

# House of Representatives Inquiry into issues affecting Indigenous economic development in Queensland and review of the Wild Rivers (Environmental Management) Bill 2010

Queensland State  
Government submission



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# Overview

Queensland has a number of river systems which are relatively untouched by development and are therefore in near natural condition, with all, or almost all, of their natural values intact. One way of preserving these valuable river systems for the benefit of current and future generations, is to declare them as a 'wild river area'.

Wild river areas include some of Australia's most unique ecosystems, rare and threatened plants, birds, animals and marine and estuarine species. These river systems boast natural stream flows and water quality, intact vegetation and healthy in-stream and streamside habitats and refuges, and unhindered wildlife movement within streams and across the river basin.

Less than one per cent of the world's rivers are thought to have all or almost all of their natural values intact. A 2004 election commitment to protect 19 wild river systems in Queensland resulted in the *Wild Rivers Act 2005* being passed by the Queensland Parliament.

At the 2009 election, the Queensland Government extended its commitment to protect a further three river systems in the Lake Eyre Basin. Extensive consultation was undertaken leading up to the release of a declaration proposal for the Cooper Creek basin in December 2010. Responding to issues raised during consultation, in November 2010 amendments were made to the *Wild Rivers Act 2005* to support the special features and management aspects of these arid river systems—like their large floodplains.

A total of 10 river systems in Queensland have been declared—two island systems (Fraser Island and Hinchinbrook Island), four Gulf of Carpentaria Basins (Staaten River, Gregory River, Settlement Creek and Morning Inlet) and four river basins in Cape York (the Archer, Lockhart, Stewart and, most recently, the Wenlock).

Despite their declaration, patterns of, and proposals for, development have changed little in these areas around the rivers. Development now, as it was before

Wild Rivers, is centred on mining exploration, fencing for grazing properties and pest management, gravel extraction to maintain roads and small scale tourism. Some 141 DAs have been approved in wild river areas since 2007; none have been refused. Indeed, 37 mining exploration permits issued since then are indicative of an industry confident that, in the more than 80 per cent of the wild river area where mining can occur, it is worth continuing to explore for resources. Two mines have been approved in wild river areas—the Legend phosphate mine, and the Lady Annie Mine, both in the Gregory wild river area. Wild Rivers pose no threat to development that does not have detrimental impact on the rivers.

The legislation does however, as it sets out to do, prevent development in the most sensitive of areas that impact on the river, like the high preservation area of the Wenlock wild river area and, particularly, in the Coolibah springs complex recognised for its unique conservation values. It has reduced the scope of proposed mining in that area, and hence the volume of resource that may be available from that location. Intrusive development is prohibited in the high preservation area of a wild river.

The Wild Rivers Act is a safeguard against inappropriate development in areas of high natural value in Queensland, in the same way that the Commonwealth legislation, the *Environmental Protection and Biodiversity Act 1999* (EPBC), prevents impacts on matters of national environmental significance. To suggest such protections are not needed, envisages a world where there are no environmental standards or no threats or pressures on the environment.

**“Imagine the appeal of 13 rivers in close proximity, still in pristine condition from source to mouth, to an international audience. Less than 1 per cent of the world's rivers are currently in this condition.”**

Peter Beattie, former Premier of Queensland,  
The Australian 06/11/2010

## Development and regulation in Wild Rivers

The value of Queensland's environments is not only in their aesthetic, tourism and recreational opportunities. A healthy environment with abundant natural resources underpins Queensland's strong economy and the enviable lifestyle and significant growth it has supported.

The Queensland Government, like other state governments, administers a wide range of statutes that balance the need for a thriving economy with the need to protect the environment.

Environmental legislation, including Commonwealth legislation such as the *Great Barrier Reef Marine Park Act 1975*, regulates activities and uses that may damage natural values.

Queensland laws generally apply across the whole state, but, in localised circumstances where special values may occur, some have particular application. In Cape York, for example, the *Cape York Peninsula Heritage Act 2007* recognises both the unique values and specific cultural dimensions of that landscape and provides, amongst other things, for the cooperative management, protection and ecologically sustainable use of land, including pastoral land, in the Cape York Peninsula region.

The wild river framework assists in balancing protection of the natural values of Queensland's most pristine and iconic river systems and encouraging sustainable development. A wild river declaration means protection for the river system against environmental threats. However, for the many who currently live and work around the existing river system, it will have no impact as they already use the lands' resources in a sustainable way which has allowed these river systems to remain in near natural condition.

Grazing, fishing, tourism, camping, hunting and gathering continue unaffected. Recreational boat users can continue to use the rivers and creeks.

Indigenous cultural activities, ceremonies and harvesting of bush food and medicines is permitted, and the enjoyment of native title is unaffected. Outstation development can continue.

Mining activities continue throughout Queensland and in declared wild river areas, and new developments that do not impact the health of the river can still occur. Nonetheless, mining and other development that will impact adversely on the values of the wild river will be and are prohibited.

## Economic development in Cape York and the Gulf of Carpentaria

Across the vast expanse of northern Queensland the landscape has changed little in tens of thousands of years. People have co-existed with the dramatic geography and climate of one of the most biodiverse places on earth.

Northern Queensland—Cape York and the Gulf of Carpentaria in particular—is a vast area featuring remote communities, sparse population and extensive natural landscapes from its rich, dense rainforests and vast, ephemeral wetlands to the extensive grasslands of the tropical savannah country. The landscape has adapted to monsoonal summer rains and parched dry winters; there are species that have survived since prehistory, such as the vulnerable saltwater crocodile. It's a stunning landscape that is the envy of the world; but a harsh and unforgiving landscape where much of life is lived in extremes: of climate, of terrain, of distance. This is not a place where economic development in its forms familiar to urban Australia comes easily.

Remoteness, climatic conditions that limit access and transport for much of the year, poor soils, natural limitations on water access, rainfall variability, lack of infrastructure (particularly roads), small internal markets, skill shortages, global market forces and market competitiveness are all significant challenges to economic development in these areas. Those are far greater barriers than any environmental protection legislation.

Limited access to water is a critical issue for many industries. In catchments in the Gulf of Carpentaria and on Cape York more than 90 per cent of annual rainfall typically occurs between November and April with most of the year receiving little or no rainfall, limiting the ability of rivers to support large industry. Generally, the topography and geology does not lend itself to large scale water infrastructure in these areas.

The Queensland Government has recognised that water reserves can be critical to any economic development. That is why, unique in Australia, Indigenous water reserves have been made available under wild river declarations in Cape York to use water specifically for Indigenous business developments, with similar reserves planned for Gulf wild river areas.

The intense seasonal rainfall patterns and low terrain of much of the Gulf and Cape also results in widespread flooding—another limitation for many types of development.

A combination of poor soils and long dry periods means vast areas are considered marginal country and require considerable input and intensive management to be agriculturally productive. Across most of the region the area required to sustain stock is very large. The low terrain of much of the region, porous soils, sporadic rainfall and high evaporation rates provides little opportunity to increase the storage of water in dams.

These factors have restricted horticulture and cropping to areas in southern Cape York and small areas in parts of the Gulf of Carpentaria. However, new opportunities for horticultural and cropping industries have been identified, including native flowers and seeds, coconuts, tropical fruits, ti-tree farming and the development of community-based market gardens. None of these ventures would be prevented by Wild Rivers declarations.

The commercial fishing industry is significant in both the Gulf and Cape regions, based on their highly productive and unpolluted marine and freshwater environments. None of this is prevented by Wild River declarations.

Excellent recreational fishing, natural resources and the presence of Indigenous communities and cultural sites are drawcards for a relatively small commercial tourism industry on Cape York and in the Gulf. Although influenced by infrastructure and seasonal conditions, there is considerable opportunity for nature-based tourism, adventure travel, and recreational fishing. None of these activities are prevented by Wild River declarations.

Moreover, much of the attractiveness of tourism development revolves around the rivers themselves—in terms of the location of development, the need for access to water as a resource and a key location for tourist recreation and activities. The declaration of these rivers as ‘wild rivers’ is an important contributor in growing this brand.

Small-scale harvesting of sandalwood occurs in the Gulf and a small industry on Cape York is focused on timber harvesting, seed collecting, sandalwood collecting and cutting of rough-sawn timber for local use by communities and pastoral holdings, providing some opportunity for Indigenous employment. It is not prevented by Wild River declarations.

The major mining operations at Weipa and Cape Flattery are the biggest single contributor to employment with more than 270 Indigenous staff employed directly. These existing mines are not impacted by Wild River declarations.

Arts and culture can play a key role in generating employment and economic opportunities for people living in regional and remote Indigenous communities. The Queensland Government has played a significant role in the development of the arts industry. The Backing Indigenous Arts (BIA) program is the state’s single biggest investment in Aboriginal and Torres Strait Islander arts and culture. Funding of almost \$12 million in 2008 and 2009 has created part-time employment for 469 artist and arts workers. Sales of artwork through the Indigenous Art Centre Network amounting to \$3.81 million have resulted in more than 900 part-time jobs. Wild River declarations have no impact on this industry.

## Enhancing economic opportunities for Indigenous communities

There is a long history of investment in Indigenous social and economic development by State and Commonwealth Governments—in housing, land tenure resolution, health, employment generation, social welfare—and numerous reports and projects targeted at identifying opportunities for economic development.

There is strong evidence to suggest that sustainable industries can provide social and economic wellbeing. Enduring income and economic opportunities exist in established resource based industries (like mining, fishing, grazing, horticulture, tourism) and other opportunities such as biodiscovery. However, there is compelling evidence that Cape York and the Gulf of Carpentaria are ideally suited to diversify and complement the existing economy as a natural-resource services economy, based on the outstanding natural and cultural assets of Indigenous country.

To capitalise on that success, experience shows that alignment with natural and cultural values, enduring commitment from project identification and development through to implementation and delivery, achievable targets for success and long-term funding certainty to support the development of an economy based on land, ownership and responsibility for country are critical elements.

Two current Cape York initiatives are prime examples of the government underpinning the development of culturally appropriate, natural resource management-based economic opportunities. They are the community-based model for the Wild River Rangers Program—with 35 rangers already working on 11 communities out of a committed 100 in Cape York and Gulf of Carpentaria wild river areas—and the



Cape York Dreaming Track—a proposal to construct one of the longest and most spectacular walks in the world—a 2,000 km trail from the Daintree River to the tip of Cape York. In both cases, they resonate with the aspirations of local communities at several levels and offer continuing value to those communities, to the government and to industry.

In the past 10 years, Queensland has achieved, and is currently progressing, enormous progress in Indigenous land ownership on Cape York. Transfers of State land have seen some 617,000 hectares of new Aboriginal freehold land and 575,000 hectares of new national park finalised. Aboriginal land trusts and corporations are benefitting from these land transfers and are able to derive economic benefits from the land including cattle enterprises, employment of rangers for land management, and leasing of the land to third parties. In addition, some 636,000 hectares of high conservation land has been acquired for conversion to national park (Cape York Peninsula Aboriginal Land) since 2003, adding to the 948,000 acquired since 1994. Indigenous Land Use Agreements and Indigenous Management Agreements are under negotiation to support the transfer of all national parks to national park (Cape York Peninsula Aboriginal Land) (CYPAL)—with 32,000 hectares converted to date.

Currently, Queensland is working with Traditional Owners toward a World Heritage nomination for Cape York Peninsula. World Heritage areas can have enormous economic impacts at a regional, state and national level and, if supported by Traditional Owners and communities, will result in employment opportunities for Indigenous people through greatly increased tourist visits from overseas and within Australia.

There is strong support from Traditional Owners for the development of an ecologically sustainable economy, and significant employment opportunities arising from the extension of the national park estate in northern Queensland.

In addition to Wild Rivers Rangers, and rangers engaged under the State's Q2 Coasts and Country and Commonwealth Caring for our Country programs, the Queensland Parks and Wildlife Service has set targets of 30 per cent employment of Indigenous rangers by 2011 and 50 per cent by 2018 on Cape York. To date, it has achieved 36 per cent, and therefore is ahead of target.

These activities recognise the value of country to Indigenous people and that its sustainable management remains a culturally important endeavour. Therefore effective natural resource management and the tourism industry it can support will provide real

jobs. The wild river framework provides an additional tool to enable Indigenous people in wild river areas to provide for appropriate sustainable development, but also to pursue economic activity that is appropriate to country.

The Queensland Government is also providing the framework for improving Indigenous economic outcomes through home ownership reforms that enable Aboriginal residents of DOGIT (Deed of Grant in Trust) communities to buy residential housing.

A 2008 amendment to the *Aboriginal Land Act 1991* allowed for 99-year leases for housing and the valuation of houses for sale on a market (rather than replacement-cost) basis. Supported by generous loan conditions, land will be sold at significant discount against the cost of providing water, power and sewerage. This will provide access to a capital base for individuals and families that has not previously been available in Aboriginal communities, and, consequently, providing opportunities for broader engagement in the economy through the development of local enterprises.

## The Wild Rivers (Environmental Management) Bill 2010

The current Wild Rivers (Environmental Management) Bill (the Bill) is similar to the Wild Rivers (Environmental Management) Bill 2010 the Senate referred to the Senate Legal and Constitutional Committee (SLCC) inquiry in February 2010.

The Queensland Government made it clear to that inquiry it did not support the Senate Bill. When the SLCC finalised its report, it recommended that the Bill should not be passed, highlighting its disagreement with the repeated claims that wild rivers legislation in some way diminishes native title rights.

Queensland agreed with the committee's finding that it was "not persuaded that the Queensland Act substantially interferes with the current or future development aspirations of Indigenous or other landowners in wild river areas. Even if it did, the committee does not consider that the Bill provides the comprehensive and considered solution needed to economically and socially empower Indigenous communities in wild river areas."

The purpose of the new Bill is predicated on a misunderstanding of the effect of the Queensland Wild Rivers Act on the Native Title Act (Cwth). If passed, it would require an Indigenous Land Use Agreement to be negotiated between the State and any Native Title holders within a wild river area or proposed wild river

area—inferring that a wild river area declaration is a ‘future act’ for the purpose of the Native Title Act. This is despite the fact that the Wild Rivers Act explicitly protects a person’s right to exercise and enjoy native title rights.

The Bill appears to provide a power of veto for Traditional Owners in wild river areas and for all owners of Aboriginal land over any wild river declaration. This provides a power beyond any held by any person for any other Act of Parliament, including for regulation of mining, land use planning or health or any other environmental regulation.

Indeed, such a power is one not enjoyed by any other Australian citizen or community in any other part of our nation and its introduction raises serious implications for both the responsible protection of the environment across Australia, and for a State’s rights to make laws to protect the environment.

It also purports to offer a greater level of protection of traditional rights associated with Aboriginal lands in wild river areas, beyond what is understood as native title rights or even traditional rights and beyond what currently exists in Aboriginal land in all parts of Australia.

If the Bill is intended to extend the rights afforded to native title holders, a more appropriate mechanism would be amendment to the Commonwealth’s *Native Title Act 1993* (NTA). This Act already provides the framework and processes to recognise and protect native title rights and interests—and it is an Act that is rightly the jurisdiction of the Commonwealth.

Removal of the protection of wild rivers declarations, as the Bill proposes, would undermine the very reason that Wild Rivers legislation was introduced—to ensure these largely intact natural river systems are not exposed to developments that could compromise the very values treasured by Indigenous communities, as well as other stakeholders.

It would have the effect of opening up unique areas of northern Queensland to development that is not sustainable for the region—impacting on the ecological values of wild river areas, including threatened species habitat, and could have considerable negative economic and environmental impacts.

For example, revoking the current wild river declarations could remove the impetus for the employment of 35 Wild Rivers Rangers, and potential employment of a further 65 committed rangers, reducing the social and economic opportunities for the very people the Bill purports to protect. Although

the Bill suggests the Commonwealth should provide employment to those people—presumably those already employed—it is unclear whether this would amount to fair compensation for the termination of the rangers’ current employment and those who may secure future employment. To allay concerns in the Indigenous community that the Bill would damage the employment program, the Queensland Government announced in November 2010, after the introduction of the Bill, it would make existing Wild Rivers Rangers positions permanent.

## Consultation

Indigenous communities have been consulted throughout the declaration of wild river areas and on the Wild Rivers Rangers Program. Some Indigenous leaders and communities have confirmed they are supportive of the intent of the framework and have praised the success of the Wild Rivers Ranger Program. Indeed a delegation of Traditional Owners have publicly voiced their support of this important initiative and have travelled to Canberra to make the Australian Government, Opposition and Independent Members of Parliament and the Senate aware of both their support of wild rivers and concerns about the Bill.

At the same time, however, it is acknowledged there has been a significant campaign by other Indigenous leaders criticising the program.

This inquiry is therefore timely, and provides an opportunity to address the campaign of misinformation about a program that tries to balance protection of internationally significant values with sustainable development and the aspirations of Indigenous communities.

The Queensland Government welcomes such an inquiry, which offers an important opportunity to develop communication, coordination, and synergy between existing programs for Indigenous economic development, to re-examine State and Commonwealth directions for supporting economic development for Indigenous people and give consideration to a more targeted and enduring approach.

It also provides an opportunity to express serious concern about the Wild Rivers (Environmental Management) Bill 2010 and its implications for reducing the protection of the environment and diminishing the rights of Australian states to address the social and economic wellbeing of their citizens.

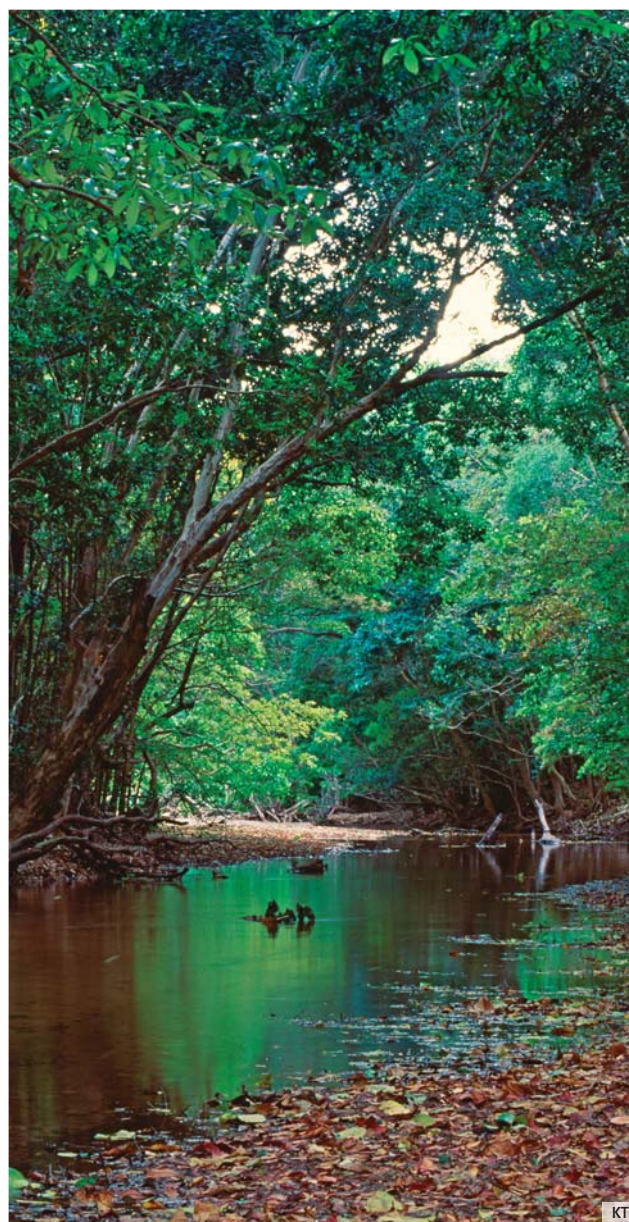
Rivers play an important role in Indigenous culture, as the lifeblood of communities, providing food and defining cultural responsibilities. Aboriginal leaders and elders have advised the Queensland Government that inappropriate development in and around rivers can be culturally damaging. Native title legislation, while it provides the 'right to negotiate', does not provide the ability for Traditional Owners to stop damaging development in a watercourse. But a wild river declaration does ensure that high impact development occurs outside of the high preservation area, and that any development does not impact on natural values often aligned with cultural values.

Consequently, the Queensland Government asks the House of Representatives House Standing Committee on Economics to note:

1. native title rights are not affected by the Queensland *Wild Rivers Act 2005*
2. the Queensland Wild Rivers Act does not adversely affect the economic rights of Indigenous people
3. significant investment has been made by the Queensland and Commonwealth Governments in support of Indigenous economic development, including extensive land ownership initiatives
4. the extensive and comprehensive Wild Rivers consultation process undertaken with Indigenous and other communities by the Queensland Government
5. the employment and business opportunities that Wild Rivers declarations and other natural resource-based initiatives create for Indigenous people
6. the Queensland Government's continuing commitment to Indigenous economic development through a range of initiatives, including the extension and permanent engagement of Wild River Rangers and provision of Indigenous water reserves in wild river areas
7. the Bill, if brought into effect, would render the *Wild Rivers Act 2005* and the benefits it provides for Indigenous employment, sustainable development and protection of natural values inoperable
8. the Bill provides veto rights to certain people that are not available to other Indigenous people or any other citizen, and jeopardises the State's right to implement environmental protection legislation.

Further, the Queensland Government recommends to the Committee that:

1. the Wild Rivers (Environmental Management) Bill 2010 not be supported
2. due to the inconsistency in native title rights that would be created by the Bill that any changes to native title rights, if needed, be implemented through the existing Commonwealth *Native Title Act 1993*
3. a more substantial, targeted and coordinated program for enduring economic development and employment for Indigenous communities be developed, under Commonwealth leadership and collaborative funding arrangements
4. the *Wild Rivers Act 2005* and associated declarations be supported as a valid framework for protecting some of the last remaining free flowing rivers in the world, while protecting Indigenous rights and facilitating sustainable development.



Massey Creek, Stewart River catchment

# Introduction

On the 3 November 2010, the Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon Jenny Macklin MP asked the House of Representatives House Standing Committee on Economics to examine the scope for increasing sustainable Indigenous economic development in Queensland, including in the Cape York region, having regard to the aspirations of Indigenous people and the social and cultural context surrounding their participation in the economy.

On 17 November 2010, the Commonwealth House of Representatives referred the Wild Rivers (Environmental Management) Bill to the House Standing Committee on Economics for Inquiry and Report by the end of the autumn period of sittings in 2011.

This submission addresses the committee's broader inquiry into Indigenous economic development focusing on the primary elements relating to existing barriers to Indigenous economic opportunities, particularly in the Cape York region, and the impact of the Wild Rivers (Environmental Management) Bill 2010, if passed. It necessarily, therefore, deals in detail with the relevance of the *Wild Rivers Act 2005* (the Act) to these fundamental elements.

Whilst there has been significant support for Wild Rivers by Aboriginal leaders, it is recognised that there has also been high profile and vocal opposition to the Act, and that this has been the catalyst for the inquiry.

It is also recognised that opposition has been most heavily sustained in wild river nominations and declarations in regions of northern Queensland, especially Cape York, and for this reason much of the submission's content deals with far north Queensland.

There are many impediments to Indigenous economic opportunities and focusing on economic development in isolation of other constraints will not deliver the enduring wellbeing to which Indigenous people are entitled.

This submission will outline some of those constraints and demonstrate that the very nature of northern Queensland's remarkable land and riverscapes (of which Indigenous people, other Queenslanders and Australians as a whole are rightfully proud) imposes limits on economic development.

It will also endeavour to demonstrate that many people, many organisations and many businesses are investing energy, time and significant financial and other support to improve Indigenous economic opportunities, but that, until the very recent past, few of these investments have delivered enduring, widespread and sustainable results.

It is hoped that this inquiry can be the catalyst for new and culturally appropriate approaches to enduring Indigenous economic opportunity and prosperity, built on the land that sustains them. Success will be based on sustainable and effective governance arrangements in communities and organisations that provide a legitimate and representative voice to express their views. A new approach is required that duly considers and recognises the profound connection Indigenous people have with their country.

# Section 1



# 1.0 Existing environmental regulation, legislation in relation to mining and other relevant legislation including the *Wild Rivers Act (Qld) 2005* and the *Environment Protection and Biodiversity Conservation Act 1999*

The following sections provide an overview of the range of legislation that applies in Queensland that combine to provide for natural resource management (which includes resource allocation, development approvals and environmental protection) and protection and recognition of Indigenous cultural and traditional rights. An analysis, and history, of the *Wild Rivers Act 2005* is provided. This section aims to demonstrate the range of responsibilities that the State has in terms of environmental regulation and the pragmatic approach that has been taken to apply these responsibilities.

## 1.1 Existing environmental regulation

### Overview of environmental regulation

The Queensland Government, like other state governments, administers a wide range of statutes to foster the social and economic wellbeing of the whole community, including its people, environment and industries. These laws, among other things, balance the need for a thriving economy with the need to protect the environment on which Queenslanders depend and ensure natural resources are managed sustainably to provide wealth and quality of life for future generations. Millions of visitors every year enjoy Queensland's unique environments and the tourism industry is a major contributor to the state's economic health. However, the value of these environments is not merely in their aesthetic, tourism and recreational opportunities. A healthy environment with abundant natural resources underpins Queensland's strong economy and the enviable lifestyle and significant growth it has supported. Increasingly, governments are called upon to respond to risks arising from that growth and prosperity, to ensure that development is sustainable now and in the future.

**“What the legislation does in practice is ensure a setback of highly destructive development from sensitive waterways and wetlands (the ‘high preservation area’) and regulates the impacts of development in the major parts of the catchment (the ‘preservation area’).”**

Glenn Walker, wild rivers campaigner with the Queensland branch of the Wilderness Society, Political opportunism trumps good public policy, <www.abc.net.au> 29/09/2010

Environmental legislation, in particular, manages activities and uses that may damage natural values. For example, at a federal level, the *Great Barrier Reef Marine Park Act 1975*, protects the reef's incalculable assets by prohibiting some actions by visitors, sailors, anglers, commercial fishers, industry and ocean-going vessels.

Queensland laws generally apply across the whole state, but, in particular circumstances where special values or needs may occur, some have particular application. In Cape York, for example, there are specific legislative frameworks, such as the *Cape York Peninsula Heritage Act 2007*, or specific elements contained within broader legislation, such as the *Land Act 1994*, that recognise both the unique values and specific cultural dimensions of that landscape. Examples include:

- *Vegetation Management Act 1999*—this Act has special provisions to enable the clearing of vegetation for Indigenous economic development or for Indigenous housing
- *Cape York Peninsula Heritage Act 2007*—the objects of this Act are to:
  - a. identify significant natural and cultural values of Cape York Peninsula
  - b. provide for cooperative management, protection and ecologically sustainable use of land, including pastoral land, in the Cape York Peninsula region
  - c. recognise the economic, social and cultural needs and aspirations of Indigenous communities in relation to land use in the Cape York Peninsula region
  - d. recognise the contribution of the pastoral industry in the Cape York Peninsula region to the economy and land management in the region.
- *Land Act 1994*—the Land Act has provisions relating to lease terms for pastoral leases that enables up to 50-year leases for land that has an Indigenous access and use agreement and up to 75-year leases for land on Cape York Peninsula that is an area of international conservation significance under the *Cape York Peninsula Heritage Act 2007*
- *Wild Rivers Act 2005*—though this Act applies to the whole of Queensland its provisions will only have effect in areas declared as wild river areas.

