

**SUBCOMMITTEE OF THE STANDING COMMITTEE ON
PUBLIC ADMINISTRATION AND FINANCE**

WATER SERVICES INQUIRY

**TRANSCRIPT OF EVIDENCE TAKEN
AT KUNUNURRA
THURSDAY, 22 JULY 2004**

SESSION 6

Members

**Hon Barry House (Convenor)
Hon John Fischer
Hon Dee Margetts
Hon Norman Moore (Participating Member)
Hon Ken Travers**

[2.00 pm]

HILL, MR DESMOND
Member, Steering Committee,
Aboriginal Social and Economic Impact Assessment Committee,
PO Box 162,
Cockatoo Springs, via Kununurra, examined:

Hon BARRY HOUSE: On behalf of the subcommittee, I would like to welcome you to the meeting. To begin with, would you please state your full name, contact address and capacity in which you appear before the committee?

Mr Hill: My name is Desmond George Hill. I live at Cockatoo Springs, east of Kununurra. I am here as the spokesperson of part of the global negotiations committee that is dealing with the State at the moment.

Hon BARRY HOUSE: You will have signed a document entitled "Information for Witnesses". Have you read and understood that document?

Mr Hill: I have.

Hon BARRY HOUSE: These proceedings are being recorded for Hansard to transcribe. The transcript will be provided to you. To assist the subcommittee and Hansard, please quote the full title of any document you refer to during the course of the hearing. Please be aware of the microphones and speak into them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that premature publication or disclosure of public evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. Can you clarify whether you are a member of a subcommittee of the Kimberley Land Council?

Mr Hill: No. As you may be aware, there is the global negotiation committee that is dealing with the State now on Ord stage 2. I am actually a member of the subcommittee that released the Aboriginal Social and Economic Impact Assessment report on Ord irrigation project 1. I am here today in the capacity to deal with what has happened with the river in the past, because it ties in with the next stage. I cannot say much about Ord stage 2, because we are having ongoing talks with the State Government. I am restricted on certain areas of the Ord stage 2 talks.

The impact, I believe, started many years ago when they started talking about the dam. Even before it was built a lot of people were impacted on; namely, indigenous people. Since then it has worked broader, until now. Everyone around here is being impacted on, both socially and economically, because of the building of the dam. Even though local people do not have any problems with development in the Ord valley, it has got to the stage now at which a lot of people are asking to be involved with the development. For the past 40-odd years none of that has been happening. We found a lot of problems through the ASEIA report, which you have in front of you, as well as the recommendations. The committee I am on now is working to address the past. Before Ord stage 2 can go ahead, we would like to see some of those recommendations fixed, otherwise the problems will be ongoing and we will have the same problems down the track.

Hon BARRY HOUSE: To clarify that, you have tabled that report for our committee.

Mr Hill: I have.

Hon BARRY HOUSE: You have provided us with a summary of the recommendations.

Mr Hill: Yes, that came out of that report, instead of going through the whole book.

Hon BARRY HOUSE: Would you like to give us a thumbnail sketch of the area your report compasses?

Mr Hill: From prior to the building of the lake to the movement of indigenous Miriuwung people off Argyle, where the lake is now, to parts of other people's country and into Kununurra, because they have nowhere else to go now. They were never compensated for the move or given land that they could move to after they were displaced from that area where the lake is. It is brought down to a broader spectrum now, and everyone in Kununurra is being socially impacted on. If you read the papers, you will know that there are fresh problems because people were displaced originally and moved to Kununurra when they want to be back on their own land. As part of the dam being built and the farms getting built, access to a lot of the river has been cut off. There had been wildlife corridors, but now there is none along where the farms are, so that has changed, as has the traditional way of life for Aboriginal people who used to live along the river. Because of that, they have moved into the town and there is more social impact on the town and more substance abuse. It will just get worse until all these recommendations for the Ord stage 1 project are dealt with.

Hon BARRY HOUSE: Can you briefly enlarge on what your recommendations point to?

Mr Hill: It varies right across the board. Initially, indigenous people were greatly impacted on. Since then it has expanded. Our recommendations take in the whole population of Kununurra, both indigenous and non-indigenous people. They cover a whole gamut of things from education and health to housing and employment. It is not in that order. We dealt first with the ones we thought were important, which the seven committee members are dealing with now with various government departments and businesses around Kununurra to address those issues such as education and health, which are the two main ones. Then there is employment, training and trying to get people away from town and back into their communities, whether it be CDEP or through full-time employment, and away from the substance abuse around town, which is leading to all the social problems. It varies. We had 40 recommendations. We dealt with the first six ourselves prior to forming this committee, but our small committee is working on the other 34 now. All we hear is Ord stage 2, Ord stage 2. However, we are trying to work towards fixing Ord stage 1 before we can get on to Ord stage 2, otherwise it will probably get worse.

