

4 December 2002

Great Barrier Reef Study
Productivity Commission
Locked Bag 2, Collins Street East
MELBOURNE VIC 8003

Dear Sir/Madam

**RE: INDUSTRIES IN THE GREAT BARRIER REEF CATCHMENT AND
MEASURES TO ADDRESS DECLINING WATER QUALITY -
DRAFT RESEARCH REPORT**

The North Queensland Land Council (NQLC) has received the Industries in the Great Barrier Reef Catchment and Measures to Address Declining Water Quality - Draft Research Report ("the report"). We would like to express our appreciation that Mr Andrew Dolling and Mr Gavin Dwyer of the Productivity Commission met with representatives of the NQLC when in Cairns to discuss the issues raised by the report.

The NQLC supports the research conducted and outlined within the report and agrees further research and monitoring is required to properly ascertain precise causes of damage to the Great Barrier Reef (GBR). While we note that this lack of information is a major constraint to policy makers we believe there is enough evidence of damage to the GBR to warrant the precautionary principle being applied in decision making with regard to the GBR.

Traditional Owners within our representative area whose country is the land in the catchment areas that flow into the GBR and sea country is the GBR have long been calling for government and other decision makers to include them in the process of decision making over the management of their traditional country. They have for a long time identified damage to the catchments and GBR and resulting in the decline in water quality through run-off from agricultural practices, destruction of riparian vegetation and other uncontrolled industry actions.

It is essential for both the Commonwealth and State governments to work in concert if they are to address these issues and the resultant impact on the GBR and ensure its preservation for future generations. To date this has not been the approach taken. Further it is our submission that there needs to be a paradigm shift in attitude by the departments and agencies responsible for policy making in relation to the GBR to include Traditional Owners in the decision making process. It is long overdue that Indigenous People are treated as the Traditional Owners of the land and sea country of the GBR and not merely as stakeholders along with commercial fisherman, tour operators, farmers and the like. This is not least because of their knowledge of the

resources of the GBR and sound management practices they can contribute to the debate.

While we understand that the Terms of Reference for the report were not set by the Productivity Commission we believe insufficient focus has been put on gaining Indigenous People's perspective on the effects of industry and the decline in water quality of the GBR. This is a lost opportunity which regrettably occurs too often.

We urge you to address the issue of Indigenous involvement in management and policy making in relation to the resources of the GBR in your final report. Any discussion of policy development should include the input of Indigenous People to the existing structures and on any newly established ones.

Finally we enclose our recent submission to the Great Barrier Reef Marine Park Authority on water quality issues for your information.

Yours faithfully

Dr Ross Pearson
Acting Executive Officer

Encl.

13 November 2002

Mr Matt Ryan
Water Quality and Coastal Development
Great Barrier Reef Marine Park Authority
PO Box 1379
TOWNSVILLE QLD 4810

Dear Mr Ryan

North Queensland Land Council Submission on Reef Water Quality Protection Plan.

Introduction

The information presented here is derived from statements and submissions made by Aboriginal people, who are members of the North Queensland Land Council, in a recent water quality management workshop funded by GBRMPA. While the submission attempts to accurately represent the indigenous perspective, it should be regarded as the author's interpretation of those views. Because of acute time constraints, no further consultations were carried out in the preparation of this Submission.

Background

The preconditions for reconciling Indigenous and non-Indigenous perspectives on water quality management are recognition and respect of those differing, culturally based perspectives. Recognition, for Aboriginal people, encompasses inclusion. The need to be included is fundamental to Aboriginal people as they have traditional responsibilities for the land and waters.

Aboriginal people recognise that their cultural knowledge is a commodity, unique to themselves, and increasingly in demand by environmental researchers, managers and the like. In many cases this knowledge is their only negotiable commodity, therefore it is reasonable that it should only be shared and exchanged for meaningful gain for them and for the benefit of future generations.

Traditional Owners have been concerned about the way the land is being managed since colonisation. Aboriginal people do not distinguish between natural and cultural resources. Dugong, mullet, shellfish, crabs, turtle, along with fish, crustaceans and reptiles are killed for food, and are part of a continuum of aboriginal culture that binds the life of humans, animals, earth, sea, past and present. It follows, therefore, that

issues that impact on resource use, will always be cultural issues as they affect culture as much as they affects nature.

Traditional country contains evidence of the Dreamtime by which all geographic features, animals, plants and people were created. It contains sacred sites, often related to these creation events. The land also contains tracks, or songlines along which mythological beings travelled during the Dreamtime. The sea, like the land, is integral to the identity of each Aboriginal person, and Aboriginal people have a kin relationship to important animals, plants, tides and currents.

Issues

Sustainable land use, water quality and the supply of water and food are fundamental environmental and health issues for many Aboriginal communities. Improvements in the reliability and quality of the water and associated resources, such as traditional bush tucker, available to these communities, together with optimisation of sustainable land use are essential objectives for survival.