- *Environmental Protection Act 1994 (Reef Regulation)*—applies to sugarcane growing and cattle grazing properties in the Burdekin Dry Tropics, Wet Tropics and Mackay Whitsunday catchments in North Queensland, providing specific requirements to improve the quality of water entering the Great Barrier Reef.

There is a range of Commonwealth and State legislation that manages the environment and the use of natural resources in northern Queensland.

The following are key legislation that are significant to land and resource management:

- *Aboriginal Cultural Heritage Act 2003*
- *Aboriginal Land Act 1991*
- *Cape York Peninsula Heritage Act 2007*
- *Coastal Protection and Management Act 1995*
- *Environmental Protection Act 1994 (including Reef Regulation)*
- *Environmental Protection and Biodiversity Conservation Act 1999* (Cwlth)
- *Fisheries Act 1994*
- *Forestry Act 1959*
- *Great Barrier Reef Marine Park Act 1975* (Cwlth)
- *Land Act 1994*
- *Land Protection (Pest and Stock Route Management) Act 2002*
- *Local Government Act 2009*
- *Marine Parks Act 2004*
- *Mineral Resources Act 1989*
- *Native Title Act 1993* (Cwlth)
- *Nature Conservation Act 1992*
- *Petroleum Act 1923*
- *Petroleum & Gas Act 2004*
- *Sustainable Planning Act 2009*
- *Torres Strait Islander Cultural Heritage Act 2003*
- *Torres Strait Islander Land Act 1991*
- *Vegetation Management Act 1999*
- *Water Act 2000*
- *Wet Tropics World Heritage Protection and Management Act 1993*
- *Wild Rivers Act 2005*.

The relevant legislation falls into four broad categories:

1. land allocation and management
2. planning and approvals
3. resource allocation and use
4. Indigenous cultural, native title and land rights.

Appendix 1 includes a table that describes each Act and its purpose in more detail.

At Commonwealth and State levels, environment and natural resource legislation operates to ensure:

- the long-term sustainable development of natural resources, recognising it should benefit citizens as a whole community
- environmental protection, recognising the benefits to present and future generations of healthy biodiversity and intact natural values
- the protection and recognition of traditional, cultural and native title rights of the first nation people of Australia.

Within this framework, the *Wild Rivers Act 2005* is ‘an Act to provide for the preservation of the natural values of wild rivers’.

## Wild Rivers legislation

Under the *Wild Rivers Act 2005*, the State’s Minister for Natural Resources, Mines and Energy is empowered, after widespread and thorough consultation with stakeholders and the community of Queensland, to declare a wild river area. This establishes different types of management areas in the catchment of the defined rivers in the wild river declaration area.

In these areas the Act regulates, to differing degrees, particular activities and the taking of natural resources, to preserve the wild river’s natural values.

It adopts a precautionary approach to reduce possible damage to poorly understood ecological functions. It considers not only the effect of individual proposals, but also the cumulative effect of successive proposals.

Its approach to these principles is moderate. It is only in the most important of the management areas (the high preservation areas [HPAs] that cover, at most, only 20 per cent of wild river areas) that the most intensive and invasive industries are not permitted—and even there they may be permitted with stringent environmental conditions. It is noteworthy that in the five years since the Act has operated, no applications for development have been rejected and 141 have been approved (see Appendix 2).

Although all the above-mentioned Acts work together for sustainable use of natural resources, only the *Wild Rivers Act 2005* specifically addresses the impacts of development on rivers that have wild river values.

**“Logically, if you are concerned about the future of our water you will support the protection of our wild rivers.”**

Dr Geoff Mosley AM, former Chief Executive of the Australian Conservation Foundation, The Age, 11/02/2010

It has been argued that the Wild Rivers Act is either ‘not necessary as its purpose can be achieved through other Acts’ or ‘another layer of red tape/regulation that makes development impossible’.

These arguments are contradictory—and neither is correct.

The unique purpose of the Wild Rivers Act is ‘preserving those rivers that have all, or almost all, of their natural values intact’. The importance of this objective is detailed in Section 3.3 of this submission, but the Act achieves its purpose through a development management framework that uses existing legislation for development assessment—principally the *Sustainable Planning Act 2009*. This means applications for development go through the same processes whether they are in or outside wild river areas. The only difference is that in a wild river area the assessment agency, when considering an application, must also consider the requirements of the Wild Rivers Code to ensure that development does not adversely impact those values.

## 1.2 History of the *Wild Rivers Act 2005*

### Origins of the Act

Queensland’s wild rivers legislation is based on the results of more than 10 years of governments across Australia refining their approach to the management of water and river systems. Indeed, as identified here, the Commonwealth Government can claim a significant role in developing the first wild river protection initiatives in Australia.

There were two significant drivers:

- In 1994, the Council of Australian Governments (COAG) endorsed the principles of a strategy proposed by a working group on water resource policy. The group noted that widespread natural resource degradation impacted on the quality and/or quantity of Australia’s water resources. (Environment Australia, April 2004). It proposed pricing reform, consumption-based pricing and allocation of water to the environment (Environment Australia, April 2004).

- Around this time (1992–94), the then Department of Environment and Heritage was developing a Commonwealth wild rivers program that, in particular, was gathering data and making it available to state agencies to identify rivers in near-pristine condition. The program also encouraged protection and proper management of the total catchment of these rivers.

Some 10 years later, on 25 June 2004, COAG members signed the Intergovernmental Agreement on a National Water Initiative. Signatories were the then Prime Minister John Howard and Premiers Bob Carr (NSW), Steve Bracks (Vic), Peter Beattie (Qld), Mike Rann (SA), and Chief Ministers Jon Stanhope (ACT) and Clare Martin (NT).

Under the initiative, governments have made commitments to:

- prepare water plans with provision for the environment
- deal with over-allocated or stressed water systems
- introduce registers of water rights and standards for water accounting
- expand the trade in water
- improve pricing for water storage and delivery
- meet and manage urban water demands (Australian Government National Water Commission, [www.nwc.gov.au](http://www.nwc.gov.au)).

One of the actions required by the National Water Initiative (NWI) agreement was for state and federal governments to ‘*identify and acknowledge surface and groundwater systems of high conservation value, and manage these systems to protect and enhance those values*’ (section 25 (x)).

The same year (2004) the then Premier of Queensland, the Honourable Peter Beattie announced an election commitment to introduce a wild rivers policy that would:

- preserve the state’s remaining pristine or near-pristine rivers for current and future generations
- protect them from further loss of natural values
- consider the whole of the catchment in preserving those values.

The values were given as water and sediment flow patterns, water quality, riparian vegetation and wildlife corridor function.

The election commitment identified 19 river basins throughout Queensland that were considered to have all, or almost all, of their natural values intact.

The *Wild Rivers Act 2005* was born into a modern Australia that already recognised the need for such legislation: in the year of its introduction the



Commonwealth Department of Environment and Heritage Australia published a discussion paper: *Protecting Australia's rivers, wetlands and estuaries of high conservation value*.

The paper reflected not only on the need for reform in managing Australia's rivers, wetlands and estuaries, but also on the shift towards their protection for future generations. It outlined the high cost of rehabilitation as opposed to protection (see Section 3.3). It clarified that although a national framework could support consistent identification and strategic investment, the states and territories were primarily responsible for the protection of rivers, wetlands and estuaries of high conservation value.

The discussion paper made a number of recommendations that are significant when considering the origins of the Wild Rivers Act. They included:

- water-quality policies and management should link to planning, assessment and controls that protect identified aquatic ecosystems
- river-management planning of these areas needs to explicitly incorporate rivers and their dependent ecosystems in management plans, recognising catchment processes and hydrological connections
- statutory resource and land-use plans, including river-management plans, should assess and control potentially harmful impacts on these ecosystems across their whole catchments.

The Wild Rivers Act addresses the paper's recommendations. It also responds to the paper's analysis of the inadequacies of state and territory protection tools (as at 2004–05) for Australia's high conservation value rivers (see Appendix 3).

An important part of the process for developing the Wild Rivers Act involved circulation of a wild rivers policy consultation paper to key stakeholder representative groups including native title bodies and other peak Indigenous groups (Carpentaria, Cape York, and far north Queensland land councils, Balkanu Cape York Development Corporation and the Queensland Indigenous Working Group), conservation groups, Queensland Resources Council and AgForce.

Submissions from these and other key stakeholder groups were considered in the drafting of the Wild Rivers Bill 2005 which was introduced into Queensland Parliament on 24 May 2005 and passed, following minor amendments made at the Bill's second reading, on 28 September 2005.

The Wild Rivers Bill 2005 was enacted on the night of 28 September 2005 and received the assent of the Governor on 14 October 2005.

## The first wild river nominations

The first six river systems nominated (in December 2005) under the new Wild Rivers Act were Fraser Island, Hinchinbrook Island and four Gulf of Carpentaria river systems (Staaten and Gregory rivers, Settlement Creek, and Morning Inlet).

A significant program of consultation and community engagement was conducted on all aspects of the proposed declarations.

Public submissions were initially invited across nine weeks for the Hinchinbrook proposal, 10 weeks for the Fraser proposal and 11 weeks for the four proposals in the Gulf of Carpentaria. In response to calls by stakeholders in the Gulf, the submission period on the latter four proposals was extended by two months—to 24 April 2006. The Hinchinbrook and Fraser Island proposals were not affected.

The Act is supported by the Wild Rivers Code, which identifies the requirements some types of development must meet before they can be approved in a declared wild river area. The code ensures development and other activities in a declared wild river area do not impact on the natural values and health of the river system and operates like other development and planning codes such as those under local government planning schemes.

A draft of the Wild Rivers Code accompanied the release of the first six wild river declaration proposals in December 2005. Consultation on the code occurred in conjunction with consultation on the wild river declaration proposals, with submissions closing on 24 April 2006.

Between late 2005 and mid-2006, consultation was undertaken with stakeholders, including Indigenous land holders, miners, graziers, environmentalists and peak bodies. Input by stakeholders led to legislative changes, and on 24 July 2006 the Premier of Queensland, the Honourable Peter Beattie, announced the proposed amendments 'will balance vital environmental protections with a sensible approach to the needs of the communities living along and nearby the rivers'.

The Wild Rivers and Other Legislation Amendment Bill 2006 (enacted in December 2006) introduced measures to respond to stakeholder and community feedback, including:

- allowing for low-impact mineral exploration in high preservation areas (HPAs)
- open-pit mining to remain prohibited in HPAs, but underground mining permitted subject to strict environmental conditions

- greater certainty for pastoralists about what can occur in HPAs. This included domestic crops, improved pastures, and normal operational activities
- permits for a range of essential community services in urban areas—even in HPAs—including water and sewage treatment, and motor mechanic and fuel storage areas
- support for outstations, rural homesteads and resort complexes by allowing for certain moderate-impact activities such as fuel storage and access to quarry materials for rural homesteads
- clarification of where wild river requirements would apply to future developments outside HPAs.

At this time, the Northern Gulf Catchment Group Natural Resource Management Body and the Cape York Peninsula Development Corporation (CYPDA) opposed the Wild Rivers Code, but consultation and negotiations with these groups—and with other stakeholders and peak industry bodies—led to positive changes to its content.

After more than a year of consultation, including travelling thousands of kilometres to remote communities and grazing properties, intense negotiations with peak stakeholder groups involving widespread discussions on the declaration proposals and the draft Wild Rivers Code, the six original nominations were declared as wild river areas on 23 February 2007. At the same time the Wild Rivers Code was enacted, reflecting the input from stakeholders.

## Wild rivers and the Cape York Peninsula Heritage Act 2007

The *Wild Rivers Act 2005* was further amended by the introduction of the important *Cape York Peninsula Heritage Act 2007* (CYPHA). The Act, proclaimed on 2 November 2007, aims to:

- ensure ecologically sustainable use of land, including pastoral land, on Cape York
- recognise the economic, social and cultural needs and aspirations of Indigenous communities in relation to land use in the region
- recognise the contributions of the pastoral industry to the economy and to land management in the region
- identify significant natural and cultural values of Cape York.

The CYPHA was developed in consultation with the Cape York Land Council, the Wilderness Society, AgForce and the Queensland Resources Council, to address the specific land use challenges of the Cape

and set down the following noteworthy principles (points of special interest to this inquiry are noted in bold type):

- designated Indigenous community-use areas on Aboriginal land suitable for **aquaculture, agriculture or grazing** and that create, for those areas, a capacity for clearing under the *Vegetation Management Act 1999*
- the ability for land trusts with land in existing and proposed national parks to work together to negotiate resources and joint management arrangements—**providing mechanisms for the creation of Cape York Peninsula Aboriginal land (CYPAL) national parks**
- identification of resources for an **Indigenous arts program** and assessment of other **economic development opportunities**
- provision for the **protection of native title rights in the Wild Rivers Act 2005**
- provision in any wild river declaration or water resource plan for a **reserve of water to help Indigenous communities on Cape York achieve their economic and social aspirations** (an Australian first in the management of water for the benefit of Indigenous communities).

Significantly, Premier Peter Beattie announced:

‘After months of negotiation between our government, the Indigenous community, conservation interests, the mining industry and the pastoral industry, we have reached agreement on the resolution of outstanding land tenure and management issues on our beautiful Cape York Peninsula ... The agreement reaches common ground between Indigenous and non-Indigenous people and between conservation and development interests ... It is a framework for the future to undertake ecologically sustainable development in the region.’

It should be noted that the *Cape York Peninsula Heritage Act 2007* removed any doubts about the impact of wild rivers legislation on native title rights. Nevertheless, misinformation on this point triggered the following comments, on 9 June 2010, from Minister for Natural Resources, Mines and Energy and Minister for Trade, the Honourable Stephen Robertson:

‘We have always understood that our wild rivers legislation cannot override the Commonwealth’s Native Title Act. Even with this understanding, our government went further to ensure native title rights were explicitly protected under the Wild Rivers Act. This was done at the request of Mr. [Noel] Pearson and the Cape York Land Council during negotiations about the Cape York Peninsula Heritage Act in 2007.’

## Wild river nominations on Cape York

On 23 July 2008, the Queensland Government announced its intention to declare the Archer, Stewart and Lockhart river basins as wild river areas, with four months provided for public submissions. It also announced the government had joined with the Balkanu Cape York Development Corporation—an Aboriginal economic development corporation closely linked with Cape York Land Council and Cape York Institute through its directors and chairpersons—to inform communities across Cape York about the proposals.

Balkanu's role in communicating the proposals and aiding the consultation process were negotiated with the Chief Operating Officer with input by Executive Director and Chairman of Balkanu and the then Cape York Land Council Chairman. Balkanu were engaged by the State in this role until the completion of the contract arrangements in November 2008 (Appendix 4 provides details about consultation with Indigenous communities).

At the time of Balkanu's engagement, Queensland Minister for Natural Resources and Water the Honourable Craig Wallace said (23 July 2008): 'This partnership will ensure Traditional Owners across these basins are fully aware of the proposed declarations and what they mean for their country.'

The Archer, Stewart and Lockhart wild river areas were declared on 3 April 2009 and were met with considerable controversy by Mr Noel Pearson and the Balkanu Cape York Development Corporation.

Whilst the Queensland Government welcomed open and transparent discussion of wild river issues, it has been surprised by the persistent misinformation spread among Cape York communities and in the media.

Misinformation, such as that the Wild Rivers Act destroyed native rights and locked up land like a national park, raised unnecessary fear in remote communities. The government has made attempts to correct this, even offering support of project development, but despite this, the misinformation has continued. Some of the information raised, together with the facts for comparison, is detailed in Table 1.

One particular example is, in response to concerns expressed that a proposed fishing lodge on the Archer River would be severely impacted by its declaration as a wild river, Minister for Natural Resources, Mines and Energy, the Honourable Stephen Robertson wrote to the person publicly expressing concern offering support for the project. The letter (10 November 2009) stated:

'there is no doubt in my mind such a development could in fact occur in the Archer River high preservation area and is very much compatible with a wild river declaration.'

In this letter the Minister offered financial and technical support (see Attachment 1) to assist with such a project. There has been no response.

Similarly, the Minister met with the Director of the Cape York Institute and discussed greater opportunities for Indigenous participation in consultation, greater assistance to Indigenous economic development and greater security for the employment of Wild River Rangers. A letter was subsequently delivered to the Institute (see Attachment 2) on 24 December 2009, and despite a commitment to consider the proposals the Queensland Government has yet to receive a response.



Missionary Bay, Hinchinbrook Island

**Table 1: Statements made about wild river declarations**

<p><b>Indigenous people can't even build an outhouse without applying for permission on their own homeland.</b></p> <p>Outhouses and other basic forms of development associated with existing development are not affected by a wild rivers declaration. The approval requirements for structures that are ancillary to a dwelling house or other forms of existing development are already regulated by the State's building legislation, which applies equally to all local government areas in Queensland, including those areas that may be Indigenous homelands. Structures that are not associated with a dwelling may, in some instances, require a development approval. If this is the case, the integration of wild rivers provisions with existing requirements ensures the process for development approval remains the same.</p>
<p><b>For Indigenous people, who have English as their second or third language, making an application could be a nightmare.</b></p> <p>A wild river declaration works through existing development assessment frameworks, making the application for any development outside of a wild river area the same as within a wild river area, except the assessment manager needs to consider the Wild Rivers Code. Staff within each assessing agency are available to assist applicants with the preparation and lodgement of development applications. Wild rivers staff have also provided assistance to communities seeking to progress a development proposal.</p>
<p><b>Wild Rivers is supposed to allow opportunity to sustainable business, but how for example, could you put a sustainable fishing business further than 1 km from a river?</b></p> <p>Sustainable aquaculture enterprise can occur in wild rivers areas. Water to support such industry can be made available from the Indigenous water reserve and high impact development, such as holding ponds can be located outside the high preservation area. Supporting infrastructure, such as buildings, camp grounds, facilities such as ablutions blocks, etc, are not prohibited from within the high preservation area. Staff from assessing agencies can work with applicants on proposals that meet the requirements of each assessing agency. These discussions and negotiations are a normal part of the development applications process.</p>
<p><b>A wild river declaration is like a catchment scale national park, it is all locked up</b></p> <p>A Wild rivers declaration is not the same as declaring a national park as development can continue to occur throughout wild river areas whereas development cannot occur or is extremely limited in national parks. Wild rivers declarations do not change land tenure, whereas national park declarations change tenure.</p>
<p><b>The Queensland Government deceived Indigenous people by first stating that only three rivers would be affected, and later changed this to 13 basins.</b></p> <p>The 2004 wild rivers election commitment identified 19 wild rivers and was accompanied by a map which clearly showed the proposed areas, based on basins and not individual rivers. The legislation states: "treating a wild river and its catchment as a single entity, linking the condition of the river to the health of the catchment" part 1, s3 (3c) of the <i>Wild Rivers Act 2005</i>.</p>
<p><b>Pastoralists cannot build small off-stream dams to water their cattle.</b></p> <p>Off-stream dams can be constructed without requiring a development permit (self-assessable development), if they are for watering stock or domestic purposes and are constructed within the specified requirements.</p>
<p><b>Any wild river declaration would 'lock up' land for future development within the high preservation area.</b></p> <p>Development can occur in wild river areas, and even in the high preservation areas, if it meets the requirements of the <i>Wild Rivers Act 2005</i>. For example, tourism huts can be built within the high preservation area.</p> <p>New development activities, such as agriculture, horticulture, quarrying, eco-tourism, fencing and aquaculture, can still occur providing they don't adversely impact on the natural values of a wild river.</p> <p>Native title rights, Indigenous cultural heritage rights and land tenure are not affected by wild river declarations, and existing traditional activities and day-to-day farming activities, such as feeding livestock, refuelling machinery, fishing and camping, can still continue along the rivers.</p> <p>In late 2006, the Act was amended to allow for further development opportunities, including greater access to quarry material for roads and building construction, as well as enabling essential services which may be required in remote communities.</p>
<p><b>Wild Rivers reduces or removes native title rights.</b></p> <p>The <i>Wild Rivers Act 2005</i> specifically protects the rights of Indigenous people to exercise and enjoy their native title rights.</p>
<p><b>Wild Rivers means more onerous red tape.</b></p> <p>Development in a wild river area follows normal planning processes. There is no extra paper-work for the applicant, but the relevant local government, or assessment manager, must ensure the application meets any wild river requirements, as well as other relevant statewide building codes or planning regulations.</p>

## Declaring the Wenlock

Following the declaration of the Archer, Stewart and Lockhart wild rivers, the government announced (10 December 2008) its intention to declare the Wenlock River Basin as a wild river area. Six months was provided for public submissions and consultation.

The Wenlock wild river basin nomination triggered considerable interest from a number of stakeholders, including Traditional Owners, mining interests and conservation interests. Much information was gathered and many submissions received in the consultation period, all of which were considered in the declaration process.

**“The Wenlock River Basin is one of the world’s most pristine ecosystems. Declaring the river as a wild river means that it will be protected and preserved for future generations.”**

Terri Irwin, Australia Zoo, Sunshine Coast Daily, 06/09/2010

The consultation program used a range of communication strategies and continued past the closing date for submissions (29 May 2009). The Act specifies a minimum period of 20 business days for people to make submissions on the declaration proposal. A period of more than five months was allowed for people to make written submissions. A total of 3,926 submissions were received on the Wenlock Basin Wild River Declaration Proposal. The importance of this feedback was recognised by the release of the Wenlock Basin Wild River Declaration Proposal Issues Report in December 2009, setting out the matters that had been raised in submissions.

Consultations with stakeholders, including meetings held on-country, occurred both before and after release of the declaration proposal, allowing numerous opportunities for face to face discussion and input. Representative stakeholders included Traditional Owners, land trusts, local governments, graziers, mining companies, tourism operators, conservation and environmental groups, commercial business operators and community organisations. A petition in support of protecting the Steve Irwin Wildlife Reserve received over 280,000 signatures.

**The Wenlock River has the richest freshwater fish diversity of any Australian river, and supports a critical population of critically endangered spear-tooth sharks, endangered freshwater saw fish and the vulnerable estuarine crocodile.**

However, the most prominent issue, and one that commanded much media attention, was the proposal by Cape Alumina, a bauxite mining company, to develop strip mining at the ecologically significant Coolibah Springs complex, also known as the Steve Irwin Wildlife Reserve, in the Wenlock catchment.

The area is recognised for its high conservation status. Indeed, its values are so strong that the surrounding property (Bertiehaugh Station) was gifted to a trust in recognition of the late Steve Irwin’s contribution to conservation. The property (now called the Steve Irwin Wildlife Reserve) was donated for a wildlife reserve by the Howard Commonwealth Government after Mr Irwin’s death.

The Coolibah Springs complex comprises a series of perched springs that feed into the Wenlock River. The area has significant rare and threatened flora and fauna species, including six plant species which are highly vulnerable and four plant species which have never been recorded on the western Cape York, as well as significant fauna such as the red goshawk (vulnerable); palm cockatoo (near threatened) and the marbled frogmouth (vulnerable). The Coolibah Springs complex has been described as an area of unique ecological function, which supports significant biodiversity (Lyon & Franklin; 2009), and as an important perennial source of water.

The Wenlock Basin Wild River Declaration took effect on 4 June 2010. The basin is one of the world’s most pristine catchments, and its declaration was based on scientific analyses, community consultation and submissions.

Following the declaration, Cape Alumina advised ASX that their proposed mining venture in the Wenlock was halted by the wild river declaration. As intrusive development is prohibited in the high preservation area of a wild river, it is the case that the declaration reduced the scope of proposed mining in that area, and hence the volume of resource that may be available from that location. However, it is also the case that there was no pre-existing authorisation to mine, and even without wild rivers legislation, the proponent would have had to satisfy environmental regulations, including the Commonwealth’s *Environmental Protection and Biodiversity Conservation Act 1999*, and potential impacts on species of national significance, listed under that Act as vulnerable to extinction.

The Wenlock River is free flowing from source to sea. It supports significant natural values. It supports the highest number of freshwater fish species of any Australian river, including the whiptail ray, freshwater sole and endangered sawfish. The Wenlock Basin

also contains rare and threatened plants, birds and marine and estuarine life including dugong, Australian snubfin dolphins and estuarine crocodiles. The basin's vegetation is extremely diverse with 118 different regional ecosystems occurring in the catchment. The rainforests of the Wenlock provide crucial habitat for the spotted cuscus, magnificent riflebird, trumpet manucode, orange-footed scrubfowl and the amethystine python.

The Wenlock declaration not only achieves protection of these values, but achieves the Commonwealth's stated objectives to identify rivers in near-pristine condition and encourage protection and proper management of the total catchment of these rivers (see Section 1.2).

## Further identified potential Cape York wild river areas

There are a further eight river basins on the Cape York Peninsula that have been identified as possible wild river areas. These basins are the Jeanie, Jacky-Jacky, Ducie, Jardine, Olive-Pascoe, Holroyd, Watson and the Coleman rivers. These river systems all reflect the high degree of naturalness of the Cape York region. No declaration will be made, however, until a full and comprehensive consultation process has been completed.

## Lake Eyre Basin wild rivers

At the 2009 election, the Queensland Government committed to extend wild rivers protection to Cooper Creek and the Georgina and Diamantina rivers in Lake Eyre Basin. The basin is one of the world's last arid river systems not impacted by large dams or weirs. Wild rivers protection would preserve the region's iconic and unique river system and safeguard the natural values that are vital to sustainable grazing industries.

In 2009 and 2010, the Department of Environment and Resource Management (DERM) delivered a stakeholder consultation program in the Lake Eyre Basin region that sought stakeholder feedback on issues that a wild river declaration may need to address. This feedback was incorporated into a Lake Eyre Basin wild rivers policy consultation paper. The paper was released on 24 March 2010 for public comment until 28 May 2010.

The 19 submissions received were considered in the development of legislative amendments to the *Wild Rivers Act 2005* and other legislation. These amendments were made to accommodate the unique biophysical and land-management systems of Lake Eyre Basin. The *Water and Other Legislation Amendment Act 2010* (WOLA 2010) was enacted by the Queensland Parliament in November 2010. WOLA 2010 reflected feedback received from Lake Eyre Basin stakeholders as well as feedback the government has been receiving from Cape and Gulf based stakeholders. This included greater access to quarry material for remote communities; and further clarification of the recognition of existing authorisations for the clearing of native vegetation. There was significant support for the proposed legislative changes among many stakeholders, including key bodies such as AgForce Queensland, local governments and the Australian Floodplain Association.