Hon DEE MARGETTS: Do you have any estimates of the number of indigenous people on both this side of the border and the Northern Territory side who live around or use the Ord River as part of their country? How many people are impacted on by changes to the Ord River system?

Mr Hill: Mainly the Miriuwung-Gajerrong peoples, because the others are transients. At this time of year, there are a lot more here than there would be in the off-tourist season. During the wet season it builds up again because people cannot live out bush and they come into town. I am not too sure about the number of people. I would have to go through this book again. It is all in that report. There is stuff in there on non-Aboriginal employment, indigenous employment or non-indigenous employment and the difference in their housing. It is all in the report. That is why I gave you the recommendations, otherwise we would be here all day.

Hon DEE MARGETTS: Recommendation 9 is to conduct a heritage-site survey of Ord 1 and of the land proposed for Ord 2 and ensure that sacred sites and sites of significance have protected status. Has anything been done on that? How much work has been done and how much is it estimated still needs to be done to get a handle on verifying that?

Mr Hill: As I have said, I cannot go too far on Ord stage 2, because of our running negotiations, but there is a lot to be done. We are chasing that up because of what they have done with Ord stage 1, which actually was nothing. They just went ahead and did it. A lot of sites of significance were destroyed or are under water. The reason we are pushing for heritage surveys and all that is so that

it does not happen again. However, if it does, at least it will be known. Before it was not known; the damage was just done.

Hon DEE MARGETTS: You are still catching up with what was not done that should have been done.

Mr Hill: That is still to be done for Ord stage 2. As I have said, I am restricted because of the state negotiations. I cannot really go into much. We are dealing with them first around the table. It is not like the scaremongering of 12 years ago. There was a comment in the paper that people would have to get a survey done to dig a hole in the backyard. It is not that bad. That has been in the papers. When the Mabo decision first came out, there was scaremongering by the media and the Government saying that you will find a lot of people camped in your backyard because of the decision. It is nowhere like that; it is just serious areas we are talking about.

Hon DEE MARGETTS: Is there a view about the development of the area that is currently being used for the P1 water catchment for the town's water supply? Is there a view about whether that area should be developed? What are the issues for your group in terms of the development of that area for tourism, business and residential purposes?

Mr Hill: I believe that the previous area was cleared before. We have no idea what the plans were on the town planning side of things. All we had an interest in was access to the river. You will note in our report that before the flooding of the lake, that was an area where people used to go. There used to be a beach there. Mr Wright might remember that; I do not know. That has gone under water. That is another area that has been cut away that people cannot go to because of the lake. As for the development of the lake, I am not even sure which area and what expansion they are talking about or what plans they have. We have been meeting with the shire and the shire has said that it will show its future development plans to this subcommittee, but until that happens, I could not comment on it.

Hon DEE MARGETTS: You do not know officially from the shire how much area in that priority bore area they want to develop or clear.

Mr Hill: No, because this subcommittee was formed only about two months ago and we started meeting the shire only about three weeks ago. That is to deal with other issues around town that needed clearing up first before we started moving on to future plans. That is also part of the negotiations for Ord stage 2. As I have said, our subcommittee will deal with this and these recommendations.

Hon NORMAN MOORE: I have only just received the recommendations, so I have not had a chance to read them all; forgive me. The first few that I have looked at refer to the provision of land. Are you referring to land for agricultural use within Ord stage 1 for Aboriginal people and has some land already been provided in the past, or are you talking about other land to compensate for the fact that this agricultural land is now being used?

[2.10 pm]

Mr Hill: As I said, I cannot really go into details about Ord stage 2 because it is still on the table with us and the State.

Hon NORMAN MOORE: No, I mean in respect of stage 1.

Mr Hill: With stage 1, as I said, people got put off regarding where the lake is now - it has shifted. They were given a little parcel of land called Yardingarll, which is a lease east of here. That is still happening. In other words, they are out; there will be no title until they are given it. We have been promised that it will happen. This was supposed to go through last year, and it is still happening. We are looking, I would say, at 40 years from the proposal of the lake or the dam until now. That is a long, slow process.

Hon NORMAN MOORE: Are you looking for agricultural land as well?

Mr Hill: That is one of the recommendations in here - that we get more say and more input into the development of land so maybe we can get involved with it.