In all coastal regions of Australia, Aboriginal people continue to engage in significant subsistence hunting, fishing and gathering activities in the rivers, seas and on land. For these people, subsistence resources form an important part of the domestic economy. In addition these activities are culturally important and life sustaining.

Modern dependence on subsistence resources involving traditional activities such as hunting for turtle and dugong are widely practiced. This food is shared among the extended families of the community and represents a continuation of a true subsistence economy. The use of traditional food sources is very important to the maintenance of health, life and culture of Aboriginal communities.

Other users, activities and management regimes impact negatively on subsistence resources, such as dugong, turtle, barramundi and shellfish. These practices also impact upon aboriginal peoples endeavours to maintain cultural practices and responsibilities over their traditional land and waters. For example; cattle have polluted some sections of the North Johnstone River, and the South Johnstone sugar mill continues to discharge black water into the Johnstone River. Years ago the Barron River was a pure clean running river. Today the Barron River is only just running and polluted by run-off (red soils).

Activities such as agriculture practices, commercial prawn fishing, commercial reef fishing, commercial inshore net fishing, commercial tourism - including reef trips, diving tours etc., domestic and international shipping lanes, recreational boating and the use of chemicals have all led to a rapid decline in traditional food sources. As a consequence, Aboriginal people have increased health problems.

Traditional Owners identified that non-indigenous people are continuously destroying the habitat of native animals by clearing trees, polluting rivers and therefore destroying the land. Further if a Traditional Owner actually wants to hunt a traditional food source they are heavily policed. This is nonsensical as nothing is preventing people from destroying a whole area or group of species but if you are caught killing one dugong to feed your family, you may be prosecuted.

Aboriginal people believe that poor water quality discharging from waterways into the ocean may be impacting on the health of turtles and dugong. Many of the rivers and creeks now loaded with sediment used to be loaded with fish. The water in some creeks and rivers are so contaminated you can taste it. Traditional Owners used to fish and drink from these rivers in the past. You would not drink from many of them today. Rivers were once full of sand. Sand is important for the healing of rivers as it filters out all the pollutants. The rivers are now full of silt and there is very little sand left.

Current agricultural and other land practices exacerbate environmental damage done by natural events (cyclones, flood, and drought). Vegetation is still being cleared. Chemicals and waste are still going into the waterways. At the workshop, Aboriginal people made the following comments:

A lot of farmers have never put their heads underwater to see the impacts. You would think that some farmers would have noticed the changes over time, especially those that like to fish. Farmers fail to recognise that what they do on the land, impacts further downstream of their property. Many farmers will not react until it is proven 100% that they are doing environmental harm. Many farmers continue to dump everything into our rivers (including household waste).

Indigenous Approach

Sustainable use of resource, as far as possible, have been managed through a variety of strategies and cultural practices, including:

- Conducting ceremonies (songs, dances, story telling and other rituals) with the purpose of nurturing the well being of particular places, species and habitats;
- Seasonal exploitation of particular marine resources; the opening and closure of seasons are marked by ecological events, such as the flowering of particular plants or the arrival of a migratory bird;
- Restriction on the harvesting of particular species based on age, gender, reproductive conditions, health, fat content etc of individual animals;
- Restrictions on resource use and distribution by clan members and others based on age, gender, initiation status, marital status and other factors;
- Restrictions on the use of particular animals and plants of totemic significance to individual clans; each clan usually identified closely with at least one natural element (usually animal or plant), the use of which was often highly restricted or prohibited;
- Prohibition of entry to certain areas on land and sea, often associated with storms or other sources of danger; entry and/or hunting and fishing in these areas was believed to cause severe storms or other forms of danger, not only to the intruders but also to other people in the region.
- Restriction on the introduction of species onto land or into waters, where none previously existed.

Together these strategies and practices result in a system of utilisation which is conservative and one which enables the local population to live within the sustainable carrying capacity of the local environment.

Inclusion

Aboriginal people, while not seeking to go back to pre-colonial days, seek willingness on the part of governments and other stake-holders, to explore ways to accommodate their continuing cultural rights and responsibilities in a contemporary context. They seek recognition and utilisation of the knowledge and skills they possess to carry out sustainable land and sea management practices.