Of note, the *Water and Other Legislation Amendment Act 2010* explicitly states market gardens up to 4 ha are not affected in any way in HPAs in wild river areas. This ensured smaller-scale economic enterprises for Indigenous families are not impeded. While not previously prohibited by the wild rivers framework, the amendment was introduced following a submission by Balkanu Cape York Development Corporation on the proposed Wenlock wild river declaration (29 May 2009) to put beyond doubt that such developments were allowed.

The proposal to declare Cooper Creek basin—the largest catchment in the Lake Eyre Basin and Australia's largest inland river system—as a wild river area, was released on 14 December 2010. A consultation and submission process has begun and will be undertaken over the four-and-a-half-month period that runs until 29 April 2011. Consultation will occur with Traditional Owners, local government, the grazing industry, mining industry, the petroleum and gas industries, communities and other stakeholders in the Cooper Creek Basin.

The basin is the largest catchment in the Lake Eyre Basin, known for its vast flood and alluvial plains in the Channel Country. It is an iconic and unique part of the state's natural heritage. Cooper Creek is one of Australia's most important inland rivers, exhibiting

exceptional and largely intact natural values that also support significant scenic and cultural values and economic activities such as grazing and tourism (similar to the Gulf and Cape York Peninsula).

Grazing in the basin forms one of the most profitable agricultural operations in Australia. Its survival is dependent on a number of environmental features of the Cooper Creek, such as waterholes for stock watering, natural flow regimes, and vast native grasslands on the floodplains. Preserving the natural values of the Cooper Creek basin will support the unique environmental features upon which the grazing industry relies.

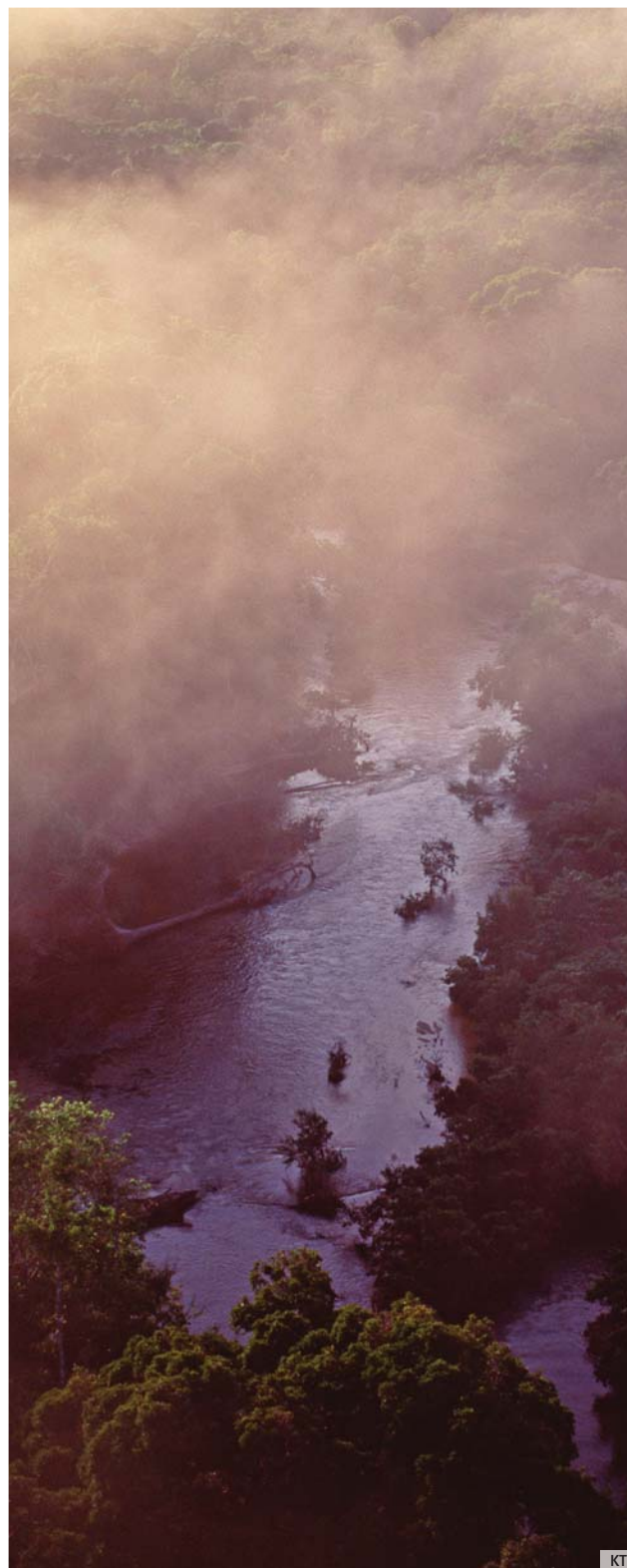
Declaration of Cooper Creek basin as a wild river area will ensure this unique river system and its natural values will remain healthy and resilient for current and future generations. It also supports the Lake Eyre Basin Intergovernmental Agreement, signed by the Commonwealth, Queensland and South Australian governments in 2000 and joined by the Northern Territory Government in June 2004 for the sustainable cross-border management of water and related natural resources. The Ministerial Forum, formed under the agreement, has established policies to ensure that flow regimes of river systems within the agreement area will be managed to protect and maintain the ecological integrity and natural function of in-stream and floodplain ecosystems, and the viability of economic, social, cultural and other activities which do not threaten these environmental values. The wild rivers framework effectively provides for that policy outcome.

The South Australian Acting Minister for Environment and Conservation, the Honourable Gail Gago MLC wrote to the Queensland Minister for Natural Resources, Mines and Energy and Minister for Trade indicating support for wild river declaration proposal for the Cooper Creek stating, 'These rivers and associated wetlands are of great national and international significance. The proposal to declare them wild rivers is another significant step in protecting these systems, and is consistent with the Lake Eyre Basin Intergovernmental Agreement 2000'. (Gago 2011)

A wild river declaration proposal for the Georgina–Diamantina basin is scheduled for release and consultation in 2011.

## Review of the Wild Rivers Code

A further round of consultation on the Wild Rivers Code will occur in 2011, and this will result in amendments if required to ensure that the Code continues to be relevant, adaptable and practical. Amendments will reflect community input as well as changes that have been made as a result of the *Water and Other Legislation Amendment Act 2010* and other legislative changes.



Nesbit River, Lockhart River catchment

# Section 2





## 2.0 Possible impact of Wild Rivers (Environmental Management) Bill 2010, if passed

The Wild Rivers (Environmental Management) Bill 2010 appears to provide a group of persons the right to veto the application of environmental protection legislation (the *Wild Rivers Act 2005*) and extend Indigenous rights beyond those embodied in the Native Title Act within wild river areas. It also could create conflicts in communities where there is diversion of views. The following section will elaborate on these issues and others regarding the current drafting of the Bill, the uncertainty for development and the effect on environmental protection that is likely to result if the Bill were passed.

### 2.1 Native title issues

The Bill appears to provide a power of veto for individuals and for all owners of Aboriginal land over any wild river declaration. This provides a power beyond any held by freehold owners in declared wild river areas. It is also not a power available under any other Act of Parliament, including for regulation of mining, land use planning or health.

Indeed, such a power is one not enjoyed by any other Australian citizen or community in any other place and its introduction raises serious implications for the responsible protection of the environment across Australia by elected governments (see section 2.3).

The Bill states in clause 4(3)(a) that it aims to ‘protect the rights of Traditional Owners of Aboriginal land ...’. The Bill does not define the word ‘rights’ nor provide any framework for determining these ‘rights’, but it appears to offer protection beyond what is understood as native title rights or even traditional rights. The ‘Definitions’ (clause 3) state that Aboriginal land is to include land where native title exists—under the principles of the Native Title Act this may include land where native title has not necessarily been resolved.

If the Bill is intended to extend the rights afforded to native title holders, a more appropriate mechanism would be amendment to the Commonwealth’s *Native Title Act 1993* (NTA). This Act already provides the framework and processes to recognise and protect native title rights and interests—and is within the jurisdiction of the Commonwealth Government to address.

There are also numerous inconsistencies between the Bill and the NTA. For example, the Bill uses expressions that are not in the NTA such as ‘Traditional Owner’ and ‘native title land’. The Bill also defines land as

including waters, which is directly inconsistent with the separate definitions of land and waters in section 253 of the NTA. The provisions in the Bill are poorly drafted, and therefore largely unworkable.

### 2.2 Indigenous Consent

The Bill makes provision for declaration of a wild river only with the consent of Indigenous owners. Indeed, the Bill goes further, stating: ‘The development or use of Aboriginal land in a wild river area cannot be regulated under the relevant Queensland legislation unless the owner agrees in writing.’

**“We are the Traditional Owners of the land and we support the Wild Rivers declaration. This protection really secures our significance, our country and our rights and where we belong.”**

Cecil Arthur, Taepithiggi representative and Traditional Land Owner, Sunshine Coast Daily, 06/09/2010

The Bill provides eight different definitions of ‘owner’, and does not indicate that the lack of consensus among them is acceptable. Accordingly, the resistance of any one owner would have the power of blocking the wishes of the majority, effectively rendering ‘consent’ unworkable and therefore the wild rivers legislation, even if supported by communities, unworkable.

Such a power is not available to any other Australian citizen or community in a wild river area or in any other part of our nation. For example, freehold rights of citizens in urban areas are subject to environmental regulation (for example, the felling of trees over a certain size in suburban gardens requires a permit) and in certain cases, where the common good is concerned, compulsory acquisition of land.

### Indigenous Land Use Agreements

The Bill’s provision for owners’ agreement (to a wild river declaration) to be obtained under an Indigenous Land Use Agreement (ILUA) poses an unnecessary cost and time imposition on government and Indigenous communities.

Clause 6 of the Bill states that where native title exists, the agreement of an owner may be obtained by an Indigenous Land Use Agreement (ILUA). ILUAs are designed specifically to deal with native title matters and under the NTA must meet specific requirements to be authorised and registered.

Most categories of ‘owner’ in section 3 of the Bill are not native title holders. There will be multiple parties involved as ‘owners’, many of whom will have no native title rights and are not subject to ILUAs.

For example, the NTA sets out a list of subject matters for ILUAs. An ILUA must cover a matter relating to the native title rights and interests to be registered. Therefore, an ILUA could not be negotiated with an owner who was not a native title holder unless it also dealt with native title rights and interests.

This increases the complexity and time required to negotiate such agreements. Also, the making of a wild river declaration is not a future act<sup>1</sup> (see section 9.1 of this submission); therefore any agreement on a wild river declaration, as proposed by the Bill, would not be dealing with native title rights and interests.

The State’s experience is that the development of ILUAs can be very time consuming, sometimes taking years to successfully reach agreement. The Bill sets out time limits for achieving consent of six months for existing wild river declarations—meeting such a timeframe is virtually unachievable.

ILUAs are also costly. The parties usually require specialist legal advice and help in drafting the agreement and there are costs involved in authorising the ILUA in accordance with the NTA requirements.

The National Native Title Tribunal, which is responsible for helping parties negotiate and register ILUAs, states:

‘ILUAs are not always the best way to proceed. For example, the requirements of an ILUA can be too complex or time-consuming for someone wanting to do an individual future act which has little impact on native title.’<sup>2</sup>

Wild river declarations are not a future act and do not impact on native title, therefore ILUAs are not an appropriate mechanism for demonstrating consent.

## 2.3 Impact of the Bill on State’s Rights

As a sovereign State, the Parliament of Queensland has the power to make laws for the peace, welfare and good government of the State in all cases whatsoever. This full plenary power<sup>3</sup> for the State to legislate is provided for in both in section 2 of the *Constitution Act 1867* (Qld) and section 2 of the *Australia Act 1986* (Cwth). This legislative power, when combined with the State’s responsibility for environmental protection from

the Commonwealth Constitution, has been successfully used by the Queensland Government to protect and regulate the use of the environment through the legislation mentioned in section 1.1.

There is no express power in the Commonwealth Constitution for the Commonwealth Government to legislate in respect of environmental protection. The States have therefore been primarily responsible for enacting legislation for environmental protection through the regulation of activities and development. The State of Queensland has a successful regulatory regime for environmental protection (see legislation mentioned in Section 1.1). However and since the 1970s, the Commonwealth Government has used other heads of power, such as the external affairs power, to legislate an additional layer of environmental regulation and protection (see for example the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth)).

The effect of the consent provisions in the Bill would be to undermine and remove the Queensland Parliament’s power to protect and regulate the environment in areas declared as wild river areas unless consent of Indigenous owners of the land is obtained. This is an intrusion into the lawful legislative powers of the State by the Commonwealth and overrides the legislation of a democratically elected Parliament. It would make successful natural resource management impossible, as resources need to be managed as a whole.

The Queensland Government is concerned the Bill, if passed, would set a dangerous precedent for Commonwealth intrusion into lawful State environmental protection legislation and erode the ‘cooperative federalism’ that has taken place between the Commonwealth and the States for environmental matters.

To date there are not many examples where the Commonwealth has sought to override a State’s environmental protection legislation. For example, the *Commonwealth’s Environment Protection and Biodiversity Act 1999* utilises bilateral agreements with the States for the joint assessment of certain projects. The Environment Protection and Biodiversity Act does not oust the jurisdiction of the States for the assessment of environmental impacts of activities, but it is a complementary layer of assessment, and only in defined cases where the Commonwealth has power to regulate the environment pursuant to other heads of power under the Commonwealth Constitution<sup>4</sup>.

1 Proposed activities or developments that may affect native title are classed as ‘future acts’ under the Native Title Act

2 Page 7, Steps to an Indigenous land use agreement, National Native Title Tribunal, at [http://www.nntt.gov.au/Publications-And-Research/Publications/Documents/Booklets/ILUA\\_steps.pdf](http://www.nntt.gov.au/Publications-And-Research/Publications/Documents/Booklets/ILUA_steps.pdf)

3 Excludes however the power to engage in relations with countries outside Australia

The Queensland Government maintains that it is not appropriate for the Commonwealth to override a legitimate State law. The passing of the Bill would erode the State's legislative powers and threaten a cohesive natural resources and environmental management system.

## 2.4 Impact of the Bill on environmental and cultural outcomes

### Need for catchment-wide agreement

Fundamental to the wild rivers framework is recognition that actions in one part of a river system can cause harm well downstream in another part of the system. For example, clearing of native vegetation in the riparian zone in the upper catchment of the Stewart River could increase nutrient input from increased sedimentation which may have harmful effects on the Great Barrier Reef as a result of freshwater flows into the sea.

A holistic approach to managing development activities underpins wild river declarations and is the reason for declaring wild rivers on a whole-of-catchment basis. However, the Bill, if enacted, would enable Traditional Owners in one part of a wild river area to veto a declaration while Traditional Owners in another part may have provided consent.

Without the ability to manage such development appropriately, this may result in harm to water quality, plant and wildlife many kilometres downstream. Similarly a barrage or in-stream barrier in the lower end of a river system may prevent fish and other aquatic fauna migrating from estuaries to up-stream areas; or it may disrupt aquatic plant growth, with potentially serious consequences for ecosystems and depleting traditional food resources throughout the system.

**“It is of great comfort to us that there are people within the Queensland Government who care deeply about the preservation of our beautiful rivers and wetlands and who also want to listen to Indigenous voices speaking out about important issues that effect our Indigenous life so profoundly.”**

Elders of Uniting Church Congregation of Aurukun, In their submission to the Archer River Basin Wild River Declaration Proposal.

In short, the impacts and implications of a single development can extend far from the actual site of that development, affecting the high conservation values that the wild rivers framework sets out to preserve.

### Holistic approach protects Indigenous aspirations

Rivers play an important role in Indigenous culture, as the lifeblood of communities, providing food and defining cultural responsibilities. Aboriginal leaders and elders have advised the Queensland Government that inappropriate development in and around rivers can be culturally damaging. Current legislation, such as mining legislation, while it provides the ‘right to negotiate’, does not provide the ability for Traditional Owners to stop mining in a watercourse. A wild river declaration does ensure that high impact development occurs outside of the high preservation area (HPA), and that any development in the HPA does not impact on natural values.

**“The majority of the people ... would rather have the sustainable rivers so we can continue as we have for thousands of years to draw our food and nourishment from those rivers.”**

Murradoo Yanner

Rivers are important physically and spiritually to Traditional Owners. Cultural links to waterways include ancestral travel ways, birthing places, ceremonial sites, occupational sites, traditional laws and customs and knowledge, such as seasonal changes in food supplies. To be fully valued, these aspects, which are often further culturally inscribed in song, dance, language and design, need to be considered within the total landscape context. Individual Aboriginal and Torres Strait Island cultural heritage items are protected under the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Island Cultural Heritage Act 2003*, however the *Wild Rivers Act 2005* provides safeguards for the total riverine environment where a lot of these assets occur.

The Mapoon Aboriginal Shire Council in its submission on the proposed Wenlock wild river declaration highlighted story places; archaeological evidence of ancestral Traditional Owners lives, including scar trees, shell mounds [middens] and stone artefact deposits; and remnants of early European contact such as Holland Yard, Narapan Landing, and the Old Mapoon

4 For example, the Commonwealth may use the external affairs power to regulate the environment in accordance with Australia's international treaty obligations.

Outstation site at Batavia Landing as cultural sites important to the community and worthy of protecting. The Council also considered the preservation of estuarine crocodile breeding habitat in the Tent Pole Creek system to be particularly important for sustaining community cultural practices.

The Chuulangun Aboriginal Corporation in its submission on the Wenlock Wild River Declaration Proposal advised that:

“the Wenlock River basin holds significant cultural values for its Traditional Owners. It features many significant story places as well as sacred ceremonial grounds [Ngaachi Kuu’ul Kincha], totemic sites and areas of rock carvings and paintings. The whole Wenlock and its tributaries have enormous cultural significance as the Creator of all Kuuku l’yu Ngaachi under the umbrella of Pianamu [Rainbow Serpent]. We are obliged under Kaanju law and custom to look after our Ngaachi in a sustainable manner. In return, our stories which are the land will look after us physically, culturally and spiritually”.

The Corporation also expressed concern about uncontrolled visitor use destroying a core story place on the Wenlock, Malandaji—Lightning, Thunder and coming of the wet season and how resultant erosion and land degradation in the locality had severe consequences for the story to carry out its role in Kaanju cosmology, and ultimately for the sustainability of the land and waters. Accordingly, new developments in the wild river area should be consistent with maintaining the natural values of the Wenlock River.

The Council of Elders, Aurukun Uniting Church Congregation in its submission on the Archer River Wild River Declaration Proposal stated “legislation and proposals that support the ongoing health of healthy ecosystems for our native plants and animals and our traditional hunting and fishing activities, ‘clean and green’ economic activities such as eco-tourism and cultural tourism, and important social and spiritual values, can only be good for the heart and spirit of the Wik peoples of Aurukun”.

The removal of a wild river declaration would put natural values of the wild rivers at risk. It is through the holistic approach to preserving the natural values of these systems from certain types of invasive development that cultural outcomes are also far more likely to be maintained.

## 2.5 Impact of the Bill on Indigenous economic aspirations

Sub-section 4 (2) of the proposed Bill states ‘ ... this Act be a special measure for the advancement and protection of Australia’s Indigenous people.’

However, there is no detail of how this will occur, or any requirement under the Bill to ensure it will occur if the Bill is enacted. The Bill does not demonstrate how advancement and protection will be achieved, nor specify exactly what Indigenous people are to be protected from, or in what areas advances will be made.

A wild rivers declaration offers opportunities for economic development that are consistent with Traditional Owner aspirations for long-term sustainable development. This is consistent with Indigenous recognition of the interconnection of environmental, cultural and social wellbeing—an important concept in Indigenous understanding of health. For example, a number of Indigenous people have told Department of Environment and Resource Management (DERM) staff they want their natural and cultural environments protected so they can:

- source food from their environment (‘with the land being their pantry and the rivers being their fridge’)
- protect important cultural places that are often closely associated with waterways
- build cultural, social and economic futures based on these values. For example, the return of young people to country to ‘heal’
- develop eco and cultural tourism opportunities, and outstations, grazing and fishing enterprises.

Despite the stated intent of the Bill, the deficiencies in its drafting are likely to create outcomes inconsistent with Indigenous aspirations. For example, the Bill imposes a six-month limit to gain written consent from all owners in a wild river area, otherwise the declaration collapses, (Clause 7). This is likely to lead to the collapse of all declarations by default for two reasons:

- the inherent difficulties in obtaining universal consent, (even if a reasonable definition of ‘owners’ could be established)
- the virtual impossibility of meeting the six-month deadline, especially where Indigenous Land Use Agreements are involved (see 2.2 and 2.6).

The 'owner', as defined, encompasses a wide range of people. Because of the historical displacement of Indigenous peoples, there will likely be disputes over who the owners are for different areas. Some Indigenous people elect others to make decisions on their behalf because they do not want to sign documents. Others are unable to do so for various reasons: some owners have moved from their traditional country and live in other parts of Australia. It may be difficult to identify all the owners, leaving any declaration open to legal challenge.

The potential collapse of wild river declarations and negotiations during the consent-seeking process would increase levels of uncertainty in the declaration areas. This uncertainty will impact on development possibilities and delay environmentally and culturally sensitive economic opportunities.

Conversely, activities may proceed that are against the wishes of the Traditional Owners. Under the Native Title Act, native title holders have only the right to negotiate. There is no right to veto development.

Therefore, the impact of the Bill on Indigenous economic aspirations may well include opportunities lost and damage done through the loss of wild river declarations.

**'I support Wild Rivers as long as I can still camp, fish, hunt and have unfettered access to country'**

T.O. Lockhart River 29/10/10

**'Protect rivers from mining and other adverse developments—I want my mob involved in tourism'**

T.O. Coen 08/10/10

**'Protection of pristine rivers will sustain ecotourism'**

T.O. Hope Vale 14/09/10

**'I wish to continue ceremonial use of rivers'**

T.O. Kowanyama 05/05/10

**'We need to protect Billy's Lagoon—No mining; it's an important story place, special trees for spear making, habitat of Blue Mountain Parrot'**

T.O. Kowanyama 05/05/10

**'I want dams kept out of HPA'**

T.O. Aurukun 24/03/10

Many Indigenous stakeholders strongly support the wild rivers legislation and identify its alignment with Indigenous aspirations for economic and social development, yet their ability to pursue their

aspirations—as detailed below—could be damaged by the impacts of the Bill.

1. The Carpentaria Land Council Aboriginal Corporation made a submission on the nomination of Settlement, Gregory and Staaten rivers (24 April 2006) on behalf of the Gangalidda, Garawa, Kukatji, Waanyi and Kurtijar people. The corporation advised that the people supported measures aimed at protecting wild rivers from current and future activities. Furthermore, the Traditional Owners viewed the protection of the river systems, including their aquatic and riparian habitats, as integral to the maintenance of their traditional laws and customs and for the success of longer-term economic activities:

'The Traditional Owners are attuned to the rapid growth in eco-cultural tourism in remote areas of Australia and submit that, by protecting the natural and cultural assets, tourists will travel to experience their wild river areas. The Gangalidda and Garawa people are positioned and intent on developing ecotourism projects which they see as integral to the economic livelihood of future generations.

'The Gangalidda, Garawa and Kutijar people farm cattle to ensure that impacts on country and waterways are minimal and sustainable in the longer term.'

2. The Australian Human Rights Commission submission to the nomination of Archer, Lockhart and Stewart rivers (November 2008) by the Aboriginal and Torres Strait Islander Social Justice Commissioner stated that Traditional Owners of the Archer, Lockhart and Stewart river basins generally agreed with the prevention of surface mining and intensive animal husbandry near a river, and with the prevention of in-stream dams. They sought restrictions on major water extraction and were concerned that rivers were inadequately managed and protected.

The submission stated that the impacts and benefits of cultural water to Traditional Owners include:

- empowerment and social justice—water is being delivered to country by the peoples
- growing native plants
- protecting and hunting animals
- song, dance, art and ceremony
- spiritual sites
- improved cultural, economic and health outcomes through the provision of food, medicines and materials for art
- the right to a healthy environment.

3. In its submission to the Wenlock Basin Wild River Declaration Proposal 2010 the Chuulangun Aboriginal Corporation (CAC), representing the interests of the Kuuku I'yu (northern Kaanju) Traditional Owners of the upper Wenlock basin and Pascoe basin, stated that the proposed Wenlock Basin Wild River Area holds significant natural and cultural value for its Traditional Owners. It features many significant story places as well as sacred ceremonial grounds (Ngaachi Kuu'ul Kincha), totemic sites, and areas of rock carving and painting.

The submission stated that the Wenlock declaration was:

'... an important step in ensuring its natural and Indigenous values were protected for the benefit of present and future generations and for the sustainability of the land and resources. The declaration does not adversely affect homelands and economic development. The Wild Rivers Codes do not impede Traditional Owner aspirations for homelands and economic development at Chuulangun or on other northern Kaanju land in the Wenlock and Pascoe river catchments. The wild river area proposal is consistent with the Indigenous Protected Areas (IPA) management plan prepared for Chuulangun and its overall investment strategy for Kaanju land.'

It also said:

'Under the Wild River Rangers Program CAC currently employs three rangers full-time and has established a ranger office. CAC has requested that this financial commitment from the government continue into the future so that land managers living and working on the 'wild' rivers can be resourced to help preserve the natural features of these rivers, including granting enforcement powers to Wild River Rangers so they can appropriately deal with illicit activity in the wild river areas, alongside other Acts.'

4. Cecil Arthur, Taepithiggi Elder, commenting on the proposed Wenlock Wild River Declaration (May 7 2009), considered there was an opportunity for Wild Rivers to create jobs and that Land and Sea Centres, Wild River Ranger programs and cultural heritage coordinators were, with strict guidelines, doing a good job.

## 2.6 Drafting issues relating to the Wild Rivers (Environmental Management) Bill 2010

### Inadequate scrutiny of key details

The collapse of Wild Rivers under clause 7 (transitional provision) of the Bill could lead to the collapse of employment for people managing wild river areas; for example, the highly successful Wild River Rangers (see section 3.2).

The Bill addresses this to some extent by stating the Commonwealth Government should provide employment to those people in accordance with details specified in the regulations—but with no regulations available for examination it is unclear whether the employment proposed by the Commonwealth would amount to fair compensation for the termination of rangers' current employment. In particular:

- in the absence of the regulation, it is not clear over what period the Wild River Rangers will be guaranteed employment
- it is not clear whether the terms and conditions of employment will align with those currently provided to Wild River Rangers, and if the community-based approach will continue
- no guidance is given in the Bill about the duties to be performed under Commonwealth employment
- the Wild River Ranger program has an accompanying training, mentoring and support structure funded by the Queensland Government. It is not clear whether the Bill also guarantees this supporting framework.

