

Balkanu

Cape York Development Corporation P/L

A.B.N. 67 075 711 198

16th April 2010

Senator Trish Crossin
Chair
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT

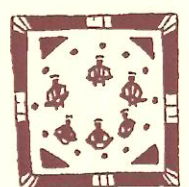
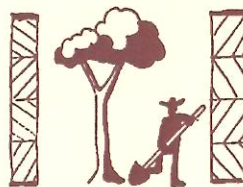
Dear Senator Crossin

I refer to the senate inquiry hearing in Cairns on the 13th April at which Balkanu Cape York Development Corporation presented and our undertaking to provide you with background material in relation to the 2004 Election commitment and our contention that the election commitment related to 19 rivers rather than 19 basins. We assert that the change from 19 rivers to 19 river basins is resulting in the declaration of many more rivers on Cape York than were identified in the 2004 election commitment and is a misrepresentation of this election commitment by the Government and The Wilderness Society.

As advised at the hearing in Cairns the declarations which were gazetted on the 3rd of April 2009 over the Lockhart, Stewart and Archer River areas involved the declaration of thirteen separate wild rivers. These rivers are each listed in the declarations and the declarations include maps showing the rivers.

I attach the following documents for the information of the Senators:

1. Peter Beattie and Labor Policy 2004. Protecting Queensland's Natural Heritage: Wild Rivers. This 2004 Policy Document clearly shows the examples of rivers to be nominated as wild rivers and identifies the rivers on Cape York to be considered.
2. A collation of various statements made by the Queensland Government, conservation groups and the Queensland Greens Party referring to rivers rather than basins.
3. A map used by State Government officers in their consultation about the Wild Rivers Act which clearly shows 13 proposed wild rivers on Cape York.
4. The media release made by the Premier on the 3rd of April 2009 announcing that "*The Archer, Lockhart and Stewart rivers have now been declared as wild river areas*" and that "*this brings the current number of wild rivers in Queensland to nine*" but not clarifying that ten other rivers had also been gazetted as "wild rivers" on the 3rd of April.



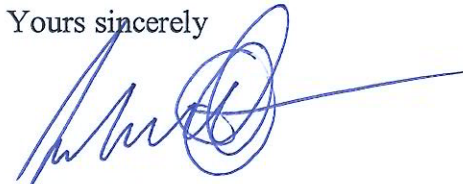
Senator Trish Crossin
Chair, Senate Legal and Constitutional Committee
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5. The lists of the wild rivers from the Archer, Lockhart and Stewart Basin wild river declarations
6. The maps of the declared wild rivers from the Archer, Lockhart and Stewart basin wild river declarations.

If you have any questions please feel free to contact Mr Terry Piper on 07 40196200.

Yours sincerely



Gerhardt Pearson
Executive Director
Balkanu Cape York Development Corporation

Copy Hon Anna Bligh, Premier Queensland
Minister Stephen Robertson, Minister for Natural Resources, Mines and Energy
and Minister for Trade

Peter Beattie & Labor

KEEPING QUEENSLAND MOVING



Policy 2004



www.teambeattie.com

AUTHORISED CAMERON MILNER ALP 16 PEEL STREET SOUTH BRISBANE QLD 4101

Protecting Queensland's Natural Heritage: Wild Rivers

Queensland's pristine rivers are a precious resource.

These waterways – known as 'wild rivers' - are one of Queensland's most valuable assets. These are rivers that have almost all of their natural values intact. They're rich in heritage, and are a source of scenic beauty, recreational activity and even cultural significance.

Queensland is fortunate to retain some of the country's most important wild rivers. In the far north and north west of the state we have entire catchments that remain largely unharmed.

We want to keep it that way.

Queensland is a leader in biodiversity, and our wild rivers are home to native aquatic and terrestrial animals. They also provide refuge for native animals during dry periods.

A re-elected Beattie Government will identify and protect our wild rivers for generations to come.

We will not allow dams to be built on Queensland's wild rivers. Our wild rivers will run free.

