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STATE DEVELOPMENT, INFRASTRUCTURE  
AND INDUSTRY COMMITTEE

## Girringun Aboriginal Corporation

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***Inquiry into the future and continued relevance of Government land tenure across Queensland***

Girringun Aboriginal Corporation makes the following submission to the Queensland Parliament's State Development, Infrastructure and Industry Committee inquiry into the future and continued relevance of Government land tenure across Queensland.

Our submission addresses the Committee's Terms of Reference as follows:

- The needs and aspirations of Traditional Owners
- Progressing sustainable resource development
- Properly protecting ecological values
- The long-term viability of rural industries

Girringun Aboriginal Corporation ('Girringun') is a long-standing Traditional Owner agency which represents the regional land and sea management interests of the Bandjin, Djiru, Girramay, Gugu-Badhun, Gulnay, Jirrbal, Nywaigi, Warrgamay and Warungnu peoples. These nine (9) Traditional Owner groups hold traditional and customary connections to the Burdekin, Herbert, Murray, Tully and Hull rivers and Maria Creek catchments of north Queensland. Four of our member groups hold determined native title by consent determination for areas of their country. Girringun owns and operates offices, an Arts Centre, and education and training facilities in Cardwell.

The Girringun Rangers (12 full-time staff) have been employed since early 2010 by Girringun under the *Queensland Indigenous Land & Sea Rangers* and *Working on Country* programs to deliver skilled cultural and ecological management services.

In the aftermath of Tropical Cyclone Yasi, on the basis of demonstrated past success, Giringun secured resources to employ some 120 additional staff to assist post-cyclone recovery efforts across its area of operations through the *2011-12 Queensland Natural Disasters Jobs and Skills Package*. Giringun actively promotes community disaster preparedness and regional coordinated disaster response networks.

On behalf of its nine (9) affiliated Traditional Owner member groups, Giringun has progressed strategic discussions and negotiated agreement-making with State and Commonwealth statutory management agencies to establish regional scale collaborative management arrangements for the land and sea country of its member groups.

Our Corporation is thus well placed to provide expert advice to the Committee with respect to the present Inquiry, and we make our submission to the Committee as follows:

**1. Summary of Giringun's most significant concerns as a whole**

- 1.1 Aboriginal Traditional Owner management of all marine and terrestrial protected areas within our region through the Giringun Region Indigenous Protected Areas (ref: formal Briefing to Premier of Queensland and Cabinet Ministers dated June 2012, response pending).
- 1.2 Intended collaborative management arrangement under the Giringun Region Indigenous Protected Areas proposal for the collaborative management of Wairuna, jointly acquired by the Australian and Queensland Governments via the National Reserve System (NRS) utilising a 2009-2010 Caring for Country NRS grant.
- 1.3 The potential to severely disadvantage Traditional Owners in the development of Aboriginal cultural tourism, eco-tourism or other Traditional Owner economic ventures within the proposed Giringun Region Indigenous Protected Areas by allowing commercial tourism or other intensive non-Indigenous use of culturally and naturally significant locations in our region (e.g.: waterfalls including Wallaman, Blencoe, Herbert, Murray and Millstream falls; Ninney Rise at Mission Beach; Hinchinbrook Island, Dunk and Family islands).
- 1.4 Future use of State lands formerly managed as State forestry, where the resource asset (i.e.: plantation timber) has been sold to overseas interests, and where recent natural disasters (Yasi 2011) have rendered existing plantations almost valueless.
- 1.5 Future use and management of USL within our region (other than where negotiations concerning USL are part of a current native title claim process), in particular areas of USL with intact native ecosystems or holding Aboriginal cultural significance.
- 1.6 Future use and management of State-held reserve lands.



- 1.7 Any lessening of the State's present capacity to determine 'best use of the land' (s16 *Land Act 1994*) and the condition of State lands under application for other uses (s159 and s159A *Land Act 1994*).

## **2. The needs and aspirations of Traditional Owners**

Girringun affiliated Traditional Owners express the following general concerns regarding government held and managed land tenures in Queensland:

- 2.1 Future use of State lands formerly managed as State forestry, where the resource asset (i.e.: plantation timber) has been sold to overseas interests, and where recent natural disasters (Yasi 2011) have rendered existing plantations almost valueless.
- 2.2 Past practices of rural land development lead to large-scale clearing of country, routine overstocking of stock on rural lands, the introduction of serious pest plant and animal species and a very low rate of return on the leasing of State lands, particularly rural land.
- 2.3 These past practices severely impacted on Aboriginal material culture and spiritual values and the native ecologies (natural environment) inherent in rural landscapes. The view that grazed lands no longer hold natural or cultural values is naïve and uninformed.
- 2.4 As Traditional Owners of country which is in part significantly dominated by leasehold tenures today, we do not want to see a return to any form of broad scale clearing, rural intensified land uses or resource intensive exploitative land uses which further degrade or destroy Aboriginal cultural values on lands where the State retains an interests today (this extends to all forms of term leases, permits to occupy, unallocated State land (USL) and reserve lands). We assert our right to negotiate as Traditional Owners in this respect.
- 2.5 Our experience in natural resource management (NRM) also shows us that in using applied best practice land management approaches, a rapid restoration of ecological values in rural landscapes is highly achievable, even against great odds.
- 2.6 As Traditional Owners we would be gravely concerned at any move the Newman Government may take towards a lessening of lessee management obligations regarding Aboriginal cultural or important ecological values present on term leases.
- 2.7 This extends to the opportunity for lessees to secure extended tenure of leasehold land through the negotiation of ILUAs with the land's Traditional Owners and the making of conservation agreements to protect important natural values on leasehold land.

- 2.8 Although the provisions of the Delbessie Agreement fail to make compulsory a requirement to negotiate with Traditional Owners around access, shared use of the land or in situ protection of cultural values, we are of the informed view that this policy does at least provide some incentive and opportunity to lessees to consult with Traditional Owners about protection of such values on country.
- 2.9 An example of a successful Delbessie outcome from our region is the example of Indigenous Land Use Agreements (ILUAs) negotiated by Gugu Badhun Traditional Owners and rural leaseholders in the upper Burdekin catchment.
- 2.10 The Queensland Government cannot relinquish its requirement to manage State-held lands as a public asset, in the interests of all Queenslanders including in the interests of Traditional Owners.
- 2.11 This requires a comprehensive policy and legislative framework based on the scientific precautionary principle which fully integrates Aboriginal cultural significance ('cultural heritage'), native ecological values and the real (limited) productive potential of land.

### **3. Progressing sustainable resource development**

- 3.1 Sustainable<sup>1</sup> resource management requires direct control over land use and very strict rules governing 'balanced' resource uses. Aboriginal occupation of Australia over the past tens of thousands of years is real testimony to this fact.
- 3.2 Since colonisation, 'sustainable' resource use in Queensland has been eroded by culturally destructive and ecologically harmful exploitative resource uses, based on European models of rural and industrial production.
- 3.3 Many of these productive models are highly unsustainable in the Australian context, and have lead to the impoverishment of large areas of Queensland's land base, particularly the rural leasehold estate.
- 3.4 Past reviews of the leasehold estate in Queensland have found that a) Indigenous access to culturally important places remained highly restricted, b) that rental returns on State lands were minimal and c) that natural resources on State-held lands were still being actively degraded.
- 3.5 The 2007 State Rural Leasehold Land Strategy attempted to address these issues through the Delbessie Agreement and related changes to the *Land Act 1994*. It would clearly be detrimental to the State interest if earlier changes to improve the ecologically sustainable use and management of State lands are now revoked.

<sup>1</sup> The term 'sustainable' in this submission refers to the appropriate use of cultural and natural resources (including land) today for the benefit of future generations. The basis for this definition of 'sustainability' is cultural assurance (the right people – being the Traditional Owners of the land concerned - talking for country) and the precautionary principle (ensuring that decisions are made on the basis of least harm).



- 3.6 The relinquishment of Crown control over government held tenures, whether by completion (sale on the open market) or without competition diminishes the real asset base of all Queenslanders in the present day.
- 3.7 Traditional Owner on the basis of experience place no trust in the ability of the economic market place to better allocate the sustainable or efficient allocation of resources, including present government held land tenures.
- 3.8 Any move to make available reserved Crown land to the open market will have significant native title implications. The Newman Government must ensure it does not further restrict the highly limited opportunity for Traditional Owners to negotiate and make native title agreements into the future.
- 3.9 Progressing sustainable resource use requires taking a very long term view. A sell down of State lands would clearly diminish the future wealth of Queenslanders, including Traditional Owners who clearly stand to lose the most from any proposed change to existing State-held tenures.

#### ***4. Properly protecting ecological values***

- 4.1. The requirement for lessees to prepare a suitable Land Management Plan for term leases should be retained in full.
- 4.2. The land management planning process for term leases should further promote the negotiation of ILUAs between Traditional Owners and lessees.
- 4.3. Any move to diminish the protective measures in place for remnant and regrowth native vegetation on State lands would severely impeded the proper protection of ecological values on such tenures.
- 4.4. In certain instances a review of procedural arrangements for the issuing of vegetation clearing permits for fencing purposes is warranted where the area to be cleared holds non-endangered remnant ecological values.
- 4.5. There should be no lessening of existing requirements for the effective and timely management of biosecurity risks on State lands, whether they are leased for rural production or otherwise used. The requirements for lessees to manage declared pests on State lands is very important to Traditional Owners.
- 4.6. The present requirement for rural productive lands, including coastal freehold lands on catchments discharging into the Great Barrier Reef, to carefully conserve and manage riparian vegetation should not be diminished or wound back.
- 4.7. One of the primary matters of concern to our affiliated Traditional Owners is the health and sustainability of freshwater resources, which even in the wet tropics bioregion, can be severely affected by periodic drought.

