we put forward the following recommendations with regard to this Inquiry:

- a) *We recommend the Terms of Reference be revised to reflect a wider definition of progress, growth and development and to accept the importance of balancing environmental, social, cultural and economic values enshrined in the principle of ecologically sustainable development.*
- b) *We recommend the Committee embrace the principles of the UNDRIP and FPIC in the development of recommendations and the white paper, and in doing so they facilitate appropriate consultation with the community to ensure Indigenous people themselves are making decisions about their land and futures according to their own governance and representation.*
- c) *We recommend initiatives be developed in genuine partnership with Indigenous people that take into account the socio-economic and cultural factors particular to communities on communal lands to help facilitate sustainable economic development that is appropriate to these communities.*
- d) *We recommend all governments appropriately resource Indigenous Australians, via representative organisations chosen by them, so they can move out of centralised towns and communities and move back to their homelands to live, work and develop economic enterprises.*
- e) *Further to Recommendation d), we recommend the homelands policy be revisited and programs established which support homelands development – importantly this must be undertaken by proper consultation with Traditional Custodians committed to living and working on their homelands.*
- f) *We recommend strategic, well -coordinated and effective government and other sector investment in the environmental services industry and support for the conservation economy, which will strengthen environmental, cultural and heritage values, including those of national significance, as well as lead to improvements in Indigenous health, social, cultural and economic well-being.*