Our commitments at a glance

A re-elected Beattie Government will introduce stand alone legislation to ensure our wild rivers are protected via:

- Allowing limited agricultural, urban and industrial development, eg small-scale "eco-friendly" tourism development would be encouraged
- Strictly limited and regulated water allocations or water extractions from wild rivers
- No new dams or weirs permitted on a wild river or its main tributaries.
- Flow control activities such as stream alignment, desnagging (other than for safety reasons) and levee banks will not be permitted
- Further developments on floodplains must not restrict floodplain flows
- Protection of associated wetlands
- No stocking of wild rivers with non-endemic species
- No use of exotic plant species in ponded pastures
- New off-stream storages to be limited in capacity, for example for stock and domestic purposes
- No new in-stream mining activities. Any out-of-stream mining in the region will be subject to Environmental Impact Assessments

The Beattie Government will honour existing agreements, permits, lease conditions and undertakings.

In cases where existing development control powers do not exist, for example in wetlands, a State Planning Policy under the *Integrated Planning Act 1997* will be used to require local governments to assess future development applications against this policy.

Catchment management

Catchment management is a vital part of protecting the health and well-being of our waterways.

Development in the catchments of our wild rivers will need to be assessed on the basis of its impact on the rivers, and managed so that any effect is minimised in order to preserve their natural values.

Building on our record

When the Beattie Government came to office in 1998, it had to address a history of:

- Over-allocation in some water systems;
- Lack of planning and foresight when establishing new water supplies;
- Inappropriate, inefficient investment in infrastructure; and
- An absence of precaution in allocating water and making water decisions.

Our water reform process is an integrated package of reform measures, such as:

- an integrated catchment management approach to water planning, monitoring and management — Water Resource Plans are being developed in every major catchment;
- active engagement in the National Action Plan on Salinity and Water Quality;
- a revised and updated legislative framework (the *Water Act 2000*); and
- extensive public consultation and education on water planning.

The focus on sustainable management of our natural resources is also cost effective. It's cheaper to preserve values than to restore lost values. It's unfair that local communities be faced with the cost of repairing degradation caused by activities outside of their control.

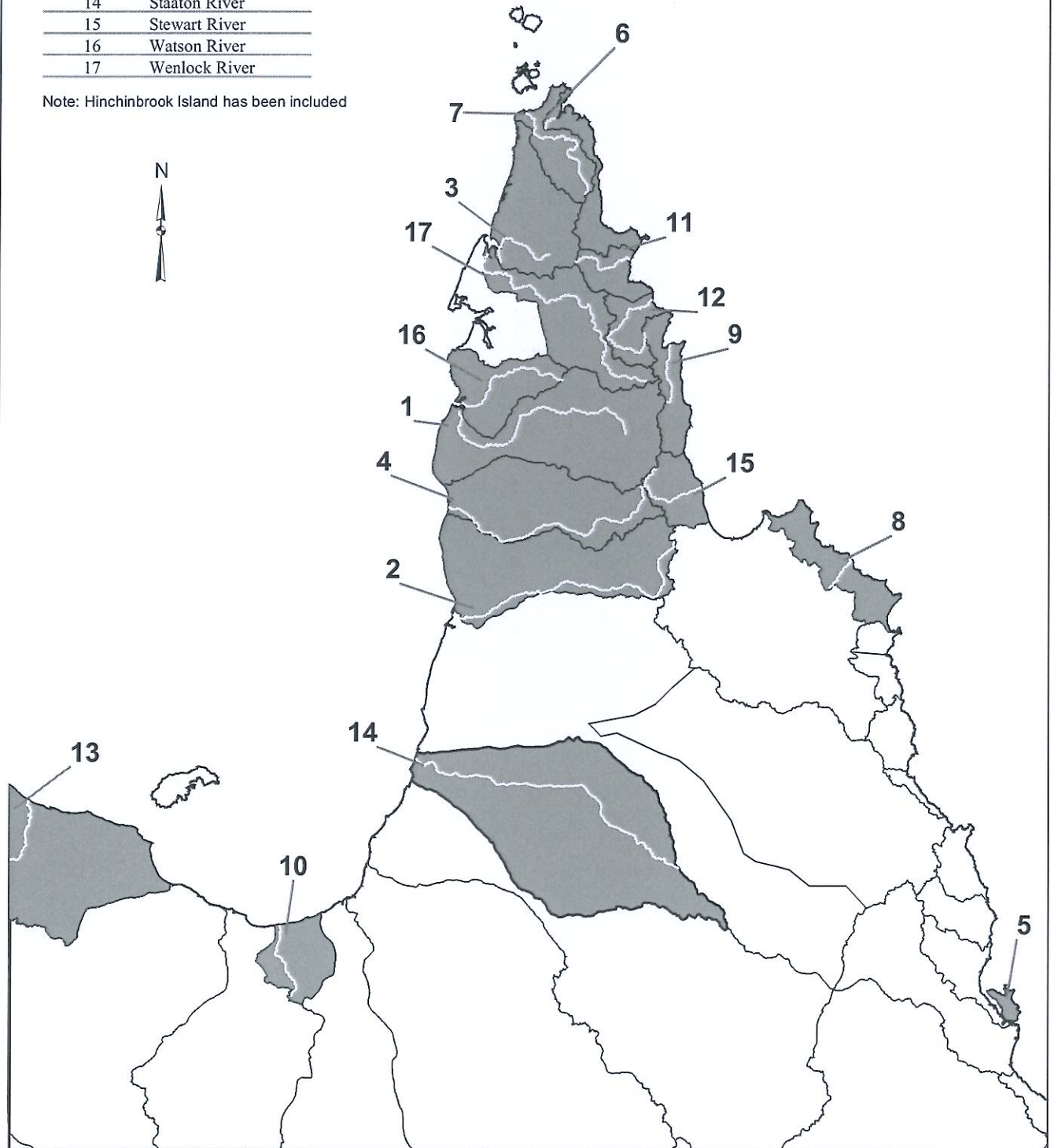
Examples of Queensland's rivers which could be designated as Wild Rivers include the following:

