



Chuulangun Aboriginal Corporation

PMB 30 | Cairns Mail Centre | QLD 4892 | Australia

Email CEO: chuula@bigpond.com | Admin: chuulangun@gmail.com

Web: www.kaanjungaachi.com.au | Youtube: [ChuulaMedia](https://www.youtube.com/ChuulaMedia)

ABN: 74 277 585 078 | ICN: 4024

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Research Director
Agriculture and Environment Committee
Parliament House
BRISBANE QLD 4000

Email to: vminquiry@parliament.qld.gov.au

Submission on the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016

Chuulangun Aboriginal Corporation is an Indigenous organisation based on homelands on the upper Wenlock River in Cape York Peninsula, on the Mangkuma Land Trust.

Chuulangun undertakes land and cultural resource management of the Kuuku I'yu Northern Kaanju (KINK) Homelands, including the 197,500 ha Kaanju Ngaachi Wenlock and Pascoe Rivers Indigenous Protected Area, on behalf the traditional custodians. Chuulangun has established itself as the peak body for management and homelands development for the KINK Homelands.

Background

In 1999, under the Beattie Government and subsequently under the Bligh Government, restrictions on vegetation clearing were progressively rolled out across Queensland. These laws became necessary in response to excessively high clearing rates of some 750,000 hectares per year and the public demanded that something be done to address such clearing. The legislative proposals were taken to elections, and endorsed by Queenslanders.

While forests and wildlife habitat are very important to most Queenslanders, appropriate management of the land and the bio-cultural values on that land is of particular significance to Aboriginal people. Accordingly, there are many traditional owner custodians that support the protection of our forests, which in turn protects our rivers, our wildlife and other cultural values, including sacred places and objects. The laws, as they stood then, did allow for clearing for infrastructure, housing blocks, urban uses, market gardens and other routine land management activities, but the halting of broad-scale clearing through the previous legislation saw the rate of clearing decline from 750,000 hectares per year to less than 78,000 hectares.

Kuuku I'yu Northern Kaanju Ngaachi | Wenlock & Pascoe Rivers | Cape York Peninsula

"The deterioration of the land is felt by Payanamu and if proper land management is not carried out, Payanamu will not allow the land to be sustainable"

The Liberal-National Party made an election commitment in 2012 that there would be no changes to the Vegetation Management laws, yet, less than a year into their term, the Newman Government announced they were ‘taking the axe’ to the tree clearing laws. It appears there was consultation with the agricultural sector and the development sector, but there was no appropriate consultation with Aboriginal people.

Since that time, clearing rates have more than tripled in Queensland, and, of particular concern, some very large areas in Cape York were approved for clearing. This clearing was approved on land where native title continues to exist, yet there was no consultation with the traditional owner custodians about the clearing approvals or about the loss of bio-cultural values as a result of clearing and future aspirations for that land. This has amounted to environmental destruction on a massive scale, and a total disregard for the bio-cultural values that exist on that land.

Support for reinstatement of vegetation management laws

The Palaszczuk Government made an election commitment to reinstate the clearing laws, and this has taken some considerable time. Meanwhile, the loss of biodiversity and cultural values has continued unabated. It is therefore welcomed that the *Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016* has now been introduced, and the parliamentary committee inquiry is underway.

The reinstatement of the Vegetation Management laws is essential to ensure the protection of bio-cultural values, and it is also critical that traditional owners who speak for country be consulted with respect to any applications made on land that concern them (applications lodged both pre and post the proposed legislative amendments).

It is also important that the laws allow for clearing for infrastructure, housing blocks, urban uses, market gardens and other routine land management activities such as reasonable clearing for fence lines, paddocks and remote airstrips.

In terms of the Parliamentary Committee Inquiry currently reviewing the legislation, it is imperative that the voices of traditional owner custodians in Cape York, and other places, be heard about the impacts of clearing on country.

The following provisions in the Bill are supported:

- reinstate responsible vegetation management and effectively manage vegetation clearing,
- remove ‘high value agriculture’ as a relevant purpose
- guard against excessive clearing of riparian vegetation, particularly in Great Barrier Reef catchments,
- reinstate riverine protection permits, and
- reinstate environmental offset requirements to ensure adequate conservation outcomes.

The Bill could go further in legislatively acknowledging the bio-cultural values in forests and in recognising the primary substantive rights of Aboriginal people to set and pursue their own priorities for development, including development of natural resources, as articulated in the United Nations Declaration on the Rights of Indigenous Peoples. An assessment process for the clearing of vegetation that incorporates the interests of Aboriginal people would assure the protection of those values.

The science behind the submission to this Inquiry made by Christine Howley et al is also supported. The scientific evidence provided by Howley and other researchers points clearing at the need for improved management of vegetation clearing, and highlights the devastating impacts of unabated clearing and associated land degradation on water quality and ecosystem health. This western scientific knowledge is supported by Indigenous scientific knowledge. Traditional owners have sustainably managed land and sea country over thousands of years, passing down knowledge of the bio-cultural management of country, from generation to generation. There are 'points of contact' between Indigenous and western scientific knowledge for bio-cultural conservation which have important relevance for discerning for a given community and landscape the kinds of economic activities that are ecologically and cultural compatible.