Hon NORMAN MOORE: Is there any land in stage 1 that is owned by Aboriginal groups now?

Mr Hill: No.

Hon NORMAN MOORE: Was there ever any? I have a feeling that at one time some blocks were owned by -

Mr Hill: All that I am aware of is that little bit that the Waringarri Aboriginal Corporation has on that Ivanhoe Road. That is the only one that I am well aware of. Other than that, no.

Hon NORMAN MOORE: Is your approval or support of stage 2 dependent upon all these recommendations being agreed to?

Mr Hill: I will skip that question. As I said, we are at a sensitive part of our negotiations now with the State. If anything happens, it has every right to knock me on the head, or whatever you call it.

Hon NORMAN MOORE: Fair enough. Thank you.

Hon JOHN FISCHER: I refer to what we were talking about with the P1 area around the bore fields. Also, in the expansion of the town in general, was there not an Aboriginal heritage site survey done here in 1994? Only two sites were established. Are you aware of those two sites?

Mr Hill: In 1994? I would have to find out who actually did the survey because it got to the stage, because of a policy that the land councils around here had at that time, that we were not going to tell where all the sites were unless there was going to be interest in developing that certain area. Then it would get done. Do you know what I mean? We were not going to say, "Okay, here's all the east Kimberley. That's all our sites. Go where you want to go, except there." There could have been two areas cleared, and of course only those two areas were being looked at, developed or whatever. I could not say for sure because I was not involved in the first place.

Hon JOHN FISCHER: As Hon Norman Moore has mentioned, I have only just seen these recommendations. I have been going through them and looking at those that relate directly to water usage. Recommendation 5 states -

Establish mechanisms by which traditional owners gain economic interest and independence in wealth creating activities in the region, including but not limited to:

- direct interest in water rights,
- hydro-electricity generation and transmission, and
- land tax.

Can you expand on that for me?

Mr Hill: As I said, there has been an impact from people being moved off there. To this day, they have actually got nothing back for being removed. These are some of the figures from this morning concerning how much farmers will get charged per hectare for using the water, and the amount of water that flows away as well. All we are saying is that it is not a part of that water tax, or a per cent of the water usage, of our actually having some interest in the development of the area, where we have a percentage of the crop or whatever you are going to call it. We should get at least something back. For the last 40-odd years, they have got nothing back. We are looking at various avenues. We are looking at three different things, but they are the options that we are looking at in trying to get into the business ourselves.

Hon JOHN FISCHER: I apologise that I have not had time to go through all these recommendations. However, just quickly going through them, in relation to the guidelines for this subcommittee, is there anything that you would care to add about what you see as development of

water usage within the area directly resulting in either irrigation or usage within urban sites in the town?

Mr Hill: No. The reason I brought all this up is that it is to do with the water. It is because of the building of the lake, as I just said, or the dam. It is the impact on people around here and in and around here. As I said, there are problems with access to the river. A lot of people cannot go back on to the river because there are no corridors between the farms. Some farms have fence lines going down to the river where you cannot even go along the bank. I always thought there was supposed to be a leeway of so much - hundreds of metres or whatever - for access to rivers. That is one of the problems that we have come across coming out of Ord 1. The reason I am here is mainly to ask that you try to make sure it does not happen in Ord stage 2. There are not even corridors for animals between farms. As a generalisation, the use of water around here, to us, has never really been a big issue; it is just how it has disrupted everyday living for a lot of people around this town because of the building of the lake.

[2.20 pm]

Hon BARRY HOUSE: Des, looking at the past 40-odd years of development, are you in a position to give us some sort of comparison of the numbers of indigenous people employed in various aspects of activity now, whether it is agriculture, in-town activities, the tourism industry or whatever, and the numbers employed previously in, say, the pastoral industry or other activities? If you can refer us to a section in the report, that will be fine. We can research it from there.

Mr Hill: Okay. I refer to section 11 - training and employment qualifications, indigenous and non-indigenous, in each sector of the community. The report is also in the book for that area.

Hon BARRY HOUSE: Okay.

Mr Hill: Comparisons are made on those who are qualified or not etc. Traineeships, which are -

Hon BARRY HOUSE: A section in the report covers that.

Mr Hill: It covers all that.

Hon NORMAN MOORE: Just on that point, are many Aboriginal people employed on the farms?