- | | |
|-----------------------------|-----------------------------|
| • Archer River system | Coleman River system |
| • Ducie River system | Fraser Island streams |
| • Gregory (Nicholson basin) | Hinchinbrook Island streams |
| • Holroyd River system | Jacky Jacky Creek |
| • Jardine River | Jeannie River |
| • Lockhart River | Morning Inlet streams |
| • Olive & Pascoe Rivers | Settlement Creek system |
| • Staaten River | Stewart River |
| • Watson River | Wenlock River |

Final designation of Wild Rivers will be determined through extensive community consultation and introduction of the legislation.

No.	Wild Rivers
1	Archer River
2	Coleman River
3	Ducie River
4	Holroyd River
5	Hinchinbrook Island
6	Jacky Jacky Creek
7	Jardine River
8	Jeannie River
9	Lockhart River
10	Mornington Inlet
11	Olive River
12	Pascoe River
13	Settlement Creek
14	Staaton River
15	Stewart River
16	Watson River
17	Wenlock River

Note: Hinchinbrook Island has been included



STATEMENTS IN RELATION TO THE 2004 ELECTION COMMITMENT

- The 2004 election commitment referred to rivers and not basins. The only reference to a basin was the Nicholson Basin, only part of which was declared a wild river area (the Gregory River).
- The Wild Rivers Act and the Second Reading speeches make no mention of basins
- The DNRW Annual Report 2006/07 refers to “Thirteen additional river systems on Cape York Peninsula were identified as potential wild rivers”. It does not refer to basins.
- Anna Bligh, Premier of Queensland Speech to the ALP State Conference June 22 2008 “And today, I announce that we are formally nominating three more wild rivers...the Lockhart, Stewart and Archer river basins in Cape York. These nine are a down-payment on our total commitment of 19 wild rivers”.
http://qld.alp.org.au/_dbase_upl/PremierBlighConvention08.pdf
- 22/6/2008 Premier Anna Bligh- "These nine rivers are down payment on our total commitment of 19 wild rivers across our state. <http://abc-classics.com/news/stories/2008/06/22/2282050.htm?site=goldcoast>
- 17th March 2009 Conservation Groups Election Priorities “The Greens will declare the remaining 13 of the first 19 wild rivers identified for protection by the Queensland Government in February 2004”.
http://qccqld.org.au/docs/Campaigns/State_Issues/090307%20Scorecard%20QLD%20election%20joint%20eNGOs%20Version%208.pdf
- The Wilderness Society media release of 24 July 2006 states "This is the first major step in protecting the 19 wild rivers identified in the Queensland Government's 2004 Wild Rivers election promise and will ensure that the most important conservation values of these rivers will be protected".
http://www.wilderness.org.au/articles/rivers_safe/?searchterm=None
- Wilderness Society Media Release 24th May 2005 "Queensland has some of the most globally significant wild rivers yet the Government has given no guarantee that they will protect even the 19 wild rivers listed in the election promise. The legislation is a framework only — no rivers are protected as yet. In response our groups call on the Government to produce a strict timetable by which all of the 19 rivers identified in the election policy will be protected within the next 18 months".
http://www.wilderness.org.au/articles/wild_rivers1/?searchterm=None
- Alec Marr- Wilderness Society Media Release August 21, 2007 “This is the first major step in protecting the 19 wild rivers identified in the Queensland Government’s 2004 Wild Rivers election promise and will ensure that the most important conservation values of these rivers will be protected.”
http://www.wilderness.org.au/articles/wildrivers_bill/?searchterm=None

