



Cape York Bioregion Management Plan Coordinator
G.P.O. Box 2454
Brisbane 4001

25/9/2012

Via email: cybmp@ehp.qld.gov.au

Dear Sir/ Madam

Submission in response to the Bioregion Management Plan Scoping Paper.

The Apudthama Land Trust is the trustee of the Aboriginal freehold land in that part of Cape York which is north of the Skardon/Dulhunty Rivers and our members assert Native Title rights over an even broader area. We have several concerns with the bioregional management plan as described in the government's scoping paper which we outline below. While we acknowledge the effort of Environment and Heritage Protection personnel in travelling to our community and discussing the scoping document with us (3/9/12) we maintain that the consultation time was too short for such a complex document. The time available for 'consultation' did not allow for enough time to address the broad range and the number of questions posed in the scoping document and furthermore there was no transparency in how the information would be used or managed by government. We therefore take this opportunity to raise some broad concerns with this proposed document.

1. The inability of government to explain what it is going to do with the Bioregional Plan.

We are particularly concerned that at the time when the scoping document was prepared and the call for submissions was made that the government itself did not have a clear idea of how the Bioregional Plan would be used or how it would mesh with other regulatory and planning mechanisms. For instance it is only since the meeting above that we have found out (through informal channels) that the government plans to use this document to inform a statutory plan that is being developed in-house and which is a matter on which there has been no consultation to date.

It seems that there are many layers of external agendas driving the development of these 'plans'. Given that we are the Freehold land owners of our land and the Traditional Owners of and even greater area, we express our strong condemnation of this lack of transparency.

It appears to be a resurrection of a paternalistic attitude that is reminiscent of the Queensland 'reserve' era.

2. The Requirement of free, prior and informed consent

We remind you that "Free, prior and informed consent recognizes indigenous peoples' inherent and prior rights to their lands and resources and respects their legitimate authority to require that third parties enter into an equal and respectful relationship with them, based on the principle of informed consent¹". We are concerned therefore that in the first few months of this government's term, you are undertaking a planning exercise that seeks to determine the future of our land without our free, prior and informed consent. We point out that there is NO inherent right for the tourism, mining or any other industry to enter or occupy or plan to utilise our freehold land without our full endorsement and consent. Therefore we contest the basis on which this plan is being developed. The process proposed of using existing data to prepare a plan in-house, in effect, gives more weight to data and proposals collected by vested interests, and government than to that held by traditional and freehold owners. In addition it effectively treats information on cultural values sites and places to an after-thought (since this information does not already exist as a government held layer for our land and in fact for most of Cape York Peninsula), which will perhaps be considered if made available once the plan is developed.

3. Community based planning to develop a 'country plan'

We are already involved in developing a plan for our country. We expect this plan to be available at least in draft form by the end of this year and finalised early next year. We object to the manner in which a new planning process has been thrust upon us with no acknowledgement that we are already in a planning process with deadlines that have been previously negotiated with government. The superimposition of 'deadlines' illustrates how the changing goal posts of government are used as a strategy to undermine and disempower Aboriginal people.

The Apudthama Land Trust will continue to develop its country plan. Once that plan is finalized we would be pleased to make it available to government to include in a Cape York Peninsula wide planning document. We recognize and support the importance of planning to maintain the values of Cape York Peninsula for the well-being of our future generations however, we believe that the indigenous owners of Cape York Peninsula in partnership with other long term residents are best placed to do this. The best outcomes for the protection and use of our country will be gained if government were to adopt a role that assisted and supported us towards this goal rather than attempt to usurp our right to manage our country.

Yours Faithfully

Bernard Charlie
Chairperson, Apudthama Land Trust

¹ Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, Working Group on Indigenous Populations, Twenty-second session, 19 -13 July 2004, p.5