Termination of employment by an Act of Parliament and compensation for it is a very significant issue. Adequate parliamentary scrutiny is essential, but the lack of care in the Bill's construction denies the opportunity to give it thorough consideration.

### Inadequate transitional provisions

The Bill provides that current wild river declarations will lapse after six months from the introduction of the Act—unless a new declaration is made with the agreement of the owner of the Aboriginal land (clause 7).

No transitional provisions are included in the Bill to deal with the adverse effect that this clause may have on individuals who are already carrying out development.

Considerable uncertainty will be created if a new declaration is to be negotiated (under the terms of the Bill), as it may be different from the current declaration. Developments that are underway may face uncertainty while a new declaration is negotiated. Those carrying out development will face up to six months of uncertainty and still find their development must cease or be amended to comply with any new agreement. The Bill does not protect rights already accrued or provide compensation if they are lost.

### **Power to make regulations**

The Bill sets out that Parliament will have the power to make regulations to:

- a. seek the agreement of an owner under the proposed Act
- b. negotiate the terms of the agreement
- c. give and evidence the agreement (which would suggest the form that the agreement must take to prove that an agreement is in place).

No such regulations are available for scrutiny.

Only a six month period is provided in the Bill to reach agreement on wild rivers declarations before the current declarations lapse. With such a short timeframe it is essential all details surrounding the process of seeking agreement, negotiating the agreement and having the agreement in the approved form are known at the outset. If not, valuable time will be lost starting a process that ultimately may not comply with the proposed regulations.

### **Inadequate time for negotiation of agreements**

It appears, by default, the Bill must cause the collapse of a wild river declaration in those cases where an ILUA is required.

As noted above, the Bill provides only a period of six months to reach agreement with the owners of Aboriginal land before the existing wild river declaration collapses (clause 7). Also noted above, the Bill states that where native title exists, the agreement of an owner may be obtained by a registered body corporate or an Indigenous Land Use Agreement (ILUA) (clause 6).

The National Native Title Tribunal states parties must allow a minimum of six months simply for the registration of an ILUA<sup>5</sup> :

‘A further six months should be allowed as a minimum once an application to register the ILUA is made to the Tribunal. The Registrar must notify certain people and organisations of the application to register the ILUA and in the case of area and alternative procedure agreements, must also notify the public. Time must also be allowed for any objections to the registration of the ILUA to be considered.’

It is the experience in Queensland that ILUAs take between 12 and 18 months to negotiate. Reasons include:

- genuine differences of view in the Indigenous community
- other things occurring in the community that impact on the pace and outcome of the negotiations
- the location for meetings (native title holders may not live in the Indigenous community).

This means that, even with regulations in place at the outset, it is virtually impossible, according to the best available advice, to develop an ILUA, negotiate and draft its terms of reference, register it, gain consent of native title holders for the ILUA to act on their behalf, and negotiate and reach agreement over wild river declarations, all in the six months allowed under the Bill.

Consequently it must be assumed the effect of the Bill is that declarations will expire, even in areas where there is widespread support.

The Bill allows for regulations to define the process for seeking and negotiating agreement with an owner (clause 8). This means any changes to that process can also occur by regulation. This precludes proper legislative scrutiny and parliamentary consideration of the ramifications of the process. It also places the Queensland Government in the untenable position of starting negotiations with owners to meet the six-month deadline without knowing the regulatory requirements. Further, if the Queensland Government were to seek agreement from owners, the requirements for the process could be changed by a regulation with inadequate consultation.

5 Page 3, ILUA or the right to negotiate process? National Native Title Tribunal, at <http://www.nntt.gov.au/Publications-And-Research/Publications/Documents/Booklets/ILUA%20or%20the%20right%20to%20negotiate%20December%202008.pdf>

## 2.7 Previous Senate Inquiry

The inquiry by the Senate Standing Committee on Legal and Constitutional Affairs into the Wild Rivers (Environmental Management) Bill recommended on 22 June 2010 the Senate should not pass the Bill. This recommendation was reached after the committee considered 37 submissions and held two public hearings.

The committee raised questions about the drafting of the Bill, and in particular it questioned the ambiguity around the provision of ‘consent’ contained in the Bill. The committee agreed that most witnesses supported the stated intention of the ‘consent’ provision of the Bill, but concerns about the terms in the Bill were raised on a number of occasions. Chuulungun Aboriginal Corporation raised, in their submission to the Senate Committee, the concern that, where there were multiple Traditional Owner groups for an area, one group would hold power of veto over all the others if it refused to come to an agreement.

The committee supported the position stated above (2.2 Indigenous consent) on native title and raised concerns over the repeated claims that wild rivers legislation in some way diminishes native title rights. The following notes are extracted from the committee report:

‘Native title is a highly complex and evolving area of law, and the committee is not well placed, on the basis of the evidence put before it during the inquiry, to conclusively determine whether a wild river declaration is a ‘future act’ within the meaning of the NT Act. In turn, the committee cannot form a view in relation to whether the Queensland Act is inconsistent with the Bill for the purposes of section 109 of the Constitution. The issue appears to turn on whether the declaration is an acquisition of native title rights; however, the current definition of native title rights, and the existence of subsection 44(2) of the Queensland Act and its apparent preservation of native title rights in wild river areas, suggest that native title rights are not compulsorily acquired by the making of a wild river declaration.’

The committee noted that “the principle of ‘free, prior and informed consent’ is not binding in Australian law, nor have the federal, state and territory governments overwhelmingly embraced the principle. Criticisms of the Queensland Act based on this international principle of law are therefore not well founded.”

In its finding, the committee highlighted that “the principle of consultation commonly features in the development and implementation of legislation, and is evidenced in this instance by the Queensland Act. The committee commends the Queensland Government for acknowledging the need for, and implementing, a statutory consultation process in the Wild Rivers regulatory scheme.”

However, the committee did express concern as to “how the consultation process was conducted, with many affected stakeholders voicing a myriad of concerns in relation to certain aspects of that process. Other stakeholders felt that the consultation process had been conducted effectively. The committee welcomes attempts to improve the consultation process, where necessary, and urges the Queensland Government to continue making headway in this regard even where numerous or divergent views complicate the process and the making (or not) of a wild river declaration.”

Further findings noted “that the use and development of native title land within a wild river area is regulated by the Queensland Act and that areas designated as high preservation areas contain more stringent controls than preservation areas. In some cases, these controls prohibit certain types of activity and the taking of natural resources. However, the committee acknowledges evidence from Indigenous organisations that activities which are taking place—such as the wild river ranger programs—provide job opportunities and are positive outcomes under the Wild Rivers regulatory scheme.”

In drawing its conclusion that the Bill should not be passed by the Senate, the committee was “not persuaded that the Queensland Act substantially interferes with the current or future development aspirations of Indigenous or other landowners in wild river areas. Even if it did, the committee does not consider that the Bill provides the comprehensive and considered solution needed to economically and socially empower Indigenous communities in wild river areas.”



# Section 3



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### 3.0 Options for facilitating economic development for the benefit of Indigenous people and the protection of the environmental values of undisturbed river systems

There is a long history of government support and assistance to facilitate economic development in remote Indigenous communities. Some have been successful, but there is no denying that there is a long way to go in creating real economic advance in remote Indigenous communities. Contributing factors to this are described in this section. There are reasons to be optimistic that greater success can be achieved through better targeted and coordinated programs across all levels of government (including Aboriginal councils) and through more effective engagement with Indigenous people about their aspirations and values. This is particularly important when looking at facilitating economic development and protection of environmental values which align with Indigenous stewardship of country.

**“From our point of view, we don’t see any way in which Wild Rivers is going to cost any jobs, and we actually see ways in which it can create jobs.”**

Gina Castelain, Director of Wik Projects, Wik-Waya Traditional Owner, <http://www.wilderness.org.au/regions/queensland/Indigenous-voices-for-wild-rivers>

#### 3.1 History of economic development in existing wild river areas

While statistics for economic development in Far North Queensland and Cape York in particular are limited, estimates compiled by the Australian Bureau of Statistics (ABS) suggest there has been virtually no change in the level of economic endeavours such as mining and agriculture when comparing pre-and post-Wild Rivers years (see Appendix 5).

Investigations into development opportunities and constraints in the Gulf of Carpentaria and on Cape York have consistently identified a number of constraints. Remoteness, climatic conditions that limit access and transport for much of the year, poor soils, limitations on water access, rainfall variability, lack of infrastructure (particularly roads), small internal markets, skill shortages, global market forces and market competitiveness are all significant challenges to economic development in these areas.

The wild rivers framework recognises that overcoming these challenges requires careful consideration of associated costs and benefits. Sustainable industries can continue in a wild river area and in many cases will benefit from a wild river declaration. Where intense input such as fertiliser application, or soil cultivation is necessary, the wild rivers framework ensures these requirements do not reduce the area’s natural capital or environmental condition. For example, wild rivers legislation can ensure water quality is preserved.

Industries that have endured in remote areas tend to be either of high value or extensive and less reliant on processing and manufacturing. For example, the former describes mining which contributes the most to GDP of the area. The latter includes the significant commercial fishing industry, the pastoral industry, forestry and tourism. Forestry and tourism industries are currently small but have economic potential, especially on Cape York. Whilst there may be locational requirements associated with high preservation areas for some of these activities, there are no additional requirements for development in a wild river area outside of an HPA.

Limited access to water is a critical issue for many industries. Catchments in the Gulf of Carpentaria and on Cape York are considered to have limited water, and limited potential for large-scale water storage, despite substantial annual rainfall. In these areas typically more than 90 per cent of annual rainfall occurs between November and April with most of the year receiving little or no rainfall at all. In Gulf areas there is considerable year-to-year variability in rainfall volumes and timing. The variability increases with distance from the coast (CSIRO 2009a and CSIRO 2009b).

The extreme nature of this rainfall pattern and high year-round temperatures and evaporation rates, means that for the majority of the year evaporation from the earth and from plants and trees exceeds rainfall.

The topography and geology of much of the region provides little opportunity to increase the storage of surface water with, for example, dams. In the upper parts of the catchments, where dams would be practicable, the rainfall is generally more sporadic and evaporation is higher. Large storages would be needed to compensate for evaporation losses in the extended dry periods coast (CSIRO 2009a). This is not to say that there are no sites for dams in Far North Queensland. The State Government continues to assess water infrastructure requirements wherever appropriate.

There may be opportunities for groundwater extraction that could offer a more reliable supply of water, but the volumes that could be sustainably extracted are unknown. Furthermore, because the complex interactions between groundwater and surface water systems are poorly understood, the nature and extent of the potential impacts of groundwater extraction are also not known (CSIRO 2009b).

The intense seasonal rainfall patterns and low terrain of much of the Gulf and Cape also results in widespread flooding—another significant limitation for many types of development including horticulture, cropping, and aquaculture.

Soils across northern Australia are ancient, highly weathered and easily damaged (Sustainable Development in Northern Australia 2009). Many soils are unfavourable for cropping because they are low in nutrients, weakly structured, susceptible to erosion, subject to flooding, acidic, gravelly and shallow. Almost all of the soils of the Cape are deficient in trace elements and have low levels of plant nutrients including phosphorous, nitrogen and sulphur (CYPLUS: Environment Science and Services (NQ) (1995). Stage 1 Overview Reports: Overview of Current Resources, Land Uses and Issues).

The combination of poor soils and long dry periods means vast areas are considered marginal country and require considerable input and intensive management to be agriculturally productive. Across most of the region the area required to sustain stock is very large. In some areas, stocking rates have been reported to be as low as one head of cattle per 60 to 250 ha. The Cape York Peninsula Land Use Study (CYPLUS), completed in 1997, noted:

‘Given the physical and climatic features of this region, the structure of the beef cattle industry provides little opportunity for significant growth in the future, and in many aspects there is evidence that its operations are not highly efficient in relation to better-located parts of the industry.’

(CYPLUS: Knapman, B, Ramm, C. & Cross, L. (1995). ‘Economic Assessment and Secondary and Tertiary Industries of Cape York Peninsula’)

The Tropical Savannas Cooperative Research Centre notes:

‘Despite the fact that it occupies over 7.5 million hectares, the Cape York cattle industry remains only marginally productive. This is largely a result of low soil fertility, poor nutrient value of pasture species, isolation and very limited infrastructure.’



## Horticulture and cropping

Horticulture and cropping is largely limited to areas in southern Cape York outside existing—or potential future—wild river areas. These activities are restricted to areas near Lakeland in the Endeavour River valley and to a lesser extent in the Mclvor River valley (which is in a potential future wild river area—the Jeannie River basin).

CYPLUS identified new opportunities on the Cape for horticultural and cropping industries, including native flowers and seeds, coconuts, tropical fruits, ti-tree farming and the development of community-based market gardens. However the assessment assumed that there were no infrastructural restrictions in relation to product handling and marketing (including shipping and transport, and harvesting arrangements) (CYPLUS: Cape York Regional Advisory Group (1997). Cape York Peninsula Land Use Strategy—Our Land Our Future: A Strategy for Sustainable Land Use and Economic and Social Development).

Additional limitations include requirements to clear vegetation (noting that a large area of the Cape is mapped as remnant native vegetation), the potential effect of high numbers of insects and parasites such as nematodes, the implications of high humidity for fungal growth, market-based considerations, and transport issues.

More recent research has highlighted that small-scale mosaic farming involving irrigation, growing fodder crops, and market-garden-style production, may be suited to the Cape and the Gulf. Kleinhardt Business Consultants noted that a region needs a competitive advantage in the market, effective links into supply chains and distribution systems, as well as organisational marketing and supply capabilities for success.

## Aquaculture

The CYPLUS reports and subsequent work in the regions identified a number of potentially suitable areas for aquaculture operations. But aquaculture operations are complex and aquaculture development on Cape York has not progressed since CYPLUS. At the regional scale aquaculture is limited by a number of economic and environmental factors, including market demand, product prices, cost of production, water quality, soil characteristics, topography and climate (Cape York Peninsula Regional Economic & Infrastructure Framework Report 2007: Kleinhardt Business Consultants). At the local level, site selection requires a specific combination of physical, environmental and infrastructure attributes to ensure that the site is optimal for the production system.

Interestingly, a 2004 report into opportunities for Indigenous aquaculture ventures in North Queensland (Minniecon & Burke Pty Ltd) commissioned to look at the reasons for failure and the future potential for the industry in North Queensland found it was not the specific environmental considerations that were the greatest constraints to development. Rather, it found that lack of planning, lack of industry understanding and general lack of skills were major issues. As with other industries, remoteness from markets and lack of supply chains (including transport and road infrastructure) were key constraints. The reasons for failure and/or stalling of a number of Indigenous aquaculture projects were reviewed and the key identified issues include:

- unresolved native title issues
- the inherent high risk of this type of industry and insufficient analysis of triple-bottom-line outcomes in project planning, development, and decision making
- insufficient feasibility studies and business and marketing plans to inform project planning and development
- lack of funding certainty
- shortfalls in skills and expertise to successfully manage and operate an aquaculture project.

## Commercial fishing

The commercial fishing industry is significant in both the Gulf and Cape York regions. In 1997 CYPLUS noted the commercial fishing industry on Cape York was based on the region's highly productive and unpolluted marine and freshwater environments (CYPLUS: Cape York Regional Advisory Group (1997). Cape York Peninsula Land Use Strategy—Our Land Our Future: A Strategy for Sustainable Land Use and Economic and Social Development). The recent Northern Australia

Taskforce Report (Sustainable Development in Northern Australia 2009) reiterated this requirement for the industry, stressing that maintaining freshwater flows to estuaries is vital to the industry.

Freshwater flows directly correlate with fisheries production, which in turn supports the \$250 million input to the northern Australian economy. There is currently little opportunity for further development of trawl and net fisheries and the Kleinhardt Business Consultants report warns that the fishing industry is one increasingly driven by global market conditions, and that opportunities for industry development on Cape York are impacted by such conditions.

The commercial fisheries in the Gulf and on Cape York are strictly regulated and sustainably managed, and will continue to be significant economic and employment drivers.

## Forestry

Forestry is a reasonably viable industry on Cape York, requiring high rainfall at the beginning of the operation (for establishment), but less ongoing rainfall. Additionally, forestry is less dependent on high nutrients. Small-scale harvesting of sandalwood occurs in the Gulf and a small industry on Cape York is focused on timber harvesting, seed collecting, sandalwood collecting and cutting of rough-sawn timber for local use by communities and pastoral holdings. CYPLUS studies suggest that further development is constrained by the high costs of transport and fluctuating demand and lack of:

- accurate identification of the resource
- accurate assessment of the sustainability of the resource
- knowledge of resource management needs
- skills to enable local use of timber resources
- management arrangements to enable use of timbers on mining leases and Aboriginal lands.

(CYPLUS: Cape York Regional Advisory Group (1997). Cape York Peninsula Land Use Strategy—Our Land Our Future: A Strategy for Sustainable Land Use and Economic and Social Development)

Additionally, the future of commercial timber extraction from Cape York Peninsula is dependent on three factors:

- demand for timber products in north Queensland
- competitiveness of the product from Cape York
- the ability of the forests to be harvested in an ecologically sustainable manner.

(CYPLUS: Wannan, B. (1995). Survey of Forest Resources of Cape York Peninsula)

Two areas in which contributions can be made to the Cape York economy are currently being proposed; timber salvage from bauxite leases and plantation forestry on the same lease areas. The timber salvage proposal is at an early stage but the plan is to harvest up to 8,000m<sup>3</sup> of logs per year, it is likely that this would result in employment for at least 20 people for the harvesting and haulage operation. There may be concern that plantation forestry would use scarce cleared land that may be better utilised for other development opportunities. However, there is also potential for the development of a native forest harvesting and milling industry, to supply local housing development and, potentially, supply other markets/communities on the Cape. Good timbers, such as Darwin stringybark, would lend themselves to harvesting, but would require investment in silviculture practices appropriate for sustainable harvesting in the Cape.

## Carbon forestry

There may be opportunities for Indigenous communities in Queensland to benefit from the emerging carbon market.

In August 2010, the Commonwealth Government announced the Carbon Farming Initiative (CFI), which will provide a framework for accrediting carbon sequestration and agricultural abatement, allowing landholders to generate offsets that are internationally recognised and available for trading. Under the CFI, most credits are expected to be generated from carbon forestry—the conversion of cleared land to forest for the primary purpose of sequestering carbon. To qualify, carbon forestry activities must be undertaken on land that was clear of forest prior to 1990 and be established by human-induced methods including planting, seeding or the promotion of natural seed sources.

An analysis of land in the Cape York and Southern Gulf Catchment natural resource management group areas has shown that the majority of vegetation is remnant vegetation, and was therefore not clear of forest prior to 1990, constraining opportunities for significant carbon planting. The analysis showed:

- Cape York—40,000 hectares or 0.3 per cent of the Cape York region was cleared prior to 1990. Of this, some 29,000 hectares or 0.2 per cent occurs on agricultural or grazing land and may be suitable for carbon forestry activities.
- Gulf Region—approximately 134,000 hectares of land or 0.4 per cent is potentially compliant, of which 108,000 hectares occurs on agricultural or grazing land and is potentially suitable for carbon forestry activities.

An analysis of potentially compliant areas on Indigenous lands in the Cape and Gulf regions was also undertaken. Consistent with the wider landscape, most Indigenous land is woody remnant vegetation and therefore would not be eligible for carbon forestry. Approximately 6,000 hectares was identified as potentially suitable, or 0.18 per cent of the total area of Indigenous land in the Cape York region. Not included was approximately 11,000 hectares of natural grasslands in the Cape and Gulf Regions, where carbon forestry would likely be limited by biophysical constraints such as soil suitability and climatic conditions.

Although opportunities for Indigenous landholders to undertake carbon forestry on Indigenous lands are expected to be limited, the Queensland Government is actively investigating economic opportunities associated with reduced emissions from savanna burning regimes and is examining minimising any legislative barriers to Indigenous landholders accessing carbon market opportunities.

## Tourism

There is a relatively small commercial tourism industry on Cape York and in the Gulf, but with considerable potential for further development

The industry is currently constrained by seasonal restrictions and infrastructure. CYPLUS found that the natural resources of Cape York have particular value for nature-based tourism and recreation, primarily through ecotourism, adventure travel, and recreational fishing (CYPLUS: Environment Science and Services (NQ) (1995). Stage 1 Overview Reports: Overview of Current Resources, Land Uses and Issues). These same values are found in the natural resources of the Gulf of Carpentaria; especially recreational fishing, which attracts many travellers to the area.

On Cape York (and to a slightly lesser extent in the Gulf) the remoteness and naturalness of the area (including flora and fauna), the excellent fishing and the presence of Aboriginal and Torres Strait Islander communities and cultural sites are the main drawcards for tourists.

Estimates recently identified by consultants in the Queensland Government funded feasibility study into the proposed 'Dreaming Track' concept, identified approximately 55,000 independent annual visitors to Cape York in recent years, seeking fishing, camping and adventure experiences, with significant potential to build on this foundation.

The 'Dreaming Track' experience (see section 6.0) is part of a move towards diversifying opportunities into a 'conservation' economy, based on Indigenous protected areas, World Heritage listing and nature-based experiences.

The protection and condition of northern Queensland's rivers is of paramount importance in the growth potential for tourism on Cape York and elsewhere. Much of the attractiveness of tourism development revolves around the rivers themselves—in terms of the location of development, the need for access to water as a resource and a key location for tourist recreation and activities.

## Mining

Mining makes the largest contribution to gross regional product (GRP) in both the Gulf and Cape York and mineral and energy resources occur in many areas. In 2009–10, mining in Cape York contributed \$394M to Australia's GDP. Cape York has the largest concentration of high grade bauxite in the world with over 100 years potential production based on current mining rates within granted mining leases. Future strong demand for aluminium is expected to underpin significant expansion of bauxite mining.

The major mining operations at Weipa and Cape Flattery are the biggest single contributor to Indigenous employment with more than 270 Indigenous staff employed directly. As a result of longitudinal employment programs and the establishment of ambitious employment targets, Indigenous employment participation is likely to increase and will continue to play a significant role in skills development and employment.

The State and Commonwealth Governments are engaged with Rio Tinto, peak mining bodies and the local Indigenous communities through the Western Cape Regional Partnership. This has a target of creating 50 additional full-time Indigenous jobs per year for five years (commencing in 2008). Indirect employment in areas of service industries and seed collection for rehabilitation is also a significant employment and business opportunity for the Indigenous communities.

Kleinhardt Business Consultants noted that, more than anything else, global conditions such as commodity prices and exchange rates will determine the future of mining on Cape York. This assessment is equally applicable to mining operations in the Gulf.

Since the first wild river declarations, 37 exploration permits have been approved in existing wild river areas and two mining leases (operational mines) have been approved. The pattern of approvals is similar both before and following declarations, demonstrating confidence in the sector to continue to identify and progress mining exploration. In receipt of their environmental authority to mine phosphorous in the Gregory wild river area, Legend International Holdings praised the efficient and timely dealings with the application process.

That is not to say that there will not be impacts on the mining industry from the wild rivers legislation. As previously stated, it does prevent development in the most sensitive of areas and the declaration of the Wenlock wild river area on 4 June 2010 reduced the area available for the proposed Cape Alumina Ltd Pisolite Hills Bauxite mine project. The exploration permits that were held by the company extended over areas that included high preservation areas, and though they could continue to apply to mine over areas outside of the high preservation area, the scope of their project was changed by the declaration. As the mine proposal was at the exploration stage, it had not yet received an approval to mine, and there was no guarantee that such an approval would be granted. Due to the presence of rare and threatened species on and adjacent to an area known as the Coolibah Springs on the lease area, the project would need to satisfy requirements under other legislation including the *Environmental Protection Act 1994* and the *Environment and Biodiversity Protection Act 1999* (Cwth).



A challenge for communities is for benefits received from mining to endure beyond the life of the mine, and for Indigenous people to achieve employment opportunities beyond unskilled labour through targeted higher education and skills development. Given the historical and future contribution expected of mining to Cape York, the State in partnership with the mining industry is committed to maximising the benefits from the mining industry for Indigenous people.

## Development constraints

Environmental and regulatory constraints are by no means the most significant barrier to industry development. Issues associated with the skills base and lack of infrastructure are seen as significant constraints, especially on Cape York. Transport issues associated with wet-season road closures are significant challenges to many industries. Additionally rough conditions can damage livestock, produce and other goods, which require additional packing costs. Distance from markets, the lack of good-quality, all-weather road links, lack of comprehensive electricity distribution networks, limitations associated with ports' shipping services, airports and air services were identified by CYPLUS as well as in the Kleinhardt Business Consultants report as disadvantaging the economy of Cape York in a number of ways. The increase in input costs and transport costs of products to market raises transport-associated costs. Distance to market also increases quality control issues especially for goods requiring refrigeration. Aquaculture produce may also require freezing which places it at a competitive disadvantage to areas of supply closer to retail areas. In many areas more appropriate markets are local ones, but these are small because populations on Cape York and in the Gulf are small.

The Kleinhardt Business Consultants report noted that while the shortages in Indigenous housing are quite well known, housing shortages can affect the recruitment and retention of key staff from outside Cape York:

'The internal market for Cape York is very small and distance and costs to external markets tend to indicate large-scale operations are required to achieve viability through economies of scale and/or high-value products which can sustain high supply-chain costs. In addition, small operations in remote areas have difficulty in securing the professional resources required to operate successful businesses. The history of Cape York is littered with failed economic development initiatives that have floundered on their inability to attract and retain the right people with the management skills and drive to make them successful'.

(Cape York Peninsula Regional Economic & Infrastructure Framework Report 2007: Kleinhardt Business Consultants)

Decisions relating to development require assessment of environmental social and economic costs and benefits. This includes short-term versus long-term gain and short-term versus long-term costs. As part of the CYPLUS study, a survey of Cape York residents was undertaken to determine their aspirations for future development. There was little support among respondents for industry that would damage the environment. Instead they proposed that development be ecologically sensitive and have a low impact on the environment, provide opportunities for employment for locals, and respect and preserve the way of life (CYPLUS: Roughley, L. & Elliott, D. (1995). Values, Needs and Aspirations Study of Cape York Peninsula).

The Stage 2 Cyplus Report (CYo15—Our Land Our Future) notes that horticulture, cropping, aquaculture and mining involve substantial changes to the landscape. The potential impacts of agriculture on a fragile environment are well known. They include soil degradation and erosion, and water quality impacts from the use of fertilisers and herbicides.

Mining may involve physical and social impacts during both exploration and production; aquaculture can affect water quality and impact on native vegetation and animal habitat. Tourism-related development involves certain impacts and Cape York residents who when surveyed were very positive that tourism development should be non-invasive, unobtrusive and educational, 'arising out of the local character and not imposed upon it' (CYPLUS: James, P.C. & Courtenay (1995). Tourism Study of Cape York Peninsula).