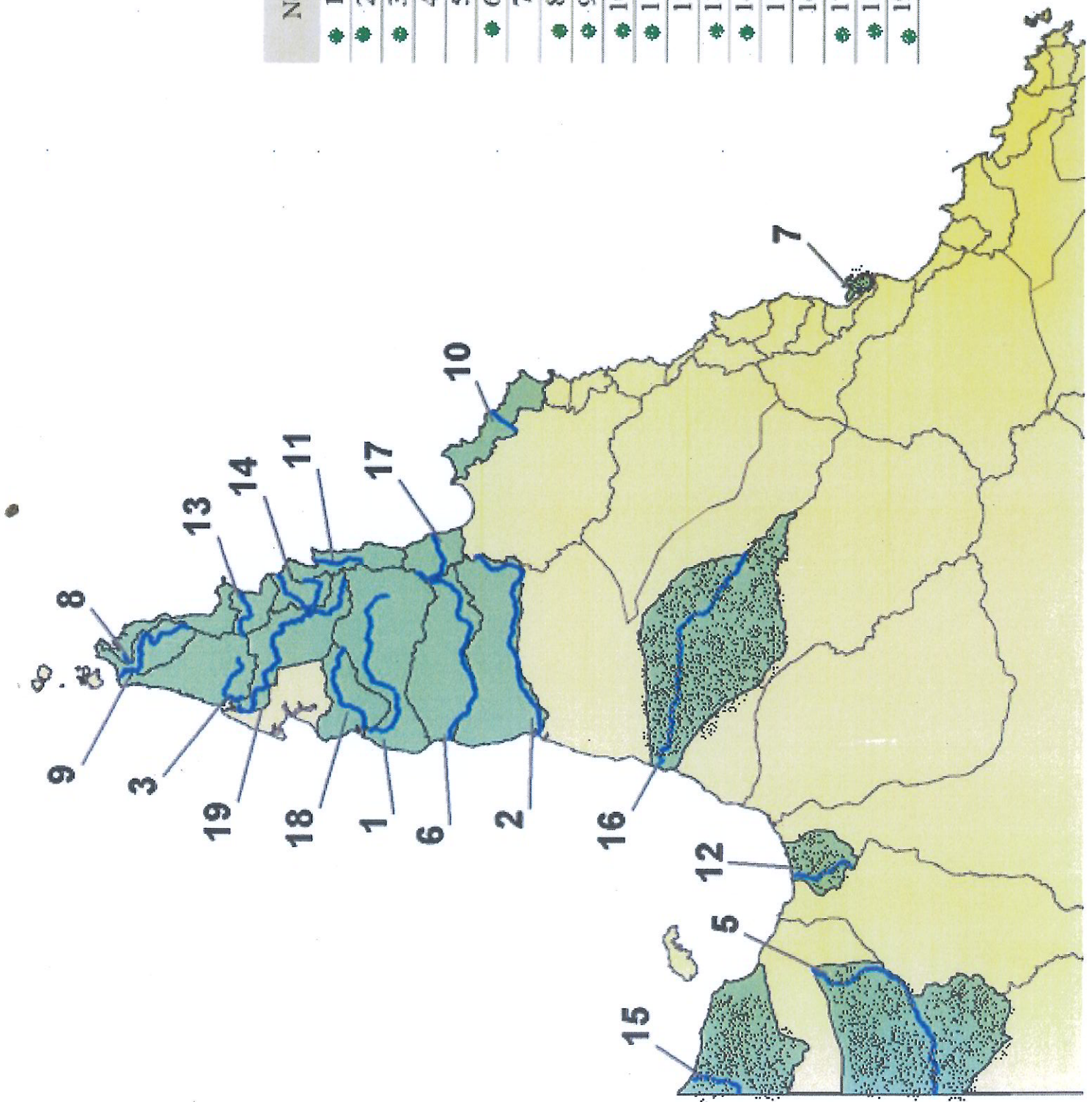
STATEMENTS IN RELATION TO THE 2004 ELECTION COMMITMENT

