



# Cape York Partnerships

27 October 2010

Hon. Anna Bligh MLA  
Premier of Queensland  
Executive Building  
100 George Street  
Brisbane Qld 4000

Dear Premier

I refer to recent statements made by yourself, Minister Stephen Robertson, Mr John Bradley and Mr Scott Buchanan (senior officers of the Department of Environment and Resource Management) claiming that in wild river areas “over 100 development applications have been approved”, and “113 development approvals have been given”. I attach for your information some of these statements (Attachment A).

The reference to “over 100 development approvals” came initially from written evidence provided by Minister Robertson to the Senate Inquiry into the Wild Rivers (Environmental Management) Bill 2010 held in Cairns on 13 April, 2010. I attach the table submitted by the Minister (Attachment B).

Premier, I challenge in the strongest possible terms these assertions about so-called “development approvals”. We have now reviewed more detailed material about the State’s submission to the Senate Inquiry, and I make the following points:

- The Minister has used the terms “Environmental Authorities - Mining” and “Mining Tenements” misleadingly to describe what more commonly would be referred to as “Environmental Authorities - Exploration” (See *Environmental Protection Act 1994*) and “Exploration Tenements”.
- Of the 37 so-called “Mining Tenements” granted, 36 were in fact Exploration Permits (EPMs). Exploration Permits are a permit to explore, and should not be promoted or described as development approvals.
- Of the 46 approved Environmental Authorities (EAs), all but three of these related to Exploration Permits. An Environmental Authority is a pre-requisite to the granting of an Exploration Permit. It is misleading to claim that an approval which is pre-requisite to a permit to explore (rather than develop), is a “development approval”. Also, of the 46 EAs, only twelve of these corresponded with granted EPMs. Approval was still outstanding for the Exploration Permits corresponding to the other 34 Environmental Authorities. To claim two development approvals (the EA and the EPM) for what is in fact the one exploration approval is misleading by double counting.
- Nine of the so-called “development approvals” were actually Riverine Protection Permits issued to the Department of Environment and Resource Management to construct one fence. I am dumbfounded as to why nine separate “development approvals” are required to construct a fence. If this is indeed the case, it is a casebook example of the ridiculous level of red tape and burdensome over-regulation that confronts even the most minor project in a wild river area.

Of the total of 113 so-called “development approvals in wild river areas”, 79 related to exploration rather than what could reasonably be called development. Of the 35 remaining “development approvals”:

- 17 were issued to Government entities for activities such as fencing and gravel extraction
- 8 Riverine Protection Permits and one Environmentally Relevant Activity permit appear to relate to the Century Mine Project, which is an existing development
- Three Riverine Protection Permits are for Stanbroke Pastoral Company, possibly for a fence
- Two vegetation clearing applications (Strathmore and Barr Creek Holding) are presumably for clearing for a fence or similar within a HPA
- One approval was for Adels Grove Camping Park which is an existing development; and
- Three approvals may relate to mining leases, one of which had not been issued.

I also refer to statements made by Minister Robertson and government bureaucrats that “the department has no record of a refusal” to a development application. As you are aware, the sorts of applications that would be refused in a Wild River area are not allowed to be made by law as they are prohibited development under the *Sustainable Planning Act 2009 (Qld)* (SPA). The SPA specifically states that these applications are “taken not to have been made”. Therefore there can be no record of a refusal as the application is regarded as not having been made in the first place. You have no reliable information as to how many development applications have not been made as a result of the Wild Rivers Act. Government statements that there have been no refusals are simply misleading.

Also it is apparent that many Environmental Authority applicants have been requested to withdraw or cancel their applications and re-apply with Wild River compliant applications, which is tantamount to a refusal. Please clarify how many applications fall into this category.

Premier, the responses of your government to questions on notice asked during the Senate Inquiry about development approvals were, at best, evasive and vague, and at worst deliberately misleading.

I challenge the validity of your statements and the statements of your Government that over 100 “development approvals” or “development applications” have been granted in wild river areas. Given that your government continues to make these claims, I seek your response to matters raised in this letter as a matter of urgency.

Please provide a detailed account of the nature of each of the 113 so-called “development approvals” identified in the material submitted by Minister Robertson to the Senate Inquiry. I would also be pleased to have your advice on how many jobs for indigenous people were created through these “development approvals” and the nature of these jobs.

Yours sincerely

Noel Pearson

## ATTACHMENT A

On 29 September 2010 on World News Australia, in relation to a report by the Anglican Church into the impact of the Wild Rivers Act on indigenous communities, it was reported that:

*"Premier Anna Bligh said she would look at the report but noted 100 development approvals had gone through since the laws were put in place, creating jobs for indigenous people"*

On ABC news Premier Bligh was quoted as stating:

*"We've had a number of rivers in the Gulf declared now for three and four years and we've had 100 development applications approved for real economic activity"*

On 4 June 2010 a ministerial media statement from Minister Robertson said:

*"Over 100 development applications have been approved in wild river areas"*

On June 11 2010 a ministerial media statement from Minister Robertson said:

*"In fact, over 100 development applications have been granted in declared wild river areas, and the declarations provide economic opportunity particularly for those industries that benefit from a clean and green environment such as tourism, fishing and beef export"*

On 29 September 2010 Minister Robertson again made a statement that:

*"No development application has been refused as a result of Wild Rivers"*

*"In fact well over 100 development applications have been approved in Wild River Areas"*

Also in response to the Anglican Church report Mr Scott Buchanan, wild rivers project director, stated:

*"We've had over 100 development applications that have been approved and we're not aware of one development application that's been refused"*

In evidence to the Senate Inquiry into the Wild Rivers (Environmental Management) Bill 2010 held in Cairns on 13 April 2010 Mr Bradley, the Director General of the Department of Environment and Resource Management, stated:

*"Since wild rivers legislation has been in place, 113 development approvals have been given from mining and environmental authorities to vegetation clearing and river protection permits, and the department has no record of a refusal at this time under the wild rivers legislation".*

Media Statement, Minister Stephen Robertson 18/10/2010

*"Mr Robertson said the facts about Queensland's Wild Rivers legislation are:  
More than 100 development applications have been approved in Wild River Areas"*