This will require, at the very least, an equitable position at the table where decisions are being made, and the opportunity to educate others at the table about Indigenous perspective's. The aim is to develop an integrated strategy for the ecologically sustainable management of environments and resources and recognition of the cultural, social and economic rights and interests of Aboriginal Communities. This can be achieved by:

- Ensuring that all environmental and resource management boards, authorities and advisory committees include appropriate representation of Aboriginal people;
- Providing training, logistical and other support for Indigenous representatives to enable them to fully contribute to decision-making and advisory processes;
- Ensuring that the conservation of all Aboriginal subsistence resources is given priority over commercial and/or recreation exploitation;
- Providing cross cultural awareness education and training to stake-holders, managers, planners and policy makers to assist them to recognise and respect the indigenous perspective on caring for and healing country;
- Providing appropriate information to all users of all environments and resources to assist them to learn about and respect Aboriginal cultural, economic and legal rights and interests;
- Ensuring that every effort is made to respect and protect all continuing native title rights and interests in the land and sea by substantively involving traditional owners in any decision-making relating to their customary estates and adjoining regions;
- Traditional Owners should be involved at every stage of the Reef Water Quality Protection Plan, including the issuing of fines for breaches of these regulations.

Protection

Aboriginal people want to protect their country and culture for future generations. As starting point it is necessary to form a Recovery Action Plan. Money should be directed to on ground actions to heal country.

This could involve the following:

- Replacing riverbank vegetation that has been cleared. The strong roots hold the riverbanks together – especially during flood events. Many traditional owner foods are found in or around the riverbank vegetation;

- Higher environmental standards of cargo vessels and restrictions on the types of cargo carried in the inner reef area to reduce the risk of oil spills and the consequential damage to traditional/hunting grounds, sacred sites etc;
- Prohibit the use of toxic anti-fouling paint on the hulls of ships to reduce damage to reefs in the event of such an accident, reduce incidental pollution into the water and therefore into the food chain;
- Avoid pollution of traditional hunting and fishing ground and prevent damage to sections of the reef that are of spiritual/historic importance (including restricting traffic around those areas).

Prevention

- Each property should be monitored for environmental harm. For example – water could be monitored prior to use on the land and after use. Fines could then be given for exceeding environmental limits. Monitoring could prevent run-off (soil, chemicals, and fertilisers) from entering our waterways by ensuring chemicals that are used on farms are as safe as the manufacturers claim them to be;
- Farmers should be required to comply with codes of practice and fines should be given to farmers who breach these codes of practice.
- A Victim Offender Program could be used as an alternative to fines. For example - A farmer is caught clearing an area of native vegetation without a permit. Under a Victim Offender Program they may have to meet with affected traditional owners and also rehabilitate the area as the penalty.
- Current legislation needs more teeth. Tighter penalties including rehabilitation by offenders.

Education

- Traditional Owner Rangers could implement on the ground works and undertake education programs.
- The wider community needs education about the impact of bad management practices and how to properly care for the environment.
- School curriculum should include teaching young people how to care for and manage land.
- Sporting clubs, fishing clubs, etc need to be part of the education program.
- Wide media coverage should be used to educate the general public and to shame those who contaminate the environment.

Keeping Informed

Aboriginal people need to be kept informed about the Reef Water Quality Protection Plan. This could be achieved by:

- Governments making a financial commitment to land councils to meet and talk every 6-12 months.
- Traditional Owners should have monthly meetings with politicians in attendance to discuss the issues;
- Regular updates should be sent to Land Councils to distribute to interested parties;

- At each monthly meeting canegrower and other agricultural representatives should be invited for discussion.

Indigenous Initiatives and Recent Involvement

While seeking involvement in government decision-making, with respect to water quality policy and management, and, seeking legal recognition of their customary rights to land and resources through native title and other legal processes, coastal Indigenous groups are also involved in projects and programs aimed at regaining self management of their environments.

Several areas of concern that Aboriginal people have expressed about contemporary resource management in Queensland and nationally include:

- The failure to recognise the existence of a long-established Aboriginal land and resource management; and
- The lack of opportunity for Aboriginal input into water resource management.

Conclusion

The water quality of catchments and rivers systems that flow into the Great Barrier Reef and the lagoon itself is of great concern to the Traditional Owners in our region. Most of the damage done thus far has been by the agricultural sector and those industries that exploit the reef and use it as shipping lanes. Added to this has been the lack of strict control and lack of co-ordination by government agencies in relation to pollutants and other contaminants entering into the waterways. Furthermore unsustainable, and in the case of freehold land largely unregulated, land clearing and other activities continue to adversely effect water quality.

To date Traditional Owners have largely been excluded from any processes that deal with water quality issues in their traditional country. Therefore they have not been in a position to halt the detrimental effects of the other users. Opportunities and resources must be made available to Traditional Owners to take part in these processes. As evidenced in this submission, Traditional Owners have a wealth of experience and knowledge of sound land, water and resource management practices.

We hope that the Great Barrier Reef Marine Park Authority and the State government will show leadership and engage with Traditional Owners in tackling the serious threats posed to the Reef through unsustainable use and inappropriate land management practices. This will take decisive and at times unpopular action including a raft of measures that take into account the myriad of factors putting undue strain on the Reef and its surrounding environment. This is necessary to ensure the preservation of the Reef and its rich biodiversity for future generations.

Yours faithfully

Dr Ross Pearson
Acting Executive Officer