- Premier Peter Beattie letter 26 September 2006 to Shaun Edwards Kalk, *“As I stated publicly before the recent State election, the Staaten River will be declared along with the other five river systems currently nominated. The hold on future wild river nominations in Cape York applies to the other 13 potential wild rivers identified in the Australian Labor Party’s 2004 State election commitment”*
- The Honourable Henry Palaszczuk, Natural Resources and Mines, 12 December 2005 "Of the six catchments nominated for declaration, four are in the remote Gulf country in the State's north-west. They include Settlement Creek, the Morning Inlet and the Gregory and Staaten rivers. The other two areas nominated are Hinchinbrook and Fraser islands," he said.
<http://www.cabinet.qld.gov.au/MMS/StatementDisplaySingle.aspx?id=43979>
- Henry Palaszczuk Minister for Natural Resources and Mines, December 6 2005. “The Queensland Government has moved to nominate the first six rivers for protection protected under the historic Wild Rivers Act 2005”.
<http://www.cabinet.qld.gov.au/MMS/StatementDisplaySingle.aspx?id=43918>
- Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland. The Honourable Craig Wallace, Monday, January 29, 2007 “In 2004 the Beattie Government gave an election commitment to protect up to 19 Far North Queensland rivers where little or no development has taken place” .
<http://www.cabinet.qld.gov.au/MMS/StatementDisplaySingle.aspx?id=50066>
- Queensland Conservation Council and The Wilderness Society Wild Rivers Legislation initial submission. “The Beattie election commitment named 19 wild rivers as examples of those to be designated”.
<http://www.edo.org.au/edoqld/edoqld/lawreform/wildrivers.pdf>
- Mrs Carryn Sullivan (Pumicestone—ALP) (3.09 pm) Queensland Hansard: “It is also, therefore, timely that we are about to discuss the Wild Rivers Bill 2005 which, when passed, will initially protect 19 wild rivers. I will certainly be supporting that bill as well”. http://parlinfo.parliament.qld.gov.au/isysquery/e46db413-fd1f-46ee-ad86-184ffd9880d7/2/doc/2005_09_28_WEEKLY.pdf#xml=http://parlinfo.parliament.qld.gov.au/isysquery/e46db413-fd1f-46ee-ad86-184ffd9880d7/2/hilite/
- Wild life Preservation Society Web Site “The campaign is in response to the draft Wild Rivers Act tabled by the Queensland Government in February 2004 that proposes to list and protect only 19 wild rivers, mostly in the north and west of the State”. <http://www.wildlife.org.au/i-wildrivers.html>
- Lyndon Schneiders The Wilderness Society “Queensland has some of the most globally significant wild rivers yet the Government has give no guarantee that they will protect even the 19 wild rivers listed in the election promise”.
<http://www.ecovoice.com.au/issues/issue%2021/EV21pg4Forum.pdf>

STATEMENTS IN RELATION TO THE 2004 ELECTION COMMITMENT

- Queensland Greens State Election 2009 “Declare the remaining 13 of the first 19 wild rivers identified for protection by the Queensland Government in February 2004. Nominate further rivers throughout the state which meet the criteria for listing as wild rivers”.. <http://qld.greens.org.au/election/policy/biodiversity-and-environment>
- The Wilderness Society- TWS Achievements- “After six years campaigning, consulting and negotiating with key stakeholders the Wild Rivers Act, 2005 is created and 19 Wild Rivers identified for protection in Queensland”
<http://celebrate.wilderness.org.au/twsachievements.html>
- The Wilderness Society, Queensland Conservation, Environmental Defenders Office Qld Media Release 29th September 2005 “The immediate focus will be on the Beattie promise to nominate and declare nineteen (19) of the best of the best wild rivers in Queensland.” http://www.wilderness.org.au/articles/wild_rivers4
- Hopgood Ganim Lawyers- Resources and Energy News June 2006 “The government has yet to deliver on its election policy to declare a total of 19 rivers as protected Wild Rivers”. http://www.hopgoodganim.com.au/_upload/20081020154047466.pdf
- ANNA BLIGH: Q&A 30 July 2009- “There was an election promise in 2004 - 2004, three elections ago - three elections ago - that we would put in place Wild River Legislation. 19 rivers were identified. Six years ago, George”.
- ANNA BLIGH National Press Club 4 September 2009 “We developed that legislation in I think 2005 we went to the 2006 election committing the names of the rivers, the 19 rivers that we would put through that process”
- Queensland Greens Biodiversity and Environment Policy “*Declare the remaining 13 of the first 19 wild rivers identified for protection by the Queensland Government in February 2004. Nominate further rivers throughout the state which meet the criteria for listing as wild rivers*”. <http://qld.greens.org.au/policies/biodiversity-and-environment>
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13	Olive River
14	Pascoe River
15	Settlement Creek
16	Staaton River
17	Stewart River
18	Watson River
19	Wenlock River