The Kleinhardt report cites the level of access to Cape York's resources resulting from requirements of natural heritage conservation and management as a key constraint to development. However, the benefits of economic outcomes must be weighed against environmental and social outcomes that are often less tangible, especially in the short term. In Stage 2 of CYPLUS it was decided that future decision making should recognise the direct and indirect economic contribution attributable to protected areas from:

- tourism and recreation
- continuation of natural processes
- water production from clean catchments
- mitigation of natural disasters
- fish spawning and breeding
- food and fibre hunting and gathering
- reservoirs of genetic material.

‘There is strong evidence that many parts of the Cape York Peninsula region are areas of ecological importance in terms of the social values of today. Given the limited opportunities for the expansion of mining, beef cattle, fishing and commercial forestry in this region, priority may be more readily given to the goal of “quality of the natural environment” ... In making decisions about the shape and extent of future development of the region, which must be conceived in broad eco-socio-economic terms, in many instances priority should be given to natural environmental goals and social and community goals over strict economic goals involving increased production of goods and services, especially increased production of goods. Any expansion of mining, grazing and fishing should be made within the constraints imposed by accepted conditions of natural environmental quality and the welfare of Indigenous people and the preservation of their cultures’.

(CYPLUS: Knapman, B, Ramm, C. & Cross, L. (1995). Economic Assessment and Secondary and Tertiary Industries of Cape York Peninsula).

The most recent studies suggest that with regard to agricultural development (horticulture and cropping), small-scale ‘mosaic-style’ development irrigated with water supplied either from off-stream storages or groundwater sources, is most likely to succeed in the long term (e.g. Sustainable Development in Northern Australia 2009).

The State notes that a recent report from the Anglican Diocese of Brisbane Social Responsibilities Committee “Wild Rivers Policy—Likely impact on sustainable development” indicated that the Wild Rivers Act has compromised opportunities for development and wealth creation. While the State appreciates the committee’s support of Indigenous economic development, it challenges some of the assumptions made, such as the prohibition of horticulture and cropping in the high preservation area, citing that the best agricultural soils are those closest to the main river systems. However analyses of CYPLUS agricultural land mapping indicates that most productive agricultural land in Cape York wild river areas lies outside of the high preservation area. A review of the Committee’s report can be found at Appendix 6.

## Government-supported programs

There is a long history of government support for Indigenous economic development. Continued efforts to improve the coordination of the many programs, with encouragement of private investment, should lead to even better outcomes.

The following is a summary of current government-supported programs and outcomes. These include business development, natural resource management programs, tourism opportunities and Indigenous arts.

## Business Development

In terms of business development of Indigenous enterprises, the State and the Commonwealth have a range of programs that provide support. The Commonwealth Indigenous Business Australia (IBA), through its Business Development Program, assists eligible Indigenous Australians to establish, acquire and grow small to medium businesses, by providing business support services and business loans.

- In 2008–09, IBA provided 196 business support activities (e.g. feasibility studies, business plans and mentoring) for Indigenous small business clients in Queensland totalling \$1.9 million. Nationally, 660 business support activities were undertaken, totalling \$7.8 million.
- Over the 2008–09 financial year, 20 business loans were approved and committed, totalling \$2.4 million, in Queensland. The national total was 63 loans approved and committed, totalling \$10.6 million.

**“As well as better protection for the environment [with Wild Rivers legislation], there will also be more jobs”**

Richard Barkley, Tanquith Traditional Owner,  
<http://www.giveusabreak.org.au/>

Queensland’s Indigenous Business Development program (IBD) provided assistance to Indigenous entrepreneurs through two broad components. The Indigenous Business Development Grant Scheme that provided grants state-wide to Indigenous entrepreneurs to establish or expand businesses; and, secondly, funding of strategically targeted capacity-building initiatives aimed at linking Indigenous business with the marketplace and lifting the capacity and skills of individual entrepreneurs and companies to take advantage of economic opportunities.

IBD has approved \$10m over four years from 2006–10 and funded over 46 projects totalling \$6.48 million (\$2.3 million business grants and capacity building, business development hubs \$2.04 million and another \$2.14 million) across Queensland. The program was reviewed in 2010 and is being reprioritised.



## Natural Resource Management

There has been a long history of government support for natural resource management programs. This is in recognition of the stewardship of the land of the Traditional Owners, and the benefits that are achieved by utilising the traditional knowledge of local Indigenous communities. The programs provide employment in areas of high unemployment, as well as training and capacity development.

The Commonwealth has funded the following programs and projects supporting a wide range of initiatives including weed and feral animal control, revegetation projects, water monitoring, wildlife recording, protecting cultural assets, visitor management, and maintenance of assets.

### Caring for our Country programs

Achievements from this Australian Government investment are increased involvement of Indigenous communities in natural resource management activities, improved wetlands through eradication of feral animals, protection of riparian areas through the management of pest weeds, and the care of nature corridors to improve biodiversity and aid threatened species. The base level funding for projects in Cape York Peninsula approved 2009 to 2010 was \$9.9 million over a period of one to four years whilst competitive tendering projects received around \$383,000. (Further details of these projects are in Appendix 7)

### Working on Country program (Indigenous Australians caring for country).

Working on Country was established (by the Commonwealth Government) to recognise Indigenous people's relationship to and aspirations for country, and that protecting the environment is a shared responsibility. The program builds on Indigenous knowledge in protecting and managing land and sea country. It provides funding for employment through local organisations for Indigenous people to deliver environmental outcomes. This program has funded some long-term projects with a commitment of \$11 million over the period of 2007 to 2013, and a further \$1.8 million to regional projects for the year 2009 to 2010. (Further details of these projects are in Appendix 7)

## Working Group for Indigenous Participation in Natural Resource Management and Primary Industries

In March 2008, COAG reaffirmed its commitment to close the gap on Indigenous disadvantage and agreed to a new national target to halve the gap in Indigenous employment outcomes within a decade. This relates directly to the primary industries and natural resource management sectors. A working group has been formed under the Natural Resource Management Ministerial Council—the Working Group for Indigenous participation in Natural Resource Management and Primary Industries. The focus of the working group is increasing Indigenous employment and enterprise development in natural resource management (NRM) and Primary Industries.

The working group has been preparing an implementation plan to further the work of the Invest Action Plan. The implementation plan has focused strategies to increase Indigenous employment and enterprise opportunities. Some key areas of the plan include collaboration on investment in enterprise and employment opportunities in the context of the Indigenous Economic Participation National Partnership Agreement and the Indigenous Economic Development Strategy; as well as collating information on employment levels and how to use this information to pursue opportunities for investment or economic opportunities. The Commonwealth has recommended the Invest Action Plan should be considered in the context of the draft Indigenous Economic Development Strategy which was released for consultation in May 2010 and the Indigenous Economic Participation National Partnership Agreement.

The Cape York Land Tenure Central Coordination Group has established a sub-committee on economic opportunities. The sub-committee is in the process of formally identifying economic opportunities associated with the declaration of the World Heritage area on Cape York, State Land dealings and the proposed Great Walk including tourism opportunities; business investment and job creation potential.

## Natural resource management—State

The growth in international and national awareness of the importance of natural resource management to the health and wellbeing of all communities has led to a wide range of programs developed by the Queensland Government in remote, regional and urban areas.

The “Looking After Country Together” is a whole-of-government strategic policy framework aimed at improving Indigenous participation in caring for country. The framework's vision is that: ‘by 2011

Aboriginal and Torres Strait Islander Queenslanders will have more opportunities to access and manage their traditional land and sea country, in partnership with governments and other stakeholders'. The strategy recognises that past dislocation from land and sea country has contributed to Indigenous social, economic and cultural disadvantage. It is expected that greater access to, and management of, traditional land and sea country will improve the overall wellbeing of Indigenous Queenslanders, and achieve better natural resource management outcomes.

Looking After Country Together aims to deliver positive outcomes by, among other things, improving service delivery to Indigenous Queenslanders and building the capacity of government agencies and Aboriginal and Torres Strait Islander organisations. The program will increase Aboriginal and Torres Strait Islander employment in natural resource management.

Looking After Country Together is linked to a range of existing initiatives discussed throughout this submission, which contribute to the goals of the strategy, including the Wild River Rangers Program, the Land Trust Capacity Building Program, vegetation management pilot projects and the Positive Dreaming-Solid Futures program.

Below are a number of natural resource management programs of significance to northern Queensland or to Indigenous communities in other areas. Of particular note are the Q2 Coasts and Country programs and Wild River Rangers programs below, which incorporate the principle that natural resource management can deliver real work with real meaning for Indigenous individuals and communities through their personal involvement in cherishing their country. The employment through these programs of individuals by groups and organisations in their own communities fosters a new degree of pride and self-esteem among all parties.

## Q2 Coasts and Country

The State Government investment through this regional NRM program has resulted in improved land management through fire, weed and pest-animal management activities; improved wildlife and biodiversity corridor and habitat management to protect threatened species, and turtle conservation management through feral-animal eradication in areas where turtles nest.

Various Cape York community NRM groups have received \$1 million annually for projects that include employment of Indigenous organisations and/or involvement of Indigenous communities. Additionally, a Lower Gulf Indigenous Coordination and Capacity Building project (\$200,000) is run through the Northern

Gulf Resource Management Group to increase the capacity of Indigenous communities to manage natural resources. (Details of these projects are in Appendix 7).

## Wild River Rangers

Queensland's Wild River Rangers Program is a companion program of the *Wild Rivers Act 2005*. Wild Rivers Rangers play a major role in caring for the world-class natural and cultural values across the Wild Rivers of North Queensland. The Queensland Government currently provides annual ongoing funding of \$5.6 million for 40 Wild River Rangers and has a commitment for up to 100. Of these, 35 Indigenous rangers have been contracted to work with landholders, communities and Traditional Owners across 11 communities: the Northern Peninsula Area, Mapoon, Napranum, Aurukun, Chuulangun, Pormpuraaw, Kowanyama, Georgetown, Burketown, Normanton, and Cardwell. A further five rangers will be employed in early 2011 (see also section 3.2).

## Cape York Indigenous Land and Sea Grants Scheme

The land and sea grant scheme has annual ongoing funding of \$500,000.

The purpose of the scheme is to support the on-ground management of natural and cultural resources and support sustainable development on Indigenous peoples lands. The grant process aligns broadly with the community-based draft Cape York natural resource management plan and previous natural and cultural resource plans and strategies.

## Tourism opportunities

The Commonwealth through the Department of Innovation, Industry, Science and Research provides the Business Ready Program for Indigenous Tourism, ([www.ausindustry.gov.au](http://www.ausindustry.gov.au)). The program helps Indigenous tourism operators design, manage and operate successful tourism businesses. Funding is provided to selected business mentors to identify Indigenous tourism businesses in their region and work with them to ensure businesses can operate successfully in the Australian tourism industry.

In Queensland, the Department of Employment, Economic Development and Innovation (DEEDI) is a key driver of opportunities for Indigenous people. It runs the Tourism Action Plan to 2012, which aims to deliver jobs, investment, infrastructure and marketing to support the Queensland tourism industry and increase Indigenous participation in mainstream tourism and product development. This includes:

- Indigenous Employment Champions network—led by the Queensland Tourism Industry Council and aimed at attracting and skilling the Indigenous tourism workforce
- Tourism Opportunity Plans (TOP)—identifying new Indigenous tourism products and ideas that reflect a destination’s needs
- Tourism Projects Pre-feasibility Grants program—supports tourism infrastructure pre-feasibility activities identified in the TOP by offering a funding avenue to explore these projects.

Other activities include:

- Cape York Peninsula and Torres Strait Tourism Development Action Plan 2008–2011
- Queensland Indigenous Tourism Product Manual 2010–11
- Indigenous Business Development Program (IBD) which has approved 18 projects in the Cape York region and three in the Torres Strait over the past three years. Total funding is \$2.58 million (\$770,030 for Torres Strait).

Examples of successful Indigenous enterprises include:

- Aurukun Wetland Charters ([www.aurukunwetlandcharters.com](http://www.aurukunwetlandcharters.com))
- Walker Family Tours, Wujal Wujal ([www.walkerfamilytours.wujal.com](http://www.walkerfamilytours.wujal.com))
- Guurbi Tours ([www.gurbitours.com](http://www.gurbitours.com))

## Indigenous arts—State

The Queensland Government has developed a whole-of-arts focus for its endeavours to improve the social and economic wellbeing of Indigenous people. This focus highlights a fundamental difference between the cultural foundations of our Indigenous and post-settlement citizens. The connection with the Australian landscape is barely 200 years old for post-settlement citizens and the profound sense of protection Indigenous people feel for their country, and the fundamental importance within it of Indigenous cultural artistic expression is not always understood.

Indigenous culture is essential to its people, their sense of identity, pride and self-confidence. It views economic development that is strength-based, including arts strengths, as more likely to succeed.

Increased Indigenous participation in the life and economy of Australia contributes significantly to the reconciliation process by increasing community understanding and valuing of Aboriginal and Torres Strait cultures.

Recognising this, the Queensland Government developed its first whole-of-arts portfolio in 2009: the Aboriginal and Torres Strait Islander Arts Policy

2009-2013, driven by Arts Queensland, a Queensland Government agency.

The policy:

- raises cultural awareness and knowledge
- supports arts development
- protects and strengthens culture
- increases employment and training.

Drivers of the strategy are:

- education and individual capabilities
- jobs
- business and entrepreneurship
- financial security and independence
- strengthening foundations.

Targeted Indigenous arts and cultural programs include:

- Indigenous Regional Arts Development Fund—a partnership with local Indigenous councils for small-scale developmental projects and cultural maintenance programs
- support for arts and cultural festivals such as The Dreaming, Laura Dance, Gulf and Torres Strait festivals
- Backing Indigenous Arts (BIA)—an \$11.93 million program over four years aimed at strengthening Aboriginal and Torres Strait Island arts in Far North Queensland.

## Backing Indigenous Arts

The Backing Indigenous Arts (BIA) program is the Queensland Government’s single biggest investment in Aboriginal and Torres Strait Islander arts and culture. It comprises four complementary elements that model an industry supply chain for the arts sector with funding of almost \$12 million:

- **Indigenous Art Centre network and hubs** (\$4.67 million)—operational and capital infrastructure funding to support training, governance, business planning, marketing, equipment and networks in 14 IACs (including three hubs) and UMI Arts in Cairns
- **Djumbunji Press** (\$1.63 million)—Cairns printmaking centre to train artists and increase the supply of fine art prints
- **Building Skills and Opportunities** (\$3.43 million)—flexible funding to support projects which build skills, open access to new markets and maintain and share cultural traditions
- **Cairns Indigenous Art Fair** (\$2.2 million)—an ethical showcase to stimulate demand for quality Queensland Indigenous arts and crafts, performing arts and cultures.

### **Economic successes to date include:**

- Part-time employment for 469 artists and arts workers through building skills and opportunities in 2008 and 2009.
- Sales of artwork through the Indigenous Art Centre Network amounting to \$3.81 million in 2008 and 2009 and the creation of more than 900 part-time jobs (70 per cent artists).
- Sales of artworks at the Cairns Indigenous Art Fair amounting to \$500,000 in 2009 and increasing to \$700,000 in 2010.

These outcomes demonstrate how arts and culture can play a key role in generating employment and economic opportunities for people living in regional and remote Indigenous communities, where options are limited. Urban artists in the Cairns region have also benefited and the Cairns Indigenous Art Fair has improved cultural tourism outcomes for the whole of Far North Queensland.

Interviews conducted with participants across all four elements of the BIA program have also revealed significant community and social benefits through participation in the arts, such as addressing mental health issues, engaging young people in education and training and facilitating cultural retention.

### **Indigenous Business Development Program—Department of Employment, Economic Development and Industry (DEEDI)**

- Western Cape Indigenous Arts Hub—a partnership with Tropical North Queensland Institute of TAFE and Western Cape College to deliver arts-and-craft-based business and professional development opportunities and to build the profile of Western Cape Indigenous artists. The project has been supported because of the strength of arts-based enterprise-development opportunities in the region.
- Cairns Indigenous Arts Fair—Arts Queensland's Cape York-based BIA program will invest \$3.43 million over four years in building opportunities. The first annual Cairns Indigenous Art Fair was held 21–23 August 2009. DEEDI is contributing funds for the first three years to support emerging artists and arts businesses.

## **3.2 Options for improving Indigenous economic opportunities**

It is significant that this Inquiry incorporates under its heading for 3.0 options both for economic development for the benefit of Indigenous people and for the protection of undisturbed river systems. Consideration of either in isolation would likely impact on the other.

It is precisely with this in mind that the Wild Rivers Act has been carefully constructed to manage the necessity of both. It is submitted that the Act provides many options for improving Indigenous economic opportunities and for protecting the natural values of the rivers.

### **Effect of wild rivers legislation on economic development**

The *Wild Rivers Act 2005* is not an all-or-nothing solution to the complex problem of Indigenous economic development. It allows mining in preservation areas and certain mining (such as liquefied natural gas) may occur in a high preservation area if there is minimal surface disturbance. The Act supports beef cattle production and accommodates a range of other employment-generating businesses, such as market gardens, commercial and tourism based fishing and potentially, bioharvesting.

For the many reasons identified at 3.1 it is important, in considering the options for improving Indigenous economic opportunities, to understand how the Wild Rivers Act facilitates this while balancing the need to maintain these unique natural environments in partnership with local communities.

Many agricultural activities are not constrained by the Wild Rivers framework in more than 80 per cent of a wild river area. In limiting horticulture and cropping near rivers, water quality, riparian function and wildlife corridors are maintained. Analysis of the location of more suitable soils shows they are abundant in areas available for this activity. Appropriately large off-stream dams to supply horticultural and cropping can be constructed in the 80 per cent of the wild river area outside the HPA. Taking groundwater is not affected by wild river declarations.

Water is specifically available under wild river declarations in Cape York for Indigenous business developments. Indeed the allocation of water for Indigenous communities under the Wild Rivers Act is unique in Australia. The Queensland Government intends making a similar reserve available in Gulf wild river areas.

Research suggests fertilisers and herbicides will be required to make such developments sustainable. The wild rivers framework does not prohibit this, but ensures water quality will not be compromised by it. Recent studies have highlighted the potential for market gardens to supply smaller internal markets—and it should be noted that development of market gardens of up to 4ha can occur in any part of the wild river area, including the HPA.

The wild rivers framework has no impact on sea-based aquaculture because wild river boundaries are based on river basin boundaries and do not extend into the sea. The wild river high preservation area prohibitions on land-based aquaculture are consistent with good management practice to not site ponds in flood prone and riverine areas. Wild rivers requirements would not preclude these types of aquaculture operations occurring in 80 per cent of a wild river area (see above). Again, the wild rivers framework accepts the potential for this industry, while recognising it can have environmental impacts. Conditions in a wild river declaration area are designed to reduce the impacts of intense development on water quality and other natural values.

Commercial fishing is affected only by the requirement for the granting of a new fishing licence to include consideration of wild rivers' natural values. Forestry operations are required, under a wild river declaration, to ensure a management plan is robust and limits environmental impacts. Native forest harvesting on freehold land has no wild rivers requirements. Mining can continue to occur in 80 per cent of a wild river area with wild rivers requirements designed to ensure impacts are minimised. Tourism facilities can be constructed anywhere in a wild river area provided steps are taken to ensure the impacts of the development do not compromise the environmental quality of the area.

Recognising that infrastructure, particularly roads, is important to the sustainability or expansion of most industries, as well as to the health and social wellbeing of communities, the Wild Rivers framework ensures roads, electricity cables, pipelines and other infrastructure can be constructed and effectively maintained anywhere in a wild river area.

Most importantly, while recognising the needs of these industries in a way that is consistent with the aspirations of residents, in particular Traditional Owners, the Wild Rivers framework ensures development is not undertaken at any cost, and that the natural capital inherent in these unique environments is resilient and enduring for the many generations to come.

## Current and ongoing initiatives

The Queensland Government is also providing the framework for improving Indigenous economic outcomes through land ownership reforms. This includes home ownership in Aboriginal communities and the transfer of leasehold land into Aboriginal freehold land on Cape York Peninsula.

Substantial support for Indigenous economic wellbeing is being provided by a Queensland Government reform that enables Aboriginal residents of DOGIT (Deed of Grant in Trust) communities to buy residential housing.

This was made possible by a 2008 amendment to the *Aboriginal Land Act 1991* that allows 99-year leases for housing and, by recent decisions, the valuation of houses for sale on a market (rather than replacement-cost) basis. Land will also be sold at significant discount against the cost of providing water, power and sewerage. Generous loans are available to qualified applicants. This will provide access to a capital base for individuals and families that has not previously been available in Aboriginal communities. In the medium term this will deliver opportunities for broader engagement in the economy through the development of local enterprises.

The Queensland Government has sponsored the acquisition of more than 1.6 million ha of land on Cape York since 1994. These lands have been assessed with Traditional Owners, key representative and advisory bodies, including the Cape York Land Council and Balkanu Cape York Development Corporation. Areas for national parks and for grants of Aboriginal land have been identified.

The *Cape York Peninsula Heritage Act 2007* provides a framework that confirms the voluntary land acquisition was for two purposes: protection of conservation values (including through the establishment of new protected areas), and the continued return of homelands to Traditional Owners to enable them to develop an economic future.

Under the coordination of the Cape York Peninsula Tenure Resolution Program, 575,000 ha of new national park and 617,000 ha of new Aboriginal land have now been finalised. Formal joint management arrangements are being established for all new and existing national parks on the peninsula.

The Cape York Peninsula Land Tenure Resolution Program (CYPLTRP) has a range of objectives that work together to improve the social and economic development opportunities for Indigenous people on the Cape. Further details of this are provided in Section 6.o.

## Wild River Rangers

Queensland's Wild River Rangers play a major role in caring for the world-class natural and cultural values across the Wild Rivers of North Queensland. As identified in section 3.1, the Queensland Government currently funds 40 Wild River Rangers and has a commitment for up to 100. Of these, 35 Indigenous rangers have been contracted to work with landholders, communities and Traditional Owners across 11 communities: the Northern Peninsula Area, Mapoon, Napranum, Aurukun, Chuulangun, Pormpuraaw, Kowanyama, Georgetown, Burketown, Normanton, and Cardwell.

The program demonstrates what can be achieved when rangers have a commitment to country beyond its capacity to provide income. A presence on their lands that spans thousands of years has been a major factor in impressive results that include:

- greatly reduced predation of marine turtle nests by pigs
- improved management of weeds and other threats to the state's wild rivers
- fuel reduction and ecological burning
- collection of valuable information on local species and habitats
- better protection of cultural heritage
- improved visitor management.

**“Wild Rivers is supporting the proper Indigenous management of country including homelands-based initiatives and sustainable enterprise, and provides important employment, training and capacity building opportunities for our people.”**

Statement by Traditional Owners,  
<http://www.wilderness.org.au/files/Abbotts-anti-Wild-Rivers-Bill-a-statement-by-Traditional-Owners.pdf>

These activities have widespread benefits. For example, reinstating traditional burning regimes and preventing wildfires reduces carbon pollution and can contribute to greenhouse gas reductions. Rangers also fulfil a border surveillance role, watching for illegal fishers and potential invasive plant and animal species. Their presence is an impediment to poachers and other abusers of these important environments.

The Wild River Ranger program follows a community-based economic-development model. Employment of rangers is outsourced to community-based organisations, through a contract with the Department of Environment and Resource Management (DERM), which provides a mentoring and support structure. This supports capacity building, ensures community ownership, and helps generate a resource-management economy.

The program mentoring and training approach is a unique and effective delivery model. It recognises that capacity is something that comes with time, and that communities will be at different levels and have different needs. The program supports capacity building through on-the-job training and program mentoring. The training provided by DERM leads to nationally accredited skills and is part of Certificates II and III in Conservation and Land Management. Rangers can also request mentoring from program staff. Mentors act as role models and promote experiential learning by rangers. Hands-on support in the field provides mentoring in leadership, succession planning, teamwork and operational planning. Feedback indicates this is helping rangers address complex life issues and is resulting in significant improvements to self-esteem and work capability.

The Queensland Government has entered into a Memorandum of Understanding with Australia Zoo to offer Wild River Rangers an opportunity to broaden their experience in wildlife handling and management issues. It is envisaged that the program will provide exposure for the rangers to international networks and the ecotourism industry. Australia Zoo will benefit from the Rangers' invaluable traditional knowledge about conservation and cultural heritage and has committed to providing training streams on research, leadership and management, and to support the increase in female participation in the ranger program. Australia Zoo will also support a junior ranger program in Cape York and Gulf schools so that children can gain knowledge and experience in conservation management activities.

Importantly, the Queensland Government recently announced the Wild River Rangers would be given public-service-style security of tenure. This commitment to Indigenous rangers recognises the large existing network of Indigenous land-and-sea management programs, and their place in the possible development of a natural-resource-management economy in remote Queensland (Altman et. al. 2007).

For this reason, community-based ranger programs are an important feature in the Queensland Government's approach to supporting Indigenous economic development in North Queensland. The ranger program also builds capacity for the rangers to negotiate fee-for-service contracts with providers such as the Australian Quarantine Inspection Service. Rangers have also used their skills to establish businesses such as camping and tourism.

**“It is a lighthouse, a beacon of hope for Aboriginal employment.”**

Senator Nigel Scullion, Federal Opposition Indigenous Affairs spokesman describing Wild River Rangers, *The Courier Mail*, 12/11/2010

In this way Indigenous ranger programs are supporting continued and expanded public investment in Indigenous land-and-sea management, and expanding Indigenous involvement in conservation-compatible business development.

Individual rangers have moved on to higher paid jobs in related and unrelated fields (such as mining, construction and health services). Feedback indicates their participation in the program was a significant factor in achieving further employment.

Wild river ranger groups regularly engage in programs with their local schools, including giving talks about careers as rangers, assisting teachers and staff on biology and geography field trips, and teaching cultural heritage, language and traditional knowledge. The growth of interest in the rangers from their schools has been considerable, and in response DERM is in the process of developing a junior ranger program. This program will be community driven and will be supported by a qualified education professional. The development of this program recognises that rangers play an important role in their communities that goes well beyond traditional natural resource management activities.

### 3.3 Protection of undisturbed systems

Protection of undisturbed systems is not a recurring opportunity. It occurs only once—after that, there is only restoration. The two offer very different outcomes.

A case in point is the Murray Darling Basin—a system that extends across approximately one seventh of Australia and is regarded as the economic powerhouse of rural Australia, providing some three quarters of the irrigated land in the nation. Failure to manage its resources sustainably has led to social, economic and environmental impacts that are costing literally billions of dollars to repair. Restoration cannot always replace lost values—values that include not only plants and animals, but also the loss of healthy water, including groundwater and surface water, the ability of the land to sustain life and, potentially, social loss, including the loss of work, income, self-esteem and wellbeing. Restoration has proven to be more costly than protecting those values from damage.