Mr Hill: No. They used to be when the ag department, in conjunction with the Frank Wise institute, had an area there for training when they were experimenting with growing crops. The majority of workers there were Aboriginal, but it broke down with the ag department. It is quite interesting; there are no Aboriginal people working even in environmental departments at all across the State, I believe. There are only two Aboriginal rangers in the whole of the Kimberley - qualified, that is. We try to meet various government departments and improve all that. Most of these recommendations stem from problems that have arisen because of that dam. It is never been corrected - it is just getting worse. I have been here for 25 years, and it has gotten worse in the past 25 years.

Hon DEE MARGETTS: Just to clarify, 40 years on, those people displaced from Ord stage 1 are still waiting for some land -

Mr Hill: A title. They had a lease on the land for about 18 years that expired in 1994.

Hon DEE MARGETTS: They are still looking for some sort of security of tenure. In the meantime, is travelling in the vicinity of the river or along the river impossible now? How many properties in effect have fences to the river? Even if one property has a fence all the way to the river, that would make it -

Mr Hill: Like I said, it is a leeway. There should be a corridor from the boundary or the farm to the river. Some have actually gone right down. I have never been along the Packsaddle side but down south of the diversion land, there are a few there - they have got pumps down there. Fences

go down there so we cannot even walk along the river bank or go on to their property. They should not have fenced it in the first place.

Hon BARRY HOUSE: Which ones, Des? This is your chance on the public record to -

Mr Hill: I have already spoken to KDC about that, so it is following it up. It is a difficulty!

Hon DEE MARGETTS: How long have those fences been there? How long has that been a problem?

Mr Hill: Like I said, I have been here 25 years, and it is within the past 20 that I have been going up for access to the river, on the land side, and it is very hard to move; you have got to go way past the farms and then walk back to where you want to go or come up with a boat. There is no access between farms. They have got a boundary and one fence. The issue there as well is that wildlife cannot get through the corridors to get down to the water themselves. Either that or they are at the water and have to stay there because they cannot get back. It is a problem for the animals as well as for us who would like to fish there.

Hon JOHN FISCHER: I raise one thing on employment. You said there were very few Aboriginal people employed within the industry itself. Is that because no jobs are available or is it because people do not want to do those kinds of jobs?

Mr Hill: I think the jobs are available. It is just that most of the people from my generation - from when the dam was established and the farms started working - grew up on stations. It is a big step from working with cattle to working with flowers or whatever. We are trying to get TAFE to put on those horticultural training courses. We hope that farmers - we have not met them yet - will guarantee some sort of work at the end of the six-month or nine-month training. Previous history shows that you have your nine-month training, and then you have not got a job anyway. No-one will do nine months training if he will not get a job at the end of it. Strangely, a lot of Aboriginal people have not done this sort of farming before. They have done the wildlife and growing of things or whatever - you know, the bush stuff - but not something like the scale at what we are looking at here.

Hon JOHN FISCHER: Would one of the reasons be that the very nature of the agricultural industry here is very seasonal? Is that one of the off-putting factors, do you think?

Mr Hill: I do not think so because cattle work was also seasonal, except all the seasons were the same then, I would say. A lot of these things tie in. You have got the educational problems. A lot of kids do not want to go to school anymore because of what is happening at school. Because of that, they do not get the education, so then they cannot go to TAFE to get a job on the farm. We have got to start at the bottom and fix all those problems to work up to the one we want. Like I said before, we are not against development. It is just trying to be a part of it, but to be a part of it we have to fix a lot of the problems that happened before so we become part of the future.

Hon BARRY HOUSE: Des, we have covered a fair bit of ground. Is there anything you want to add by way of conclusion?

Mr Hill: We would like to see - this is the whole committee not just the subcommittee as we have discussed this on the global committee - another report similar to this one done before stage 2 development begins; otherwise, we might have the same problem down the track.

Hon BARRY HOUSE: When do you expect that report to be finished?

Mr Hill: God knows. We say we would like to see another one done. These feasibility studies are happening now by Wesfarmers and all that, or were happening before. There are not a lot now. Some sort of study should be done to show the possible future impact; otherwise, we might be going through the same problems down the track as well.

Hon BARRY HOUSE: Is there any likelihood of that report in the next six months?

Mr Hill: I do not think so. Then, again, is there going to be development in the next six months? You know what I am saying; it took 40 years for this one to come up - how long will the next one take?

Hon KEN TRAVERS: At 40 years, you will be ahead of schedule, will you not?

Mr Hill: My kids and their kids or something!

Hon BARRY HOUSE: Thanks very much, Des. We appreciate your input. That closes today's session. Thanks everybody. Thanks to the technology!

Committee adjourned at 2.28 pm