**Premier and Minister for the Arts
The Honourable Anna Bligh**

Friday, April 03, 2009

PREMIER ANNOUNCES NEW WILD RIVERS

Premier Anna Bligh has announced the gazetting of three new Wild Rivers areas delivering on her election promise to continue the roll out of the ground-breaking program.

Ms Bligh said the three rivers in Cape York Peninsulahad been gazetted following approval by the Governor Penelope Wesley.

"The Archer, Lockhart and Stewart rivers have now been declared as wild river areas," she said.

"We have already declared six rivers along the east coast and in the Gulf of Carpentaria as wild rivers as part of our previous commitment to protect 19 northern waterways.

"This brings the current number of wild rivers in Queensland to nine.

"We will continue to roll out this program and fulfil our election promise to extend our protection program to three rivers in the south-west channel country."

Queensland's unique wild rivers legislation protects pristine and near pristine Queensland rivers for current and future Queenslanders and the world.

Settlement Creek, Morning Inlet, the Gregory River and Staaten River, in the Gulf, and Hinchinbrook and Fraser islands have already been declared wild river areas.

"This year, we will complete the gazettal of Wenlock river and start consultation for the Ducie, Watson, Olive, Pascoe and Jacky Jacky rivers," said Ms Bligh.

"Then in 2010, we will nominate the Jardine, Holroyd, Coleman and Jeanie river basins for gazettal.

"We will also fulfil our election promise to extend our protection program to the south-west's Diamantina and Georgina rivers and Cooper Creek."

Ms Bligh said many of Queensland's rivers have been affected by urbanisation, industrial development and farming activities.

"That's why protecting our remaining pristine rivers — our wild rivers, with virtually all of their natural values intact — is even more important," she said.

The Premier said it was important to note that the declaration of a wild river under the Wild Rivers Act 2005 does not preclude all future development in a wild river area.

"While we want to preserve our wild rivers we also want local communities to continue to prosper," she said.

"Activities such as mining, grazing, fishing, eco-tourism, outstation development and indigenous cultural activities can all still occur.

"This proposal is about ensuring the natural biodiversity and cultural heritage is protected, and any developments are undertaken responsibly, without detriment to the basin area."

Details of the three Cape river basins, which cover an area of nearly 19,500 square kilometres, are:

- The Stewart River Basin on Cape York's east coast includes the catchments of Massy Creek, Breakfast Creek, the Stewart River, Balclutha Creek and Gorge Creek, which flow from the Great Dividing Range into the Coral Sea and Great Barrier Reef Lagoon. Densely forested mountain ranges and extensive floodplains. Diverse topography, climate and soil support significant vegetation communities, including large areas of rainforest in the McIlwraith Range. Land use is grazing and conservation management.
- Also on Cape York's east coast, Lockhart River Basin includes catchments of the Claudie River, Lockhart River, Nesbit River and Chester River. Region has significant areas of rainforest, eucalypt and paperbark woodlands, and estuarine wetlands. Include the Iron Range National Park and Lloyd Bay Wetlands - extensive and diverse wetlands of national significance. Land use is conservation management, grazing and tourism.
- The Archer River Basin drains into the Gulf of Carpentaria on the west coast of Cape York. Includes catchments of the Archer, Kirke and Love Rivers. Basin estuaries are in a natural state and there are a number of significant wetlands, including the Archer River Aggregation. Also includes the Mungkan Kandju National Park.