Protection of undisturbed natural systems—especially those systems that have significant natural, cultural, social and economic values, as, for example, the Lake Eyre Basin does—provide a high degree of certainty about the future. It lowers the cost of management, places Australia among the world’s leaders in natural resource management, and generates a wide range of economic endeavours, not the least of which, in a world of diminishing natural splendours, is national and international tourism.

### Values of natural landscapes

Extracts from Queensland’s draft Biodiversity Strategy give clarity to the imperative to maintain wild river areas in their natural state:

“Both the Australian and the Queensland Governments now endorse the view of mainstream environmental science that long-term human economic and social wellbeing is inextricably linked to the wellbeing of our natural landscapes and seascapes. It is now a guiding principle of international scientific authorities that sustainable, productive and healthy environments for people are interdependent with healthy biodiversity—the diverse terrestrial, freshwater and marine ecosystems that provide all our ecosystem services, including a diversity of native plants and animals, clean water and productive land and oceans“.

Biodiversity is essential for our existence and intrinsically valuable in its own right. It is also closely linked to culture, especially for Indigenous people, and it supports our lifestyles and wellbeing.

Traditional Owners stress the importance of conserving biocultural diversity—not only the plants and animals of a place but also the people, knowledge, stories and songs.

Biodiversity directly supports our society’s economic security. For example, the fishing and seafood industries are largely dependent on natural ecological systems for productivity and sustainable profit. Our natural ecosystems and our unique plants and animals are a resource for business, for tourism and for recreation by all Queenslanders and by national and international visitors.

Almost half of the species living in Queensland are found nowhere else in the world. The number and uniqueness of our species means Queensland carries an immense responsibility for conserving biodiversity.

More than 12,000 species of plants grow in Queensland, which is home to 80 per cent of Australia’s native bird species, 70 per cent of its mammals, and more than half its native reptiles and frogs.

Five of Australia's 11 natural World Heritage areas—vital elements in Australia's successful tourism industry—are based wholly or partly in Queensland: the Wet Tropics, the Great Barrier Reef, Gondwana Rainforests, Fraser Island and the Riversleigh Fossil Mammal Site.

Over the past 200 years Australia has suffered the largest documented decline in biodiversity of any continent. Despite efforts to manage threats and pressures to biodiversity in Australia, it is still in decline.

The main threats to our biodiversity are loss, fragmentation and degradation of habitat; the spread of invasive species; unsustainable use of natural resources; climate change; inappropriate fire regimes and changes to the aquatic environment and water flows.

Protected areas are recognised internationally as a key strategy in nature conservation; but protected areas alone do not provide healthy biodiversity; it needs integrated landscapes. With the internationally recognised threat of climate change, the role of natural landscapes as nature's safety net is even more important. In both rich and poor countries, a system of healthy natural landscapes is seen as a worthwhile investment that provides a great number of benefits not just to biodiversity, but also to the community.

A wild river declaration provides protection for the natural values of a wild river. The natural values are:

- hydrologic processes—the natural rainfall, runoff and infiltration processes that transmit water from source to sea (or terminal wetland) via stream and aquifer networks
- geomorphic processes—the natural erosion, transport and deposition of sediments by water downstream to coastal landscapes (e.g. estuaries, beaches), floodplains, or terminal wetlands. These processes maintain the physical integrity of the river system and support ecological processes
- riparian function—the stabilisation of stream banks, the provision of habitats (both aquatic and terrestrial), and the natural filtering of pollutants entering a waterway
- water quality—the natural physical and chemical attributes of water that sustain aquatic and terrestrial flora and fauna within a river system and its receiving waters (i.e. estuary, terminal wetland)
- wildlife corridor function—sufficient areas of natural habitat within and along the river that allow native terrestrial and aquatic fauna to safely live and migrate within their natural ranges.

Natural values provide the basis for sustaining healthy ecological processes in a river system. They create and

form the biophysical habitat for native flora and fauna and provide scenic, recreational and heritage appeal.

## National recognition for wild river values

As noted above, the importance of biodiversity conservation is also recognised by the Australian Government. With the states and territories, through the Natural Resource Management Ministerial Council, it is setting a national framework for biodiversity conservation over the next decade.

The 1996 National Strategy for the Conservation of Australia's Biological Diversity was developed to fulfil Australia's obligations under the 1993 United Nations Convention on Biological Diversity (CBD), which seeks to sustain the rich diversity of life on Earth. Australia's Biodiversity Conservation Strategy 2010–2030 replaces the 1996 strategy. This new strategy, endorsed by the Commonwealth Government with all states and territories, includes many of the important principles that have guided the construction of the Wild Rivers Act. For example, its principles include:

- we share the Earth with many other life forms that have intrinsic value and warrant our respect, whether or not they are of benefit to us
- biodiversity is best conserved by protecting existing natural habitats
- effective conservation of biodiversity operates at the landscape and seascape scale across public and private tenures
- natural ecosystems are dynamic but have a finite capacity to recover from external threats, impacts and pressures
- building resilience recognises the critical links between ecological and social systems
- all Australians benefit from biodiversity; all Australians can and should contribute to its wellbeing
- our efforts to conserve biodiversity must acknowledge and respect the culture, values, innovations, practices and knowledge of Indigenous peoples
- knowing that our knowledge is limited, we should apply the precautionary principle while employing adaptive management approaches using new science and practical experience.

In this context the Australian Government's key environmental legislation is the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places.



Specifically it aims to:

- conserve Australia's biodiversity
- protect biodiversity internationally by managing the international movement of wildlife
- provide a streamlined environmental-assessment approvals process where matters of national environmental significance are involved
- protect our world and national heritage
- promote ecologically sustainable development.

## Protection versus restoration

In Queensland, statutory planning and environmental regulation seek to find a balance between development that provides benefits for communities and protection of natural values and places a strong value on ecosystem services that preserve natural resources. The balance of development and protection provided for in the wild rivers legislation is an example of a pragmatic approach that provides for both protection and development.

A recent study—The Economics of Ecosystems and Biodiversity—in trying to measure the dividend that society gains from 'ecosystem services', examined the economic value of ecosystem services to economies and industries in a range of countries.

Ecosystem services include: provisioning services such as wild foods, crops, fresh water and medicines; regulating services such as filtration of pollutants and climate regulation; cultural and recreation services; and supporting services—for example soil formation, photosynthesis and nutrient cycling. ([http://www.teebweb.org/Portals/25/TEEB%20Synthesis/TEEB\\_SynthReport\\_09\\_2010\\_online.pdf](http://www.teebweb.org/Portals/25/TEEB%20Synthesis/TEEB_SynthReport_09_2010_online.pdf)). This report highlighted the economic value of natural systems to traditional and emerging industries and economies, as well as the short- and long-term cost benefits of ecosystem protection. The approach of the study is based on the work of economists over several decades and considerations have included eco-industries, market advantages, economic opportunities in poor and rural areas, and the cost benefits of protecting ecosystem services. See example below.

### Cost benefits of protecting eco-system services

The tourism industry is continually relying on ecosystem services to sell "eco-experiences". The near-natural state of the Lake Eyre Basin rivers, which are nominated for wild river status, presently helps support a tourism industry worth over A\$80 million (<http://www.lebmf.gov.au/basin/tourism.html>). Such a robust tourism industry in the Lake Eyre Basin demonstrates the potential for eco-tourism in other remote areas, such as the Cape, to play an important role in developing the tourism industry more broadly.

A recent study by the Australian Conservation Foundation on the economic benefits of Australian wetlands found that the Hattah Lakes in northern Victoria in the Murray River catchment, had an annual economic value of \$14.5 million (ACF, 2010). The vast majority of this value (\$10.7 million or 73 per cent) was derived from direct uses such as tourism and recreation.

A study published in *Nature* estimated that the minimum global gross value of ecosystem services is about US\$16 trillion per year (Costanza *et al.*, 1997), with the average total being about US\$33 trillion. Of this average total, the average annual value of lakes, wetlands, rivers and estuaries was calculated to be approximately US\$10 trillion. These services include natural and physical process, such as nutrient and water cycling, as well as habitat value and social and cultural values.

Ecosystem protection can also help provide cost-effective social services. The Economics of Ecosystems and Biodiversity study discussed an example in the USA, where New York City authorities decided to pay landowners upstream to improve land management practices to prevent run-off of waste and nutrients in order reduce the costs at water treatment facilities. At a cost of US\$1–US\$1.5 billion the program was a significantly cheaper alternative than building a new water treatment plant at US\$6–US\$8 billion, and delivered significant cost savings to New York City authorities. Under the program water bills only rose 9 per cent, instead of doubling as was anticipated if a new water treatment plant was built.

The same study also discussed several other case studies of ecosystem services providing cost-benefits, including a savings of US\$5 billion in flood damage for the city of Vientiane in Lao after wetlands were protected for flood mitigation, and an 80 per cent increase in fish catches in Hail Haor in Bangladesh after important wetlands were protected. Similarly the flood protection value of tropical forests in Cameroon have been estimated to provide US\$24 per hectare (Yaron 2001), and the cost-benefits of a reforestation program in Canberra was estimated to be US\$26–US\$67 million through improvements in air quality, energy savings, and carbon sequestration (Brack 2002).

## Opportunities for development and sustainability

A wild river declaration provides the framework for sustainable development in wild river areas and provides for the protection of natural values in these areas. Considering the cost benefits of eco-system services and the role that natural systems can play in developing and supporting industries and livelihood, the value of natural systems can play an important role in economic development programs, particularly in remote areas with high conservation value. Examples provided above show that these natural values have the potential to provide significant dividends to communities and industries, including:

- opportunities for local employment and involvement in land management, including potential for a high level of involvement of local Indigenous people
- health and wellbeing benefits through recreation and scenic beauty. A 2007 survey found that 80 per cent of Queenslanders had visited the State's national parks, with 40 per cent visiting in the year before the survey (The Nielsen Company 2007). International research shows general health benefits for people living in greener environments (Maller et. al 2008)
- ecosystem services for human populations. Protected catchments provide the cleanest, cheapest and most reliable water supplies for many of our population centres. Other valuable ecosystem services include erosion control, soil formation and nutrient cycling. For example, the total value of ecosystem services (water protection and supply, soil and nutrient services and erosion control) provided by national parks in the Wet Tropics World Heritage Area is more than \$35 million a year (Curtis 2004)
- large and stable areas for storage of greenhouse gases and the regulation of climate. In a world concerned about carbon emissions and storage, natural vegetation has a newly recognised value for community wellbeing and economic investment. The climate regulation value of national parks in the Wet Tropics is estimated at \$4.7 million every year (Curtis 2004). An estimated 15 per cent of the world's carbon is stored in protected areas (Dudley et. al 2010)
- a vibrant, growing tourism industry based on Queensland natural areas; for example, more than 16 million visitors to the State's national parks each year. In Queensland more than 7000 people are employed in this industry and more than \$4.4 billion is spent annually by tourists. Spending by people who visit regions specifically to see national parks

is estimated at more than \$749 million annually and contributes about \$345 million to gross state product (Ballantyne *et al.* 2008)

- places where Indigenous culture and links to the land are celebrated. Many natural landscapes have great significance to Aboriginal and Torres Strait Islander people and these areas are increasingly managed in partnership with Traditional Owners
- refuges for diverse life forms and genetic material, providing opportunities for future medical cures and other natural chemical
- protection for the unique plants, animals and landscapes that form part of the Queensland identity and culture, from the iconic red dunes of the Simpson Desert to the green rainforests of the Wet Tropics with their myriad life forms
- protection for cultural heritage. Cultural heritage places, historical buildings, Aboriginal art and artefacts, archaeological sites and other links with past and current culture are protected in parks
- benchmarks for ecologically sustainable management. Where surrounding areas have been developed and used for many years, natural landscapes are places where the natural diversity of plants and animals can be seen, providing benchmarks against which landscape changes can be measured.

**“Healthy rivers are the lifeblood of our people—everything depends on that. Water for drinking, fish for eating—we have to protect this for our children’s children ... the Government shouldn’t cave in to the scaremongering of those mining and agriculture mobs.”**

Murrandoo Yanner, Gangalidda Traditional Owner,  
<http://www.giveusabreak.org.au/>

## Costs of protection versus restoration

Degraded ecosystems have a reduced potential to perform valued ecosystem services and to support valued industries like tourism, agriculture and recreation. Protection has the obvious benefit of protecting these economic values, while restoring these values comes at a cost. Time lags between the completion of restoration works and the restored function of ecosystem services also mean that the cost-benefits of restoration are not instantaneous, further delaying the ability of a natural area to provide economic value (Drechsler *et al.*, 2010). Restoration also requires an allocation of funds to experiment with and refine techniques, which can add an additional cost to total restoration costs (Bernhardt, *et al.*, 2005).

Trends in Australian wetland rehabilitation show a continued increase in rehabilitation projects, particularly over the last two decades. Most of these projects focused on restoring altered hydrology. With less than 1 per cent of the area of impacted wetlands in Australia being subject to rehabilitation, this trend is expected to increase in coming years adding to the overall cost of national rehabilitation works. The majority of these rehabilitation works were estimated to cost around \$1000 per hectare per year, though larger projects costed up to \$70,000 per hectare per year (Streever, 1997). Total costs depend on the nature of the impact and a greater number of smaller projects are likely to reflect economies of scale, as well as a reluctance to attempt larger and more expensive projects (Streever, 1997).

At a catchment scale, river restoration costs can be much higher. A study of river restoration projects in the USA calculated the average project cost to be around US\$383 million, with the total cost of all projects between 1990 and 2003 to be over US\$7 billion (Bernhardt, *et al.*, 2005). This estimate excluded the full costs of large restoration projects for large river systems, which was considered to add billions of dollars to total cost estimates in the future. This study demonstrates the large costs associated with restoring large river systems. The restoration costs for the Murray–Darling provide a good example of the costs of river restoration in Australia. In 2000

the CSIRO estimated the cost of implementing land and water management plans to address complex environmental issues on a regional scale, in the Murray alone, will involve an investment of \$498 million (Hatton MacDonald *et al.*, 2001). Recently the Commonwealth Government announced that \$11 billion would be made available for water buy-backs in the Murray–Darling, though these efforts alone form only part of the total restoration package, with other issues like land remediation, fish passage improvement, riparian rehabilitation and salinisation also adding large costs to total restoration efforts. The full cost of restoring ecosystem function in a large system like the Murray–Darling is difficult to fathom, and while these predictions are not available it is fair to assume that the total cost will be in the billions of dollars.

Restoration costs for the Murray–Darling highlights the complexity of restoring a large river system. The Lake Eyre Basin, a proposed wild river area, is comparable in size to the Murray–Darling, and, given the significant natural and economic values of this system, is worthy of protection. The near-natural state of the Lake Eyre Basin rivers presently supports a tourism industry worth over \$80 million (<http://www.lebmf.gov.au/basin/tourism.html>) and agricultural industry worth over \$270 million (<http://www.lakeeyrebasin.org.au/archive/media/bground.pdf>). This alone highlights the importance of its nomination as a wild river area, supporting the argument for protection.



Chester Gorge, Lockhart River

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# Section 4



## 4.0 The nature and extent of current barriers to economic development and land use by people, whether Indigenous or non-Indigenous, including those involved in the mining, pastoral, tourism, cultural heritage and environmental management

The history of economic development in Cape York and the Gulf of Carpentaria outlined in Section 3.1 has detailed the nature and extent of barriers to economic development in the remote areas of far north Queensland.

Historically, the barriers have been identified as the distance to markets, the extreme climactic conditions, poor soils, limitations on water access, lack of infrastructure and skill shortages. These barriers affect all people; however, the significant disadvantage of Indigenous communities in these areas must be acknowledged. High welfare dependency and low education levels have combined to put Indigenous communities at significant disadvantage.

Exploration of the barriers to economic development critically requires consideration of these issues as well as exploration of the cultural differences and aspirations of Indigenous and non-Indigenous people.

Economic opportunity for Indigenous people needs to be—as with any society—meaningful, enduring and consistent with cultural aspirations. To create employment that is artificial—that is, creating work that is not necessary and fulfils no genuine purpose—can only generate apathy, frustration and resentment, and exacerbate community isolation and social disadvantage—leading to poor social, economic, cultural and spiritual health.

A great irony for the Gulf's and the Cape's Indigenous people is that the tyranny of distance, terrain and climate—the very elements that have enabled the retention of homelands in a way not afforded to many Indigenous Australians—are the very impediments to the social equality and wellbeing that much of modern Australia enjoys.

Cape York has a history of enterprises that have struggled to survive, not through any lack of desire to succeed, but because of the unique landscape challenges, and often because the parties to the endeavours have disparate aspirations.

In this context, the value of country to Indigenous people has already been set out elsewhere in the submission. Its sustainable management is viewed by Traditional Owners as the responsibility of Indigenous custodians and this remains a critically and culturally important concept. Therefore natural resource management, and the tourism industry it can support, can be a key focus to provide real jobs, with real meaning. Indigenous tourism is complemented by the wild river framework, the joint management of protected areas—and potentially future world heritage consideration.

The value of 'traditional' industries, including grazing and mining, need to be part of the whole picture of economic opportunity, and targets for employment, as set through the Western Cape Regional Partnership are significant contributors to employment and skill development. These industries are also able to provide opportunities for Indigenous communities to enter into entrepreneurial partnerships in, for example, timber salvage or earthworks contracting.

However, given the history—the multitude of past and existing programs, the landscape constraints, the cultural aspirations and the capacity of Indigenous communities to build and sustain culturally appropriate enterprises that provide jobs for people—governments at all levels need to refresh their approach to Indigenous economic opportunity. A more substantial and better coordinated program to build a meaningful economy, from the grassroots upwards, is required. This needs to be developed and resourced under Commonwealth leadership, in collaboration with Indigenous communities and with planned and sustained delivery across all levels of government.

It is only through such an approach that the fundamental issues that impact on Indigenous people's social, cultural and economic wellbeing can be addressed.

# Section 5



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## 5.0 Options for overcoming or reducing those barriers and better facilitating sustainable economic development, especially where that development involves Indigenous people

As this submission has identified, there has been a significant investment from State and Commonwealth Governments to overcome barriers to economic opportunities for Indigenous people. Section 3 of this submission has detailed some of the government programs that have been implemented and identified some of the significant resources that have been focused on this end. There have been some successes; however, it is recognised that while there is no silver bullet, there are opportunities that need to be progressed. These opportunities include forming partnerships between Indigenous communities and all levels of government to achieve measurable outcomes; as well as leveraging of programs that are demonstrating success. Two examples discussed here are the emerging natural resource economy, and the autonomy of Indigenous councils.

### Concept of a natural resource economy

Cape York and the Gulf area is ideally suited to success as a natural-resource services economy within, and supported by the more broadly based goods and services economies of Queensland and Australia.

Experience on Cape York identifies the critical elements of successful natural resource management as:

- enduring commitment (parties need to be in it for the long haul)
- resonance with the imperatives that characterise the human and natural setting on Cape York
- continuing delivery of near-term value to all parties, that is, recurrent targets that are met sooner rather than later. Investors need regular reassurance that results are being achieved, not mere promises for some time in the indeterminate future
- common good outcomes require public expenditure.

The necessary arrangements that acknowledge the universal need for the social and physical infrastructure (for health, housing, education, law and order, utilities, etc.) are:

- tenure resolution (native title, land dealings)
- protection and promotion of the region's most significant natural resource assets and values (national reserve system/protected area estate, wild rivers, World Heritage listing, joint management of national parks)
- management of development (Sustainable Planning Act, Cape York Peninsula Heritage Act, Wild Rivers Act)

- establishment and maintenance of natural-resource-economy initiatives (Wild River Rangers, Working on Country, Dreaming Track, Q2 Coasts and Country/ Caring for our Country).

This will require both public investment in providing tenure certainty, asset security, and management and development control and private investment in sustainable business enterprises, resulting in benefits for community and individual wellbeing, natural resource protection and economic activity through service delivery.

Two current Cape York initiatives address these elements. They are the place-based and community development-based model for the Wild River Rangers Program, and the eco-culturally based Cape York Dreaming Track (see Section 6.0). In both cases they resonate with the aspirations of local communities at several levels and offer continuing near-term value to those communities, to the government and to industry.

Wild River Rangers are community members who are working with their community to look after country. The program delivers a stream of new jobs, training achievements and on-ground work successes that investors can point to. They also deliver the slower, enduring benefits of building respect, inspiring school attendance and the vision of a future beyond the everyday difficulties that beset these isolated communities (see Section 3.2).

If progressed, the Cape York Dreaming Track can provide both spectacular nature-based tourism experiences and enduring employment for Indigenous people on country.

### Indigenous local councils

An important step in the removal of barriers to sustainable economic development and the development of community empowerment and self-respect is the continued development of Indigenous local governments. Indigenous communities are now gaining the requisite skills to deal with strategic and operational decisions about land-use planning for their communities.

**The wild rivers legislation does not stop Indigenous hunting, fishing, grazing or the building of community infrastructure and it does not override native title rights.**

These 16 Indigenous local governments will become particularly relevant as increased forms of separate long-term tenure of lands are created to enable private home ownership. They will also grow increasingly important in the consideration of broader development.

As the reliance on native title controls decreases, or where Indigenous Land Use Agreement (ILUAs) are negotiated, the systems that come with local governments enable communities to increase their capacity to make accountable decisions. This is particularly relevant in an economic environment that is usually already well known by prospective developers and government agencies.

This is especially true in Queensland, where Indigenous councils have been formally recognised and supported in their transition to full shire status since 2004. More recently, following the local government reform process, they come under the same legislation that affects all other local governments in the state. On transition, Aboriginal shire councils and Indigenous regional councils are expected to provide sustainable and accountable governance and to deliver efficient and effective municipal services to their communities.

But the creation of local government frameworks—and, in particular, planning processes—for councils that have not previously operated under such jurisdictions can be daunting. It requires rapid development of the capacity to undertake and integrate all local government functions. This extends not only to the establishment of a range of operational plans (e.g. local planning schemes) but also, and more so, to their continuous implementation, including planning and delivering infrastructure and asset management plans.

There is a need for special assistance for Indigenous communities across the nation to establish effective operational models and systems to maintain effective local governance and to provide a strong base for development-related and other decision making. For example, there may be smarter and more effective ways for remote local governments to share resources. Similarly, support may be required to build economic development and development assessment capability to attract and deliver new enterprises.

The recognition of Indigenous issues and the promotion of Indigenous economic development through national partnership agreements is rightfully a matter for national recognition. Indigenous communities who have been dependent on centralised forms of government, and who have had their economic development largely influenced by government decision-making processes, should receive appropriate Commonwealth help. This would promote and accelerate practical forms of local decision making that accord with statewide principles.

This help should recognise the economic advantage that such jurisdictions and systems can bring and be attuned to where they can demonstrate genuine opportunity for economic progression. Opportunities for partnerships that recognise and help integrate other local Indigenous bodies (for example, non-statutory community groups or individual representatives, through the use of panels) should also be recognised as effective inclusions of governance structures that can aid economic development. This should also be tied to Commonwealth funding opportunities.





# Section 6



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## 6.0 The potential for industries which promote preservation of the environment to provide economic development and employment for Indigenous people

This submission has identified a number of opportunities for Indigenous communities to achieve benefits from industries which promote environmental stewardship. The following four examples are promoted through Queensland Government legislative and policy initiatives. These demonstrate the growth of real economic development opportunities based on a natural resource management economy. The Queensland Government has established legislative arrangements to support these programs or invested in feasibility studies to assess their potential to drive improved tourism and development opportunities.

### Land acquisition and tenure resolution

The Queensland Government has sponsored the acquisition of more than 1.6 million hectares of land on Cape York since 1994. These lands have been assessed with Traditional Owners, key representative and advisory bodies, including the Cape York Land Council and Balkanu Cape York Development Corporation. Areas for national parks and for grants of Aboriginal land have been identified.

The *Cape York Peninsula Heritage Act 2007* provides a framework that confirms the voluntary land acquisition was for two purposes: protection of conservation values (including through the establishment of new protected areas), and the continued return of homelands to Traditional Owners to enable them to develop an economic future.

Under the coordination of the Cape York Peninsula Tenure Resolution Program, 575,000 ha of new national park and 617,000 ha of new Aboriginal land have now been finalised. Formal joint management arrangements are being established for all new and existing national parks on the peninsula.

The Cape York Peninsula Land Tenure Resolution Program (CYPLTRP) has a range of objectives that work together to improve the social and economic development opportunities for Indigenous people on the Cape.

These include:

- acquisition of land of high conservation value for protected area purposes
- resolution of land tenure-related issues
- enhanced conservation protection of the peninsula's significant natural and cultural heritage

- negotiation of agreements, including Indigenous Land Use Agreements (ILUAs), Indigenous Management Agreements (IMAs) and conservation agreements to provide security to negotiated land tenure and management outcomes
- improved Indigenous social and economic development through grants of Aboriginal land and joint management of national parks.

These objectives are the drivers for programs that are bringing tangible benefits to Traditional Owners:

- IMAs provide continued funding for jointly managed national Cape York Peninsula Aboriginal Land national parks including:
  - ranger training and employment (30 per cent of national park rangers will be Indigenous by 2011 and 50 per cent by 2018.)
  - contracts under which Indigenous land trusts work in national parks at cultural heritage mapping, construction and maintenance of facilities, and fencing
  - preparation of management plans
  - protection and presentation of cultural heritage values
  - renaming of parks and sites to represent Aboriginal heritage
  - participation in research projects
  - support for the administration of land trusts.
- Aboriginal land trusts and corporations are developing programs on their freehold land that deliver significant benefits. They provide opportunities such as:
  - employment of land trust rangers for land management
  - leasing of their land to third parties for commercial purposes including tourism and grazing (e.g. at Lilyvale and Kalinga)
  - development of community-based management plans
  - investigation of new economic opportunities including options under the developing carbon economy (e.g. Running Creek)
  - cattle and tourism businesses (e.g. Kalpower and Kulla)
  - attracting grants for land management. This includes Commonwealth funding under the Working On Country Program. Lama Lama, Toolka and Yuku Baja Muliku land trusts run these programs

- setting up temporary and permanent residences on country, ensuring land and cultural resource management can continue.