- 4.8. We have fully engaged in the Wet Tropics regional water resource planning process on the basis of our interests in freshwater and waterways, and we are a member of the process's Community Reference Panel.
- 4.9. All of the major rivers in our region have been continuously degraded through rural and extractive industries: grazing pressures; past and current mining activity; severe erosion arising directly from excessive, unwarranted riparian clearing; and irrigated agriculture.
- 4.10. Cultural sites such as burials and cemeteries are often located on stream-banks or lands adjacent to waterways. Not only is periodic access still denied by many landholders to these important places, but ongoing rural production practices continue to cause grave harm, damage or destruction to our cultural sites.

#### **5. *The long-term viability of rural industries***

- 5.1. Rural industries, with the advent of human induced climate change and a highly volatile international market place, face many challenges. We know this well as Traditional Owners because many of our people have, and continue to work, in rural industries.
- 5.2. Sustaining rural industries without eroding the natural resource base they so heavily rely on requires an openness to continuously adopting changing best practice, where the precautionary principle applies in full.
- 5.3. Making significant changes to legislated tenure allocation processes and associated regulatory arrangements will have major consequences for the State's capacity to rapidly respond to significant climatic, economic and environmental changes impacting on the diverse land use industries the focus of this Inquiry.
- 5.4. In this respect, the Queensland Government must ensure that the provisions of the *Native Title Act 1993* (Commonwealth) and the *Native Title Act 1993* (Qld) are not adversely affected by any proposed changes to existing tenure and management regimes applying to government land tenures in Queensland.
- 5.5. Opening up rural lands to competitive purchase or more intensive development will not guarantee the viability of rural industries to any great future extent given the real productive constraints of degraded natural resources, poor soils or seasonal waters.
- 5.6. Conservation of natural resources, the strict control of natural resource use and the effective monitoring of resource use is the only basis on which the long-term viability of rural industries follows.



- 5.7. This requires the imposition of strict regulatory regimes for the industrialised and rurally productive use of natural resources in rural, urban, peri-urban or remote locations.
- 5.8. As Traditional Owners our view is that all natural resources have a cultural value significant to the Traditional Owners of the lands and waters within which those natural resources are found.

#### **Other relevant matters**

##### ***Deed of Grant in Trust***

Our affiliated Traditional Owner groups do not hold direct traditional interests in Deed of Grant in Trust (DOGIT) lands, however many direct decedents of our groups continue to reside on Palm Island, Yarrabah or other DOGIT communities in Queensland.

Any attempt to change tenure and related governance arrangements relating to community-held lands must be determined by all of the respective Traditional Owners of DOGIT lands themselves.

We note that in many DOGIT communities there may be significant local tensions existing between the Traditional Owners of lands within a DOGIT Shire, DOGIT Trustees and the respective Aboriginal Shire Council.

In order for the needs and aspirations of these Traditional Owners to be met, open and transparent consultations must take place at the local level, directly with the Traditional Owners concerned, without interference from regional interests seeking to assert their own pre-determined political agendas.

##### ***State land held pending transfer into the protected estate***

We are dismayed that the Newman Government is considering changing the proposed use of Wairuna, which we understand was acquired by the former Queensland Government with the assistance of the Australian Government under the National Reserve System (NRS) program.

We further note the general funding model for such joint Commonwealth-State acquisitions is undertaken on the basis of a 2:1 commitment and that related agreements specify related NRS management targets and deliverables.

We would counsel the current Queensland Government to very carefully consider any move away from this earlier commitment.

In discussions with QPWS and Queensland Government representatives prior to the 2012 State election, our Corporation's clear understanding was that Wairuna, located on Gugu Badhun and Warungnu traditional lands, was to form an important component of

the proposed Girringun Region Indigenous Protected Areas, presently set for declaration by end 2012.

Any move to rescind on this earlier intended collaborative management arrangement for this important dry land addition to the NRS will severely disadvantage Traditional Owners and the potential for Traditional Owners to develop cultural and eco-tourism or other Traditional Owner economic ventures within a greater Girringun National Park.

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Please do not hesitate to contact me directly on mobile [REDACTED] or by email to [eo@girringun.com.au](mailto:eo@girringun.com.au) should you have any queries regarding our submission to the Inquiry.

On behalf of the Board of Directors of Girringun Aboriginal Corporation, I respectfully urge the Committee and the Queensland Government to seriously consider all of the matters raised in our submission.

Your sincerely



Philip Rist  
Executive Officer

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