Media contact: 3224 4500

6. Wild rivers, major tributaries and special features

- (1) The wild rivers in the wild river area are—
 - (a) Archer River;
 - (b) Love River; and
 - (c) Kirke River.
- (2) The major tributaries in the wild river area are—
 - (a) Dry River;
 - (b) Geikie Creek;
 - (c) Hull Creek;
 - (d) Attack Creek;
 - (e) Piccaninny Creek;
 - (f) Scrubby Creek (tributary of Piccaninny Creek);
 - (g) Coen River;
 - (h) Tadpole Creek;
 - (i) Scrubby Creek (tributary of Coen River); and
 - (j) Running Creek.
- (3) The special features in the wild river area are—
 - (a) Green Swamp–Shady Lagoon Complex;
 - (b) Lower Archer Wetland Complex;
 - (c) Whistlers Lagoon;
 - (d) Lake Archer; and
 - (e) North-East Karumba Plain Wetland Aggregation (Archer Basin Wild River Area)
- (4) The special features mentioned in subsection (3) are—
 - (a) for (3)(a), (3)(c) and (3)(d), floodplain wetland complexes that include perennial and ephemeral waterbodies. These features have hydrologic connections to the wild rivers, major tributaries and/or nominated waterways;
 - (b) for (3)(b), a complex of estuarine wetlands, perennial and ephemeral waterbodies and interconnecting channels with hydrologic connections to the wild rivers, major tributaries and/or nominated waterways; and
 - (c) for (3)(e), an estuarine wetland aggregation with hydrologic connections to the wild rivers, major tributaries and/or nominated waterways.
- (5) The location of the boundaries of the wild river area mentioned in section (5), the wild rivers mentioned in subsection (1), the major tributaries mentioned in subsection (2) and the location of the special features mentioned in subsection (3) are—
 - (a) shown on the map in schedule 1, which is indicative only; and
 - (b) detailed by data in digital electronic form by the department's Spatial Information Resource which may be inspected at the department's offices, including at—
 - (i) Mareeba: 28 Peters Street;
 - (ii) Cairns: Level 3 William McCormack Place, 5B Sheridan Street; and
 - (iii) Brisbane: Level 2 Corner of Main and Vulture streets (Landcentre) Woolloongabba.

6. Wild rivers, major tributaries and special feature

- (1) The wild rivers in the wild river area are—
 - (a) Claudie River;
 - (b) Lockhart River;
 - (c) Nesbit River;
 - (d) Chester River; and
 - (e) Rocky River.
- (2) The major tributaries in the wild river area are—
 - (a) Eden Creek;
 - (b) Leo Creek; and
 - (c) Scrubby Creek.
- (3) The special feature in the wild river area is—
 - (a) Lloyd Bay Estuarine Complex.
- (4) The special feature mentioned in subsection (3) is an estuarine wetland complex connected to the Lockhart River and the Claudie River and the major tributary, Eden Creek.
- (5) The location of the boundaries of the wild river area mentioned in section (5), the wild rivers mentioned in subsection (1), the major tributaries mentioned in subsection (2) and the location of the special feature mentioned in subsection (3) are—
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7. High preservation area, preservation area, floodplain management area, subartesian management area, and nominated waterways

- (1) The wild river area contains the following areas—
 - (a) high preservation areas;
 - (b) the preservation area;
 - (c) floodplain management areas; and
 - (d) subartesian management areas;
- (2) The wild river area contains nominated waterways in the preservation area.
- (3) The location of the areas mentioned in subsection (1), and the location of the nominated waterways mentioned in subsection (2) are—
 - (a) shown on the map in schedule 2, which is indicative only; and
 - (b) detailed by data in digital electronic form by the department's Spatial Information Resource which may be inspected at the department's offices, including at—
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 - (ii) Cairns: Level 3 William McCormack Place, 5B Sheridan Street; and
 - (iii) Brisbane: Level 2 Corner of Main and Vulture streets (Landcentre) Woolloongabba.