The knock-on effect of the tenure resolution program has far-reaching value for Traditional Owners, including:

- development of individual, community and organisational capabilities and leadership in Aboriginal communities, building on current capabilities and community priorities
- increase in Aboriginal engagement and capacity in land management in and outside protected area management
- empowerment of more sustainable Indigenous communities through improved employment and business opportunities
- incorporation and recognition of traditional skills, knowledge and practice in day-to-day land management
- recognition and support for the economic, social and cultural aspirations of Indigenous communities in relation to land use on Cape York
- increased Aboriginal land ownership and access to traditional estates
- improved protection and presentation of the natural and cultural values of Cape York, consistent with Aboriginal tradition
- recognition of the rights, interests and responsibilities of Aboriginal people in land management
- increased Aboriginal involvement in the management of traditional land and sea country
- access to efficient settlement of tenure-related issues and land grants
- improved relationships with the Queensland Government through the resolution of long-standing tenure and management issues
- improved natural and cultural resource management through joint management of national parks and other protected areas
- ability to attain recognition for their cultural diversity, which is appropriately presented in information and education material
- development of greater community understanding and acceptance of their aspirations.

The methodology and key actions of the program are at Appendix 8.

## Indigenous ranger roles vital in managing Cape York

The appointment of Indigenous rangers underpins the latest \$1.32 million investment by Queensland Parks and Wildlife Service (QPWS) in managing new protected areas on Cape York jointly with Traditional Owners.

But the value of Indigenous rangers goes deeper than that. Thousands of years of cultural association with traditional lands and seas is evidenced in a connection with country that is integral to improving individual and community wellbeing. This connection cements the commitment to the welfare of their lands as well as improving natural resource management through traditional skills and knowledge.

Acknowledging the valuable contribution of Indigenous rangers, QPWS has consistently met Queensland Government performance targets for the direct employment of staff of Aboriginal or Torres Strait Islander (ATSI) descent. These staff are involved in joint management of protected areas, providing increased access to country, recognition of culture and traditional knowledge, and active involvement in the management of their land.

**“We are obliged under Kaanju law and custom to ‘look after’ our Ngaachi in a sustainable manner. In return our stories, which are the land, will look after us physically, culturally and spiritually.”**

David Claudie, Chairman of Chuulangun Aboriginal Corporation, Northern Kaanju Traditional Owner, [www.giveusabreak.org.au](http://www.giveusabreak.org.au)



Gulf Rangers, fish survey

Land management roles are viable and important employment opportunities in remote Indigenous communities, valuing Aboriginal cultural knowledge and providing potential for promotion and movement into more highly skilled jobs.

The target for Indigenous involvement in protected area estate management by 2011 on Cape York is 30 per cent, but at September 2010 Indigenous involvement was 36 per cent, or 18 rangers of ATSI descent from a team of 50. QPWS will meet, if not exceed, its 2018 target of 50 per cent.

The opportunities for Indigenous communities in natural resource management and associated endeavours can only increase as the protected area estate expands through the work of the Cape York Tenure Resolution Program.

This expanding estate means increased land-management responsibilities for Traditional Owners and QPWS. Fire programs that include aerial ignition, construction and maintenance of strategic fire lines, training of QPWS rangers and Traditional Owners, and the establishment of monitoring programs, are critical. Traditional Owners and QPWS both view fire as one of the major management tools to protect life and property, to fulfil the ecological requirements of Cape York's fascinating and unique flora and fauna, and to maintain cultural resources and practices.

Increasing investments in the capacity of Indigenous communities in delivering natural resource management on Cape York includes \$673,000 over the past three years for fire management, \$1.2 million annually for improved land management, \$2.7 million over the past three years for capital works and \$657,000 for strategic asset management.

Over the past three financial years, QPWS has contributed more than \$2 million to Traditional Owner Service Agreements (TOSAs) for on-ground management of jointly managed properties under Indigenous Land Use Agreements and Indigenous Management Agreements. This has enabled land trusts to build capacity to deliver conservation projects themselves—significantly it has contributed to the direct employment of up to six full-time land trust rangers with a further 19 rangers engaged on a temporary or casual basis.

In line with Indigenous Employment Policy for Queensland Government Building and Civil Construction Projects, QPWS ensures its government initiatives on Cape York employ a minimum 20 per cent Indigenous people.



Wild River Rangers

## Sustainable ecotourism

Tourism on Cape York is increasing. Around the world there are fewer and fewer places of the unspoilt quality of northern Queensland for tourists to visit. That, and the increase in leisure time enjoyed by developed societies, means the long-term future for tourism is very positive. Visitor management and nature-based tourism are seen as keys to increased opportunities for Indigenous communities and Traditional Owners, who are working with QPWS to investigate tourism products and opportunities.

## The Cape York Dreaming Track concept

The Dreaming Track is a proposal to construct one of the longest and most spectacular walks in the world—a 2,000 km trail from the Daintree River to the tip of Cape York.

In February 2009, the Indigenous regional organisations, Balkanu Cape York Development Corporation (Balkanu), Cape York Land Council (CYLC) and Cape York Institute (CYI), sought Queensland Government funding to explore the feasibility of The Cape York Dreaming Track. Funding of \$1.23 million for a feasibility study was allocated for financial years 2009–10 and 2010–11.

The Department of Environment and Resource Management (DERM) assessed the technical aspects of the concept as Phase 1 of the feasibility project, and determined that the State should advance the concept through further feasibility studies as Phase 2, recommending:

- a market-driven concept design, building on established travel markets and existing recreational opportunities
- locations that have known visitor appeal and present the greatest opportunities for viable economic development—with the aim of progressively linking key destinations, as markets demand and capacity increases.

In July 2010, a \$385,000 contract was signed with Balkanu for Phase 2 of the project to deliver the following key elements:

- the facilitation and support of consultation of the concept with the Traditional Owners of eastern Cape York and their representatives
- analysis of key issues including:
  - cultural heritage management
  - social/economic cost-benefit analysis
  - business models and governance arrangements
  - statutory approvals.

Reports and findings were delivered to DERM in December 2010 and, at the time of this submission, were being considered by government.

## Cape York and World Heritage nomination

It is widely held (by Indigenous people on Cape York as well as other stakeholders) that many areas of Cape York are worthy of World Heritage listing, and that, like other such areas, listing would facilitate significant tourism opportunities.

To this end, the Queensland Government is working to enable a World Heritage nomination for Cape York Peninsula to proceed—with Traditional Owner consent and broader community support. The following has been achieved:

- planning to identify and declare areas of international conservation significance which could be considered for World Heritage through the establishment of the *Cape York Peninsula Heritage Act 2007*
- appointment of the Cape York Peninsula Regional Advisory Committee and the Cape York Peninsula Region Scientific and Cultural Advisory Committee to advise on identification of these areas
- a process commenced to engage with Traditional Owners and the community of Cape York—areas will only be nominated with the consent of Traditional Owners and support from the community
- establishment of a working relationship between the Queensland Government and the Australian Government in the preparation of a nomination of appropriate areas of Cape York for World Heritage listing (only the Australian Government can submit a World Heritage nomination to the UNESCO World Heritage Committee).

Draft boundaries have not yet been identified and will be determined through a rigorous assessment and consultation with communities and landholders associated with the proposed nomination area.

There will be extensive engagement with stakeholders including landholders and the community of Cape York in the World Heritage assessment and the development of any nomination. Work is underway to:

- provide support to Traditional Owner groups and Indigenous organisations to develop mechanisms for engagement, adopting a ground-up approach that builds community capacity. Preference will be given to mechanisms which provide Traditional Owners and Indigenous stakeholders with tangible benefits of engaging in this process, whether or not a World Heritage nomination proceeds or is successful (e.g. a planning document)
- identify the socio-economic potential of a World Heritage site on Cape York. Significant potential economic and employment opportunities are anticipated through tourism, land management and other community-based projects
- identify an appropriate management structure for a World Heritage area that will provide access to additional support and resources for strengthening on-ground resource management and improve the presentation of the region's outstanding heritage values through better interpretation and visitor facilities.

A recent study into the economic activity of Australia's World Heritage areas found management of, and visitation to, these areas can have significant economic impacts at regional, state and national levels. (Gillespie Economics et.al. 2008). While the potential benefits of a World Heritage listing for Cape York have yet to be fully identified, the experience with other World Heritage properties, such as the Tasmanian Wilderness, Kakadu, Uluru–Kata Tjuta and the Great Barrier Reef, World Heritage nomination has greatly increased tourist visits from overseas and within Australia.



Coastal lagoon, Stewart River

# Section 7



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## 7.0 The effectiveness of current State and Commonwealth mechanisms for appropriate preservation of free-flowing river systems which have much of their natural values intact, including the preserving of biodiversity

Under current constitutional arrangements the responsibility of managing water resources has typically rested with the states, and effective protection of free-flowing rivers requires appropriate State policies and legislation to be developed.

### The role of resource development policies

The Commonwealth's National Water Initiative (NWI) has been a major driver for state water-resource development reform, including mandatory environmental flow requirements. In Queensland, this reform is facilitated through relevant water resource plans, which are developed under the *Water Act 2000*. While environmental flow targets provide critical water requirements for ecological assets, the emphasis of the NWI reform, and the water resource plans, remains on achieving a balance between managing resource requirements for consumptive use, and on protecting environmental and cultural flow requirements of rivers.

Consequently, Water Resource Plans are not required to maintain the natural hydrology of river systems in a near-pristine condition, they may allow new in-stream development (such as dams and weirs), and they do not address land-use or other development issues that may impact on the natural values of free-flowing rivers.

As a result, the ability of Queensland's water resource plans to protect natural values of free-flowing rivers is very limited.

Similarly, there is a range of resource management legislation, including the *Mineral Resources Act 1989*, the *Petroleum and Gas Act 2004* that manage the exploitation of these resources, but the objectives of these Acts are more aligned to development of the resource as opposed to protection of the natural values. The *Environment Protection Act 1994* provides an oversight and regulatory regime to manage environmental impacts, but it does not have a specific head of power to preserve free-flowing rivers.

### The need for specific State policies to protect free-flowing rivers

Due to constitutional arrangements and the responsibilities of states to manage water resources, mechanisms for the appropriate preservation of free-flowing river systems which have most of their natural values intact need to be developed by the states. In the absence of these State policies, existing Commonwealth powers and policies are not capable of providing a legislative or management framework that is effective at preserving free-flowing rivers at a catchment scale.

In 1992, the Australian Heritage Commission was directed by the Commonwealth Government to facilitate a national project (the national wild rivers project) to assist State agencies in identifying rivers in near-pristine condition and to encourage protection and proper management of their entire catchments. This Commonwealth initiative recognised the need for state-specific policies, and was a major driver for the development of Queensland's wild rivers policy, which was released in 2005. Over a decade prior to this, the Victorian Government released a *Heritage Rivers Act 1992* to protect high-value rivers in Victoria.

By developing these policies, the states provide a specific mechanism to protect free-flowing rivers in their jurisdiction. This approach is much more effective than relying on other legislative tools, such as water resource plans, which are essentially designed to meet different objectives.

These State policies provide the necessary head of power to legislate for the protection of the natural values of free-flowing rivers in these states. Queensland's *Wild Rivers Act 2005* achieves this by specifically providing the head of power to:

- declare wild river areas over entire catchments
- identify relevant natural values
- stipulate requirements for water resource development throughout the catchment to protect in-stream and floodplain natural values
- stipulate requirements for in-stream and off-stream developments throughout the catchment, particularly high-impact developments that are in or close to the river and/or major tributaries, to protect relevant natural values.

# Section 8





## 8.0 Options for improving environmental regulation for such systems

As discussed in Section 1.2, the Commonwealth Discussion Paper—Protecting Australia’s Rivers, Wetlands and Estuaries of High Conservation Value listed a number of principles that should be applied in trying to protect rivers with highly intact natural values. The Wild Rivers Act reflects the recommendations and is recognised internationally as leading legislation in the protection of high value river systems.

However, the Queensland Government is aware that there are aspirations for development and growth from the people who live and work in wild river areas, and for this reason the consultation process that has been implemented has been dynamic in reacting to concerns and assisting local communities achieve their aspirations. The end result is a high level of protection for river systems with appropriate arrangements in place to assist in long-term sustainable development. Section 1.2 of this submission outlined the consultation that has occurred and the changes to legislation that has resulted. This clearly demonstrates Queensland’s commitment to providing protection to these river systems through a pragmatic approach, which allows for development and growth that is sustainable and sensitive to the protection of natural values.

The Wild Rivers (Environmental Management) Bill 2010, currently before the Australian Parliament, does nothing to protect high value river systems and erodes the ability of the State to protect such systems.

# Section 9



## 9.0 The impact of existing environmental regulation, legislation in relation to mining and other relevant legislation on the exercise of native title rights and on the national operation of the native title regime and the impact which legislation in the form of the Wild Rivers (Environmental Management) Bill 2010 would have on these matters

### The Wild Rivers Act does not impact on native title

The Queensland Government maintains its view that the Wild Rivers Act (WRA) is consistent with the Native Title Act (NTA) and does not impact on native title rights for the following reasons:

1. To have affected native title, the WRA would need to have extinguished or been otherwise inconsistent with the existence, enjoyment or exercise of native title. It has none of these effects. Instead, the WRA established a framework for the declaration of wild river areas and identified how development activities were regulated in declared wild rivers management areas. Accordingly, native title is not affected by the WRA. But even assuming this was not the case, the making of the WRA, to the extent it affects native title, is still valid under the future act provisions of the NTA to the extent it affects native title (see sections 24HA and 24MD of the NTA).
2. Section 44 of the WRA provides that a wild rivers declaration cannot have a direct or indirect effect of limiting a person's right to exercise or the enjoyment of their native title rights. Understandably then, the Queensland Government's view is that Section 44 means a wild river declaration does not and cannot affect the exercise and enjoyment of existing native title rights and interests and therefore is not a future act. Even if a declaration could be considered a future act (which the Queensland Government asserts is not the case), it would be valid under the future act provisions of the NTA (section 24MD).
3. Further, section 109 of the Commonwealth Constitution states:  
'When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.'

This means that even if the WRA had not expressly provided native title protection, and a court held that wild river declarations did invalidly impinge on native title rights contrary to the NTA (which the Queensland Government asserts it does not), then section 109 would render such provisions or laws in the WRA inoperative to the extent of the inconsistency.

### Impact of mining grants on native title

Currently in Queensland, the grant of mining lease application over land where native title continues to exist can only proceed if a process under the *Native Title Act 1993* is undertaken. This is because the grant will be a 'future act' that affects native title rights and interest. The applicant may proceed, for example, by nominating the right-to-negotiate process.

Successful completion of negotiations will permit the State to validly grant the mining lease. To start the right-to-negotiate process, the State must give notice in accordance with section 29 of the *Native Title Act 1993*. The parties must negotiate in good faith with a view to reaching an agreement and there are rights to arbitration at the end of the process if agreement is not reached. There is no right of veto in respect of the section 29 notice or as part of the negotiations.

The Native Title Act provides that the 'non-extinguishment principle' applies to the grant of the mining lease. That is, the ability of the native title party to exercise native title rights and interests inconsistent with the rights provided to the holder of the mining lease is suppressed whilst the mining grant continues. Accordingly, the ability to exercise native title 'revives' at the end of the mining grant.

### Impact of other development activities on native title

With development activities that are not mining, the activity will need to be assessed in relation to whether it is an act that affects native title rights and interests. If it does, then the provisions of the NTA would be applied to determine the appropriate provision or procedure that would apply.

In some cases, the procedural rights under the NTA might require the consent of the native title party to be evidenced in a registered Indigenous Land Use Agreement. This would be the case, for example, if a term lease needed to be granted to allow a commercial development. For other development activities, the procedural rights might be much less. The grant of a licence to be able take water would ordinarily only require a notification and the opportunity for the native title party to make a comment in response.

In the vast majority of cases, the effect of the Native Title Act will be that the non-extinguishment principle will apply to the ability to exercise native title over the activity area subject to the development authority until the development activity comes to an end.

As discussed in Section 2.1, the Bill may extend the rights of native title holders above those for holders outside of wild river areas. It is unclear what impact this may have on dealings in other areas of legislation, for example, on mining: however, it is most likely be none. That is, the mining proponents would still have to enter into negotiations under the *Native Title Act 1994*.

# Section 10



## 10. The committee should also make recommendations as to what initiatives might be pursued in order to promote economic development while preserving environmental and cultural values

This submission has reviewed a number of key issues to deal with the central tenet of the inquiry and that is the issues affecting Indigenous economic development in Queensland. The submission has highlighted historical and geographic implementation process, as it is recognised that it was the concern raised from some quarters regarding possible impacts of the Act on Indigenous economic opportunity which initiated this inquiry.

The State will continue to defend and support the outcomes and achievements of the Wild Rivers Act. This is one of a multitude of programs that are implemented across Queensland to balance the protection of the environment with development and benefit current and future generations of Queenslanders. Though the various programs have a different and specific focus, for example, economic development, industry development, or protecting the environment, they all share goals of seeking balance for the sustainable management of the state. This submission has provided comprehensive detail about the Wild Rivers Act and its processes to provide for the sustainable management of the state and its natural resources.

Currently the Queensland Government, through a range of programs including the Wild Rivers program, supports a wide range of Indigenous economic development initiatives. This submission has outlined initiatives for tourism development, employment-training programs and sustainable economic enterprises based on natural resource services. These initiatives have been supported by numerous grants, training opportunities, feasibility studies, consultancies, reports and investments. These actions are a fundamental part of a coordinated effort to manage the state's vast natural resources and unique environments, and provide employment for Indigenous Queenslanders.

In compiling this response, it has become evident that greater Indigenous economic opportunities and outcomes can be achieved in the remote regions of northern Queensland if the three levels of government work closer together to coordinate programs and funding, enhanced by support and investment from the private sector.

As noted by the Senate Inquiry, the State always seeks to improve its processes on implementation of the wild rivers program. In the continuing implementation of its election commitment to protect Queensland's wild rivers, the government is about to announce a new and significant reform package of direct relevance to this inquiry. The wild rivers reform package was first mooted in December 2009 with the Director of the Cape York Institute (see letter to Cape York Institute in Attachment 2), to provide:

- greater and more representative, engagement processes for Indigenous communities
- greater assistance for economic development, including mentoring partnerships, and assistance to local Aboriginal councils in development assessment
- greater security of employment of Wild River Rangers.

The reform package will empower local Indigenous representative groups to make a more detailed response to any wild river declaration proposal on Cape York, and will include provisions for the Minister to make a direct response to that group on their feedback. The government will also look at assessing opportunities for economic development, including niche markets; and will engage private industry champions to support and mentor Indigenous entrepreneurs in establishing new businesses. Support will also be provided to Aboriginal councils to assist in the assessment of development applications. The government has already committed to security of employment with the Wild River Ranger Program and is currently liaising with the relevant community organisations to determine the best way to achieve this.

This submission has highlighted that the State has serious concerns with the introduced Wild Rivers (Environmental Management) Bill 2010. The Bill has serious implications for the State's powers to protect and regulate the environment in areas declared as wild river areas, and sets an untenable precedent for the State's ability to implement laws to manage its natural resources generally. Drafting and introducing the Bill fails to recognise the significant and extensive consultation that has occurred and will continue to occur with Indigenous people and other communities and interests.

Most significantly, the Bill does absolutely nothing to increase Indigenous economic opportunity, but instead could adversely impact on a range of economic opportunities that the wild rivers legislation brings to Indigenous and remote communities.

## Recommendations

The Queensland Government asks the House of Representatives House Standing Committee on Economics to note:

1. native title rights are not affected by the Queensland *Wild Rivers Act 2005*
2. the Queensland Wild Rivers Act does not adversely affect the economic rights of Indigenous people
3. significant investment has been made by the Queensland and Commonwealth Governments in support of Indigenous economic development, including extensive land ownership initiatives
4. the extensive and comprehensive wild rivers consultation process undertaken with Indigenous and other communities by the Queensland Government
5. the employment and business opportunities that wild rivers declarations and other natural resource-based initiatives create for Indigenous people
6. the Queensland Government's continuing commitment to Indigenous economic development through a range of initiatives, including the extension and permanent engagement of Wild River Rangers and provision of Indigenous water reserves in wild river areas
7. the Bill, if brought into effect, would render the *Wild Rivers Act 2005* and the benefits it provides for Indigenous employment, sustainable development and protection of natural values inoperable
8. the Bill provides veto rights to certain people that are not available to any other citizen, and jeopardises the State's right to implement environmental protection legislation.

Further, the Queensland Government recommends to the committee that:

1. the Wild Rivers (Environmental Management) Bill 2010 not be supported
2. due to the inconsistency in native title rights that would be created by the Bill that any changes to native title rights, if needed, be implemented through the existing Commonwealth *Native Title Act 1993*
3. a more substantial, targeted and coordinated program for enduring economic development and employment for Indigenous communities be developed, under Commonwealth leadership and collaborative funding arrangements
4. the *Wild Rivers Act 2005* and associated declarations be supported as a valid framework for protecting some of the last remaining free-flowing rivers in the world, while protecting Indigenous rights and facilitating sustainable development.

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## Appendix 1: Relevant legislation, Acts, and key provisions including any special reference to Cape York Peninsula natural and cultural resource management.

Category	Legislation	Objectives
Land allocation and management	<i>Land Act 1994</i>	<p>Land to which this Act applies must be managed for the benefit of the people of Queensland by having regard to the principles of Sustainability, Evaluation, Development, Community Purposes, Protection, Consultation and Administration- ie:</p> <ul style="list-style-type: none"> <li>• sustainable resource use and development to ensure existing needs are met and the State's resources are conserved for the benefit of future generations</li> <li>• land evaluation based on the appraisal of land capability and the consideration and balancing of the different economic, environmental, cultural and social opportunities and values of the land</li> <li>• allocating land for development in the context of the State's planning framework, and applying contemporary best practice in design and land management</li> <li>• when land is made available, allocation to persons who will facilitate its most appropriate use that supports the economic, social and physical wellbeing of the people of Queensland</li> <li>• if land is needed for community purposes, the retention of the land for the community in a way that protects and facilitates the community purpose</li> <li>• protection of environmentally and culturally valuable and sensitive areas and features</li> <li>• consultation with community groups, industry associations and authorities is an important part of the decision making process</li> <li>• consistent and impartial dealings</li> <li>• efficient, open and accountable administration</li> <li>• a market approach in land dealings, adjusted when appropriate for community benefits arising from the dealing.</li> </ul> <p>Provisions in the Land Act relating to lease conditions provide longer lease terms and lease extensions which reward good land management and lessees entering into conservation agreements. For example: Generally a term lease for land other than rural leasehold land must not be issued for more than 50 years. However, a term lease for land other than rural leasehold land may be issued for up to 100 years if it is for—</p> <ul style="list-style-type: none"> <li>• a significant development or the operation and maintenance of a significant development; or</li> <li>• a timber plantation; or</li> <li>• a development that involves existing improvements that in the opinion of the Minister have required a high level of investment.</li> </ul> <p>Generally a term lease for rural leasehold land must not be issued for more than 30 years. However, a term lease for rural leasehold land may be issued for a term of no more than 40 years, if—</p> <ul style="list-style-type: none"> <li>• the lease land is 100ha or more; and</li> <li>• the Minister is satisfied the lease land is in good condition.</li> </ul>

Category	Legislation	Objectives
		<p>Also, a term lease for rural leasehold land may be issued for a term of no more than 50 years, if—</p> <ul style="list-style-type: none"> <li>• the lease land is 100ha or more; and</li> <li>• the Minister is satisfied the lease land is in good condition; and</li> <li>• either or both of the following apply— <ul style="list-style-type: none"> <li>- if the Minister considers land that is all or part of the lease land should be the subject of a conservation agreement or conservation covenant—a conservation agreement has been entered into, or a conservation covenant exists, for the relevant land;</li> <li>- if the Minister considers it is appropriate for there to be an Indigenous access and use agreement for land that is all or part of the lease land—an Indigenous access and use agreement for the relevant land has been entered into; and</li> </ul> </li> <li>• the Minister considers the term appropriate, having regard to either or both of the following for the lease land— <ul style="list-style-type: none"> <li>- the terms of any conservation agreement or conservation covenant;</li> <li>- the terms of any Indigenous access and use agreement.</li> </ul> </li> </ul> <p>In addition, a term lease for rural leasehold land may be issued for a term of no more than 75 years if all of the following apply—</p> <ul style="list-style-type: none"> <li>• the lease land is 100ha or more;</li> <li>• the Minister is satisfied the lease land is in good condition;</li> <li>• all or part of the lease land (the declared land) is an area of international conservation significance under the <i>Cape York Peninsula Heritage Act 2007</i>;</li> <li>• if the Minister considers land that is all or part of the lease land should be the subject of a conservation agreement or conservation covenant—a conservation agreement has been entered into, or a conservation covenant exists, for the relevant land;</li> <li>• an Indigenous land use agreement relating to the lease land has been entered into;</li> <li>• the Minister considers the term is appropriate, having regard to any or all of the following for the lease land— <ul style="list-style-type: none"> <li>- the terms of any conservation agreement or conservation covenant;</li> <li>- the terms of the Indigenous land use agreement;</li> <li>- the size of the declared land.</li> </ul> </li> </ul>
	<p><i>Nature Conservation Act 1992</i></p>	<p>The object of the Act is the conservation of nature through an integrated and comprehensive conservation strategy for the whole of the State that includes:</p> <ul style="list-style-type: none"> <li>• Gathering information</li> <li>• Community education</li> <li>• Protection of native wildlife and its habitat</li> <li>• Dedication and management of protected areas</li> <li>• Ecologically sustainable use of protected wildlife and protected areas by the preparation and implementation of management and conservation plans consistent with the values and needs of the wildlife or areas concerned.</li> <li>• Recognition of the interests of Traditional Owners and seeking their co-operative involvement in management.</li> <li>• Cooperative involvement of land-holders.</li> </ul> <p>The Act provides for the dedication and joint management with Traditional Owners of particular types of National Parks on Cape York(National Park (Cape York Peninsula Aboriginal Land)) and declaration of nature refuges and coordinated conservation areas.</p>
	<p><i>Aboriginal Land Act 1991</i></p>	<p>This Act provides for the claim, transfer and grant of land as Aboriginal (freehold) land, and for other purposes.</p> <p>Special measures are enacted by this Act for the adequate and appropriate recognition of the interests and responsibilities of Aboriginal people in relation to land and thereby to foster the capacity for self-development, and the self-reliance and cultural integrity, of the Aboriginal people of Queensland.</p> <p>The Act also provides for Indigenous Management Agreements for National Parks (Cape York Peninsula AL), which have an underlying Indigenous Freehold land Tenure however are subject to an agreement that the land will be managed as a national park in perpetuity.</p>