As a traditional owner custodian of country in the Mangkuma Land Trust which is situated on the headwaters of the Wenlock, Pascoe, Lockhart and Archer Basins we have consideration of the potential impacts of the current large-scale land clearing laws and development on the integrity of these catchments. The Wenlock and Archer rivers run into the Gulf of Carpentaria and the Pascoe and Lockhart rivers run into the eastern seaboard through Lloyd Bay and into the Great Barrier Reef. Also as a traditional owner custodian for the Princess Charlotte Bay region I am very concerned about damage to the Great Barrier Reef and during patrols and monitoring of sea country we have seen first-hand, only recently, the degradation of the reef, through processes such as coral bleaching.

Land clearing laws are an important topic amongst land owners and managers on Cape York, particularly pastoralists, who are concerned about what reinstatement of the land clearing laws could mean for the productivity of the land and their livelihoods. There is also a presumption made by some commentators that the reinstatement of laws would negatively impact on Aboriginal people's rights to development of their land. But the uncertainty behind the laws has been fueled by misinformation and misinterpretation of what the Bill means to land holders 'on-the-ground', and also a lack of respect for the myriad of Indigenous perspectives and aspirations for land.

Government also has a need to consult with Indigenous communities, often relying on an array of established mechanisms, such as local governments, Prescribed Body Corporates and Aboriginal Land Councils, that may or may not provide advice supported by the traditional owner custodians or clan groups of the land on which a development is proposed. This can lead to not only despondency and feelings of powerlessness of the community

members, but costly and protracted delays for the proponent. As so often is the case laws are put in place with little or no consultation with those people who will be directly affected, and Aboriginal people in particular have often been excluded from consultations and negotiations which will affect the bio-cultural values of the land and their aspirations for the future.

Further, the Government tends to adopt blanket approaches to land management and planning issues which often result in damaging and unintended consequences, whereas ‘case by case’ or ‘fit for purpose’ approaches may be more appropriate, for different parts of the state, such as Cape York Peninsula. The Government should continue to enhance Cape York reform of “Governance and Leadership” by strengthening and enabling the cultural legitimacy and authority of Indigenous peoples to establish appropriate mechanisms for integrative engagement and consultation at relevant scales for the development and delivery of government, industry and third party policies, programs, projects and development initiatives.

Importantly, managing healthy ecosystems underpins all economic activity including mineral, energy, agricultural, tourism and natural resource management, so the economic value of conservation and ecosystems services also needs to be included in the equation. Reinstatement of the Vegetation Management laws should go some way to restore this balance, but this action must coincide with the development of mechanisms which ensure proper consultation with stakeholders, particularly the relevant Aboriginal people who speak for country, and the recognition and protection of bio-cultural values in the land. The benefit of healthy ecosystems to community health, well-being and livelihoods, and viable and vibrant communities, needs also to be acknowledged and measured.

Recommendations

- That the Bill legislatively acknowledge the bio-cultural values in forests and recognise the primary substantive rights of Aboriginal people to set and pursue their own priorities for development, including development of natural resources, as articulated in the United Nations Declaration on the Rights of Indigenous Peoples.
- That Queensland's planning and environment legislative frameworks recognise the unique social and cultural values of Cape York and assess impacts on bio-cultural values on land, resources and watercourses; that clan-based mapping, developed in consultation with Indigenous communities, be incorporated into spatial mapping products to inform development proposals and appropriate consultation.
- That the Cape York reform of “Governance and Leadership” continue to be enhanced by strengthening and enabling the cultural legitimacy and authority of Indigenous peoples to establish appropriate mechanisms for integrative engagement and consultation at relevant scales for the development and delivery of government, industry and third party policies, programs, projects and development initiatives.

- That Queensland's planning and environmental legislative frameworks adopt a 'fit for purpose' approach rather than blanket state wide approaches – the north is different to other parts of the state, and to date blanket approaches have resulted in often damaging and unintended consequences.
- That an economic valuation of ecosystem services be developed to support effective decision making with respect to planning and development.
- That the scientific evidence supporting reinstatement of the Bill be respected and that Indigenous science and knowledge confirming this evidence also be acknowledged.
- That the correct people to speak for country and those directly affected by the laws, including traditional owner custodians and land managers 'on the ground', be effectively consulted and their perspectives not be drowned out by vested interests.

If I can assist the Committee through briefings, attending hearings, or organising appropriate consultative processes with traditional owner custodians who speak for country in Cape York, please do not hesitate to contact me.

Sincerely,



David Claudie

Kuuku I'yu Northern Kaanju Traditional Custodian
CEO/Chairman, Chuulangun Aboriginal Corporation