6. Wild rivers and major tributaries

- (1) The wild rivers in the wild river area are—
 - (a) Stewart River;
 - (b) Massey Creek;
 - (c) Breakfast Creek;
 - (d) Balclutha Creek; and
 - (e) Gorge Creek.
- (2) The major tributaries in the wild river area are—
 - (a) Little Stewart Creek;
 - (b) Station Creek; and
 - (c) Terrible Creek.
- (3) The location of the boundaries of the wild river area mentioned in section (5), the wild rivers mentioned in subsection (1) and the major tributaries mentioned in subsection (2) are—
 - (a) shown on the map in schedule 1, which is indicative only; and
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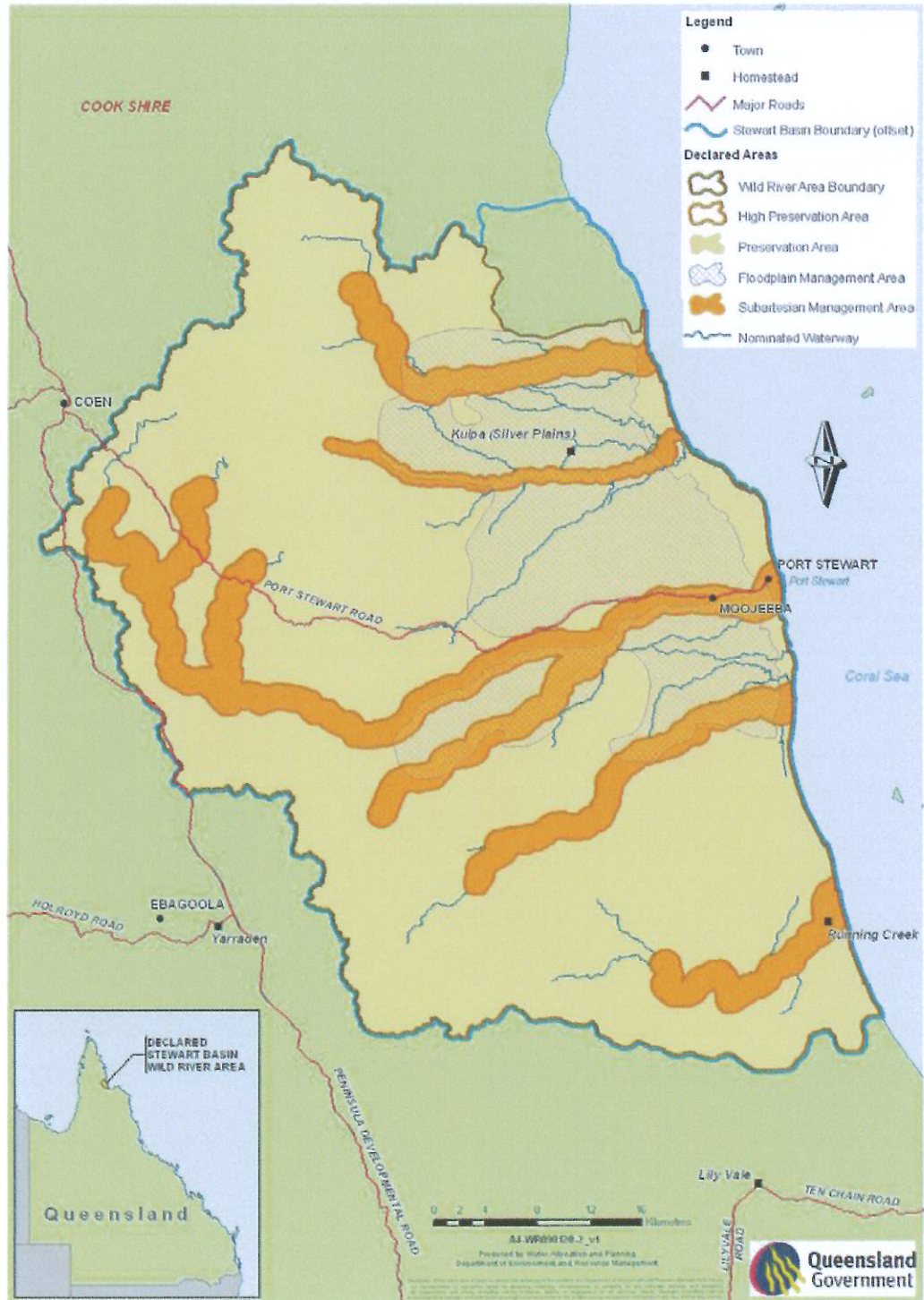
Chapter 3 Taking of natural resources

Part 1 Taking of water

8. Application and scope of part 1

- (1) This part sets out the process for making available and dealing with, unallocated water mentioned in division 3.

Schedule 2 Areas



Schedule 2 Areas



Schedule 2 Areas