Category	Legislation	Objectives
	<i>Marine Parks Act 2004</i>	<p>This Act provides for the conservation of the marine environment through among other things;</p> <ul style="list-style-type: none"> <li>• the declaration of marine parks;</li> <li>• the establishment of zones, designated areas and highly protected areas within marine parks; and zoning plans and management plans;</li> <li>• the cooperative involvement of public authorities and other interested groups and persons, including members of Aboriginal and Torres Strait Islander communities;</li> <li>• the cooperative implementation of Australia’s international responsibilities, and intergovernmental agreements and instruments;</li> <li>• a coordinated and integrated approach with other environment conservation legislation;</li> <li>• recognition of the cultural, economic, environmental and social relationships between marine parks and other areas, whether of water or land;</li> <li>• the provision of opportunities for public appreciation, understanding and enjoyment of the marine environment;</li> <li>• application of the precautionary principle in decision-making processes;</li> <li>• monitoring and enforcing compliance with this Act</li> </ul>
	<i>Cape York Peninsula Heritage Act 2007</i>	<p>The objects of this Act are:</p> <ul style="list-style-type: none"> <li>• To identify significant natural and cultural values of Cape York.</li> <li>• To provide for Cooperative management, protection and ecologically sustainable use of land, including pastoral land, in the Cape York region.</li> <li>• To recognise the economic, social and cultural needs and aspirations of Cape York Indigenous communities in relation to land use and</li> <li>• To recognise the contribution of the pastoral industry in the Cape York region to the economy and land management in the region.</li> </ul> <p>The objects are achieved primarily by providing for—</p> <ul style="list-style-type: none"> <li>• the declaration of areas of international conservation significance; and</li> <li>• the cooperative involvement of landholders in the management of the natural and cultural values of Cape York Peninsula; and</li> <li>• the continuance of an environmentally sustainable pastoral industry as a form of land use in the Cape York Peninsula Region; and</li> <li>• the declaration of Indigenous community use areas in which Indigenous communities may undertake appropriate economic activities; and</li> <li>• the establishment of committees to advise the environment Minister and vegetation management Minister about particular matters under this Act.</li> </ul>
	<i>Land Protection (Pest and Stock Route Management) Act 2002</i>	<p>The main purpose of this Act is to provide for:</p> <ul style="list-style-type: none"> <li>• pest management for land; and</li> <li>• stock route network management.</li> </ul> <p>The purpose is to be achieved mainly by the following—</p> <ul style="list-style-type: none"> <li>• establishing principles of pest management for land and stock route network management;</li> <li>• providing for pest management planning and stock route network management planning;</li> <li>• declaring animals and plants to be declared pests;</li> <li>• restricting the introduction, keeping or sale of declared pests;</li> <li>• preventing the spread of declared pests in the State, including, for example, preventing their spread by human activity;</li> <li>• establishing responsibilities for pest and stock route network management;</li> <li>• building and maintaining fences to prevent declared pest animals moving from a part of the State to another part;</li> <li>• establishing the Land Protection (Pest and Stock Route Management) Council to give advice and make recommendations to the Minister about managing pests and the stock route network;</li> <li>• providing for the establishment of pest operational boards;</li> <li>• constructing and maintaining travelling stock facilities on the stock route network;</li> <li>• monitoring, surveying and controlling pests and the movement of travelling stock.</li> </ul>

Category	Legislation	Objectives
	<i>Wet Tropics World Heritage Protection and Management Act 1993</i>	<p>This Act provides amongst other things for:</p> <ul style="list-style-type: none"> <li>• the establishment of the Wet Tropics Management Authority and its board</li> <li>• the preparation of management plans for the wet tropics area</li> <li>• the prohibition of certain acts such as destroying a forest product or constructing a road.</li> </ul> <p>The Wet Tropics Management Authority functions are to:</p> <ul style="list-style-type: none"> <li>• develop and implement policies and programs in relation to the management of the Wet Tropics Area;</li> <li>• formulate performance indicators for the implementation of policies and programs approved by the Ministerial Council;</li> <li>• advise and make recommendations to the Queensland Minister and the Ministerial Council in relation to the management of the Area and Australia's obligations under the World Heritage Convention;</li> <li>• prepare and ensure the implementation of management plans for the Area;</li> <li>• administer funding arrangements in relation to the Area;</li> <li>• enter into, and facilitate the entering into, cooperative management agreements (including joint management agreements) with land-holders, Aboriginal people particularly concerned with land in the Area and other persons;</li> <li>• enter into arrangements for the provision of rehabilitation and restoration works in relation to any land in the Area;</li> <li>• gather, research, analyse and disseminate information on the Area;</li> <li>• develop public and community education programs in relation to the Area;</li> <li>• promote the Area locally, nationally and internationally;</li> <li>• liaise with the Governments and authorities of the State, the Commonwealth, other States and the Territories, and international and foreign organisations and agencies;</li> <li>• monitor the state of the Area; and</li> <li>• advise and report to the Queensland Minister and the Ministerial Council on the state of the Area.</li> </ul>
<b>Planning and Approvals</b>	<i>Sustainable Planning Act 2009</i>	<p>This Act provides a framework to integrate planning and development assessment so that development and its effects are managed in a way that is ecologically sustainable, and for related purposes.</p> <p>The Act seeks to achieve ecological sustainability by coordinating and integrating planning at the local, regional and State levels; and managing the process by which development occurs and managing the effects of development on the environment (including managing the use of premises).</p>
	<i>Environmental Protection Act 1994</i>	<p>The Objective of this Act is the protection of Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.</p> <p>The protection of Queensland's environment is to be achieved by an integrated management program that is consistent with ecologically sustainable development.</p> <p>The program is cyclical and involves the following phases—</p> <ul style="list-style-type: none"> <li>• phase 1—establishing the state of the environment and defining environmental objectives;</li> <li>• phase 2—developing effective environmental strategies;</li> <li>• phase 3—implementing environmental strategies and integrating them into efficient resource management;</li> <li>• phase 4—ensuring accountability of environmental strategies.</li> </ul>

Category	Legislation	Objectives
	<i>Wild Rivers Act 2005</i>	<p>The purpose of this Act is to:</p> <ul style="list-style-type: none"> <li>• preserve the natural values of rivers that have all, or almost all, of their natural values intact; and</li> <li>• provide for the preservation of the natural values of rivers in the Lake Eyre Basin.</li> </ul> <p>The purpose is to be achieved mainly by establishing a framework that includes the declaration of wild river areas that will or may include:</p> <ul style="list-style-type: none"> <li>• high preservation areas;</li> <li>• preservation areas;</li> <li>• floodplain management areas;</li> <li>• special floodplain management areas;</li> <li>• subartesian management areas.</li> </ul> <p>Through the Wild Rivers framework, this Act and other Acts achieve its purpose by:</p> <ul style="list-style-type: none"> <li>• providing for the regulation of particular activities and taking of natural resources in a wild river and its catchment to preserve the wild river’s natural values; and</li> <li>• having a precautionary approach to minimise adverse effects on known natural values and reduce the possibility of adversely affecting poorly understood ecological functions; and</li> <li>• treating a wild river and its catchment as a single entity, linking the condition of the river to the health of the catchment; and</li> <li>• considering the effect of individual activities and taking of natural resources on a wild river’s natural values; and</li> <li>• considering the cumulative effect of activities and taking of natural resources affecting a wild river area when further activities or taking are proposed; and</li> <li>• if a wild river crosses a State border—working with the other State to encourage preservation of the wild river’s natural values in the other State.</li> </ul>
	<i>Coastal Protection and Management Act 1995</i>	<p>The main objects of this Act are to:</p> <ul style="list-style-type: none"> <li>• provide for the protection, conservation, rehabilitation and management of the coast, including its resources and biological diversity; and</li> <li>• have regard to the goal, core objectives and guiding principles of the National Strategy for Ecologically Sustainable Development in the use of the coastal zone; and</li> <li>• provide, in conjunction with other legislation, a coordinated and integrated management and administrative framework for the ecologically sustainable development of the coastal zone; and</li> <li>• encourage the enhancement of knowledge of coastal resources and the effect of human activities on the coastal zone.</li> </ul> <p>Coastal management is to be achieved by coordinated and integrated planning and decision making, involving, among other things:</p> <ul style="list-style-type: none"> <li>• Preparing coastal management plans that: <ul style="list-style-type: none"> <li>- state principles and policies for coastal management</li> <li>- identify key coastal sites and coastal resources in the coastal zone and planning for their long term protection or management</li> <li>- are developed in consultation with the public</li> <li>- have regard to Aboriginal tradition and Island custom of Aboriginal and Torres Strait Islander people particularly concerned with land affected by the plans; and</li> </ul> </li> <li>• Declaring coastal management districts in the coastal zone as areas requiring special development controls and management practices.</li> </ul>

Category	Legislation	Objectives
	<p><i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC)</i></p>	<p>The purpose of this Act is:</p> <ul style="list-style-type: none"> <li>• To provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance.</li> <li>• To promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources.</li> <li>• To promote the conservation of biodiversity; and to provide for the protection and conservation of heritage.</li> <li>• To promote a cooperative approach to the protection and management of the environment involving governments, the community, landholders and Indigenous peoples.</li> <li>• To assist in the cooperative implementation of Australia’s international environmental responsibilities.</li> <li>• To recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia’s biodiversity.</li> <li>• To promote the use of Indigenous peoples’ knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.</li> </ul> <p>The Act has procedures and requirements for National Heritage and World Heritage nomination.</p>
	<p><i>Local Government Act 2009</i></p>	<p>The purpose of this Act is to provide for:</p> <ul style="list-style-type: none"> <li>• the way in which a local government is constituted and the nature and extent of its responsibilities and powers; and</li> <li>• a system of local government in Queensland that is accountable, effective, efficient and sustainable.</li> </ul> <p>The ‘Local government principles’ underpinning this Act include:</p> <ul style="list-style-type: none"> <li>• transparent and effective processes, and decision-making in the public interest; and</li> <li>• sustainable development and management of assets and infrastructure, and delivery of effective services; and</li> <li>• democratic representation, social inclusion and meaningful community engagement; and</li> <li>• good governance of, and by, local government; and</li> <li>• ethical and legal behaviour of councillors and local government employees.</li> </ul> <p><i>Sustainable development</i> is development that is designed to meet present needs while also taking into account future costs (including costs to the environment and the depletion of natural resources, for example).</p>



Category	Legislation	Objectives
Resource allocation and use	<i>Water Act 2000</i>	<p>The main purposes of this Act are to advance sustainable management and efficient use of water and other resources by establishing a system for the planning, allocation and use of water, where:</p> <p>1) sustainable management is management that:</p> <ul style="list-style-type: none"> <li>• allows for the allocation and use of water for the physical, economic and social well being of the people of Queensland and Australia within limits that can be sustained indefinitely; and</li> <li>• protects the biological diversity and health of natural ecosystems; and</li> <li>• contributes to; <ul style="list-style-type: none"> <li>- improving planning confidence of water users now and in the future regarding the availability and security of water entitlements;</li> <li>- the economic development of Queensland in accordance with the principles of ecologically sustainable development;</li> <li>- maintaining or improving the quality of naturally occurring water and other resources that benefit the natural resources of the State;</li> <li>- protecting water, watercourses, lakes, springs, aquifers, natural ecosystems and other resources from degradation and, if practicable, reversing degradation that has occurred;</li> <li>- recognising the interests of Aboriginal people and Torres Strait Islanders and their connection with the landscape in water planning;</li> <li>- providing for the fair, orderly and efficient allocation of water to meet community needs;</li> <li>- increasing community understanding of the need to use and manage water in a sustainable and cost efficient way;</li> <li>- encouraging the community to take an active part in planning the allocation and management of water;</li> <li>- integrating, as far as practicable, the administration of this Act and other legislation dealing with natural resources.</li> </ul> </li> </ul> <p>2) The efficient use of water:</p> <ul style="list-style-type: none"> <li>• incorporates demand management measures that achieve permanent and reliable reductions in the demand for water; and</li> <li>• promotes water conservation and appropriate water quality objectives for intended use of water; and</li> <li>• promotes water recycling, including, for example, water reuse within a particular enterprise to gain the maximum benefit from available supply; and</li> <li>• takes into consideration the volume and quality of water leaving a particular application or destination to ensure it is appropriate for the next application or destination, including, for example, release into the environment.</li> </ul> <p>The Act also ensures the delivery of sustainable and secure water supply and demand management for the SEQ region and designated regions, ii) provides for the management of impacts on underground water caused by the exercise of underground water rights by petroleum tenure holders, iii) establishes a framework for the establishment and operation of water authorities that provide for:</p> <ul style="list-style-type: none"> <li>• efficiency in carrying out water activities by the application of commercial principles;</li> <li>• appropriate governance arrangements and accountability requirements;</li> <li>• community involvement in making and implementing arrangements for using, conserving and sustainably managing water.</li> </ul>

Category	Legislation	Objectives
	<i>Vegetation Management Act 1999</i>	<p>This Act regulates the clearing of vegetation in a way that;</p> <ul style="list-style-type: none"> <li>• conserves various classes of remnant vegetation;</li> <li>• conserves vegetation in declared areas;</li> <li>• ensures the clearing does not cause land degradation;</li> <li>• prevents the loss of biodiversity;</li> <li>• maintains ecological processes;</li> <li>• manages the environmental effects clearing</li> <li>• reduces greenhouse gas emissions.</li> </ul> <p>The development code for clearing for ‘special Indigenous purposes’ is also developed under this Act.</p>
	<i>Forestry Act 1959</i>	<p>The main purpose of this Act is to provide for :</p> <ul style="list-style-type: none"> <li>• the declaration of forest reservations,</li> <li>• the management, silvicultural treatment and protection of State forests, and</li> <li>• the sale and disposal of forest products and quarry material, the property of the Crown on State forests, timber reserves and on other lands;</li> </ul>
	<i>Mineral Resources Act 1989</i>	<p>The main objectives of this Act are to:</p> <ul style="list-style-type: none"> <li>• encourage and facilitate prospecting and exploring for and mining of minerals;</li> <li>• enhance knowledge of the mineral resources of the State;</li> <li>• minimise land use conflict with respect to prospecting, exploring and mining;</li> <li>• encourage environmental responsibility in prospecting, exploring and mining;</li> <li>• ensure an appropriate financial return to the State from mining;</li> <li>• provide an administrative framework to expedite and regulate prospecting and exploring for and mining of minerals;</li> <li>• encourage responsible land care management in prospecting, exploring and mining.</li> </ul>
	<i>Fisheries Act 1994</i>	<p>The main objectives of this Act area to:</p> <ul style="list-style-type: none"> <li>• Provide for the use, conservation and enhancement of the community’s fisheries resources and fish habitats in a way that seeks to apply, balance and promote the principles of ecologically sustainable development;</li> <li>• Provide for the management and protection of fish habitats, commercial, recreational and Indigenous fishing;</li> <li>• Provide for the prevention, control and eradication of disease in fish and the management of aquaculture.</li> </ul>
	<i>Petroleum Act 1923</i>	<p>This Act provides:</p> <ul style="list-style-type: none"> <li>• for the granting of petroleum tenures</li> <li>• for establishing the rights and powers of the crown</li> <li>• provisions relating to leases</li> <li>• mandatory conditions and related provisions</li> <li>• provisions relating to authorised activities</li> <li>• drilling requirements</li> <li>• reporting requirements</li> <li>• clarification of rights and conditions relating to the exploration and production of coal seam gas</li> <li>• provisions relating to requirements and restrictions for greenhouse gases.</li> </ul>

Category	Legislation	Objectives
	<i>Petroleum &amp; Gas Act 2004</i>	<p>The main purpose of this Act is to facilitate and regulate the carrying out of responsible petroleum activities and the development of a safe, efficient and viable petroleum and fuel gas industry, in a way that—</p> <ul style="list-style-type: none"> <li>• manages the State’s petroleum resources— <ul style="list-style-type: none"> <li>- in a way that has regard to the need for ecologically sustainable development; and</li> <li>- for the benefit of all Queenslanders; and</li> </ul> </li> <li>• enhances knowledge of the State’s petroleum resources; and</li> <li>• creates an effective and efficient regulatory system for the carrying out of petroleum activities and the use of petroleum and fuel gas; and</li> <li>• encourages and maintains an appropriate level of competition in the carrying out of petroleum activities; and</li> <li>• creates an effective an efficient regulatory system for the construction and operation of transmission pipelines; and</li> <li>• ensures petroleum activities are carried on in a way that minimises conflict with other land uses; and</li> <li>• optimises coal seam gas production and coal or oil shale mining in a safe and efficient way; and</li> <li>• appropriately compensates owners or occupiers of land; and</li> <li>• encourages responsible land management in the carrying out of petroleum activities; and</li> <li>• facilitates constructive consultation with people affected by activities authorised under this Act; and</li> <li>• regulates and promotes the safety of persons in relation to operating plant.</li> </ul> <p>Another purpose of this Act is to facilitate the operation of the <i>Geothermal Exploration Act 2004</i> and the <i>Greenhouse Gas Storage Act 2009</i>.</p>
<b>Indigenous</b>	<i>Native Title Act (Comm) 1993</i>	<p>The main objectives of this Act are:</p> <ul style="list-style-type: none"> <li>• To provide for the recognition and protection of native title.</li> <li>• To establish ways in which future dealings affecting native title may proceed and to set standards for those dealings.</li> <li>• To establish a mechanism for determining claims to native title.</li> <li>• To provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of native title.</li> </ul>
	<i>Aboriginal Land Act 1991</i>	See previous section

Category	Legislation	Objectives
	<p><i>Aboriginal Cultural Heritage Act 2003</i></p>	<p>The main purpose of this Act is to provide effective recognition, protection and conservation of Aboriginal cultural heritage.</p> <p>The fundamental principles underlying this Act's main purpose are:</p> <ul style="list-style-type: none"> <li>• the recognition, protection and conservation of Aboriginal cultural heritage should be based on respect for Aboriginal knowledge, culture and traditional practices;</li> <li>• Aboriginal people should be recognised as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage;</li> <li>• it is important to respect, preserve and maintain knowledge, innovations and practices of Aboriginal communities and to promote understanding of Aboriginal cultural heritage;</li> <li>• activities involved in recognition, protection and conservation of Aboriginal cultural heritage are important because they allow Aboriginal people to reaffirm their obligations to 'law and country';</li> <li>• there is a need to establish timely and efficient processes for the management of activities that may harm Aboriginal cultural heritage.</li> </ul> <p>For achieving effective recognition, protection and conservation of Aboriginal cultural heritage, this Act provides for</p> <ul style="list-style-type: none"> <li>• recognising Aboriginal ownership of Aboriginal human remains wherever held;</li> <li>• recognising Aboriginal ownership of Aboriginal cultural heritage of a secret or sacred nature held in State collections;</li> <li>• recognising Aboriginal ownership of Aboriginal cultural heritage that is lawfully taken away from an area by an Aboriginal party for the area;</li> <li>• establishing a duty of care for activities that may harm Aboriginal cultural heritage;</li> <li>• establishing powers of protection, investigation and enforcement;</li> <li>• establishing a database and a register for recording Aboriginal cultural heritage;</li> <li>• ensuring Aboriginal people are involved in processes for managing the recognition, protection and conservation of Aboriginal cultural heritage;</li> <li>• establishing a process for the comprehensive study of Aboriginal cultural heritage;</li> <li>• establishing processes for the timely and efficient management of activities to avoid or minimise harm to Aboriginal cultural heritage.</li> </ul>

Category	Legislation	Objectives
	<i>Torres Strait Islander Cultural Heritage Act 2003</i>	<p>The main purpose of this Act is to provide effective recognition, protection and conservation of Torres Strait Islander cultural heritage.</p> <p>The following fundamental principles underlying this Act's main purpose are:</p> <ul style="list-style-type: none"> <li>• the recognition, protection and conservation of Torres Strait Islander cultural heritage should be based on respect for Torres Strait Islander knowledge, culture and customary practices;</li> <li>• Torres Strait Islanders should be recognised as the primary guardians, keepers and knowledge holders of Torres Strait Islander cultural heritage;</li> <li>• it is important to respect, preserve and maintain knowledge, innovations and practices of Torres Strait Islander communities and to promote understanding of Torres Strait Islander cultural heritage;</li> <li>• activities involved in recognition, protection and conservation of Torres Strait Islander cultural heritage are important because they allow Torres Strait Islanders to reaffirm their obligations to Island custom;</li> <li>• there is a need to establish timely and efficient processes for the management of activities that may harm Torres Strait Islander cultural heritage.</li> </ul> <p>For achieving effective recognition, protection and conservation of Torres Strait Islander cultural heritage, this Act provides for:</p> <ul style="list-style-type: none"> <li>• recognising Torres Strait Islander ownership of Torres Strait Islander human remains wherever held;</li> <li>• recognising Torres Strait Islander ownership of Torres Strait Islander cultural heritage of a secret or sacred nature held in State collections;</li> <li>• recognising Torres Strait Islander ownership of Torres Strait Islander cultural heritage that is lawfully taken away from an area by a Torres Strait Islander party for the area;</li> <li>• establishing a duty of care for activities that may harm Torres Strait Islander cultural heritage;</li> <li>• establishing powers of protection, investigation and enforcement;</li> <li>• establishing a database and a register for recording Torres Strait Islander cultural heritage;</li> <li>• ensuring Torres Strait Islanders are involved in processes for managing the recognition, protection and conservation of Torres Strait Islander cultural heritage;</li> <li>• establishing a process for the comprehensive study of Torres Strait Islander cultural heritage;</li> <li>• establishing processes for the timely and efficient management of activities to avoid or minimise harm to Torres Strait Islander cultural heritage.</li> </ul>
	<i>Torres Strait Islander Land Act 1991</i>	<p>This Act provides a legislative framework for:</p> <ul style="list-style-type: none"> <li>• the grant of transferable land as Torres Strait Islander land</li> <li>• claims for claimable land</li> <li>• the grant of claimable land as Torres Strait Islander land</li> <li>• provisions about mortgages of leases over Torres Strait Islander land</li> <li>• leasing of Torres Strait Islander trust land</li> <li>• occupation and use of former crown land by the Crown</li> <li>• the application of the <i>Mineral Resources Act 1989</i> to transferable land and</li> <li>• the establishment and membership of the Land Tribunal</li> </ul>

## Appendix 2

### Approvals in wild river areas

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## Archer Basin wild river area

### Environmental Authority for Mining Activity

Approval Date	Applicants Name	Activity Type
7/09/2009	PATERSON MINING LIMITED	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
8/10/2009	PATERSON MINING LIMITED	Exploration only for Non Code Compliant (operations are high risk to the environment) Level 2 Mining Project (low mining risk).
19/03/2010	PATERSON MINING LIMITED	Exploration only for Non Code Compliant (operations are high risk to the environment) Level 2 Mining Project (low mining risk).

### Exploration Permit Mineral

Approval Date	Applicants Name	Activity Type
17/07/2009	PLATINA RESOURCES LIMITED	Exploration only—All minerals other than coal

### Vegetation Clearing Application

Approval Date	Applicants Name	Activity Type
16/07/2009	INDIGENOUS LAND CORP	Fence/Firebreak/Road/Infrastructure—Fence and firebreak construction

### Permit to do works in a watercourse

Approval Date	Applicants Name	Activity Type
2/10/2009	ROADTEK—MAIN ROADS	Temporary access track across Archer River. This project was a major reinstatement of a Main Roads crossing of the Archer river on the Peninsula Development Road (large regional access and arterial road). The permit was for a temporary access track required for traffic whilst the main new permanent crossing was upgraded, avoiding closure of the road for an extended period of time whilst necessary roadworks were conducted.

### Sand & Gravel extraction

Approval Date	Applicants Name	Activity Type
16/03/2010	DEPARTMENT OF TRANSPORT AND MAIN ROADS	Approved for extraction ERA 16(2b) For road maintenance of the Peninsula Development Road

## Fraser wild river area

### Permit for a sewage treatment plant

Approval Date	Applicants Name	Activity Type
24/12/2007	QUEENSLAND GOVERNMENT— ENVIRONMENTAL PROTECTION AGENCY— QUEENSLAND PARKS AND WILDLIFE SERVICES	Approved sewage treatment plant for camping grounds

## Gregory wild river area

### Environmental Authority for Mining Activity

Approval Date	Applicants Name	Activity Type
15/03/2007	TROUTSTONE PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
15/03/2007	TROUTSTONE PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
15/03/2007	TROUTSTONE PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
15/03/2007	TROUTSTONE PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
20/11/2008	TROUTSTONE PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
17/05/2007	HAPSBURG EXPLORATION PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
17/05/2007	HAPSBURG EXPLORATION PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
25/06/2007	SAVANNAH RESOURCES PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
17/09/2007	TECK AUSTRALIA PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
17/09/2007	TECK AUSTRALIA PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
17/09/2007	TECK AUSTRALIA PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
17/09/2007	TECK AUSTRALIA PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
18/09/2007	TECK AUSTRALIA PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
19/09/2007	TECK AUSTRALIA PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
19/09/2007	TECK AUSTRALIA PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
3/12/2008	TECK AUSTRALIA PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
3/12/2008	TECK AUSTRALIA PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
24/09/2007	SMARTTRANS HOLDINGS LIMITED	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
17/01/2008	ARCHEOPTRYX RESOURCES PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
6/07/2007	ARCHEOPTRYX RESOURCES PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
6/11/2008	ARCHEOPTRYX RESOURCES PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
16/01/2008	DUYFKEN EXPLORATIONS PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
29/01/2008	DUYFKEN EXPLORATIONS PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).



6/03/2008	DUYFKEN EXPLORATIONS PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
16/04/2008	DUYFKEN EXPLORATIONS PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
26/03/2008	LADY ANNIE MINE owned by CAPE LAMBERT 'A.C.N. 076 289 097 PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
12/05/2008	LADY ANNIE MINE owned by CAPE LAMBERT 'A.C.N. 076 289 097 PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
15/05/2008	LADY ANNIE MINE owned by CAPE LAMBERT 'A.C.N. 076 289 097 PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
16/06/2008	LEGEND INTERNATIONAL HOLDINGS, INC.	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
25/06/2008	LEGEND INTERNATIONAL HOLDINGS, INC.	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
25/06/2008	LEGEND INTERNATIONAL HOLDINGS, INC.	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
24/07/2008	LEGEND INTERNATIONAL HOLDINGS, INC.	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
30/06/2008	SYNDICATED METALS LIMITED	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
30/06/2008	SYNDICATED METALS LIMITED	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
24/11/2008	URAMET MINERALS LIMITED	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
12/01/2010	AUSTRALIA MINERALS & MINING GROUP LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
17/03/2010	COPPERCO LIMITED	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
17/03/2010	SUPERIOR RESOURCES LIMITED	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
29/08/2008	MMG AUSTRALIA LIMITED	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
10/09/2007	MMG AUSTRALIA LIMITED	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
11/02/2010	MMG AUSTRALIA LIMITED	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).

### Environmental Authority for Mining Activity (Non Code Compliant Level 2 Mining Project)

Approval Date	Applicants Name	Activity Type
28/04/2008	LEGEND INTERNATIONAL HOLDINGS, INC.	Exploration only for Non Code Compliant (operations are high risk to the environment) Level 2 Mining Project (low mining risk).
11/09/2009	LEGEND INTERNATIONAL HOLDINGS, INC.	Exploration only for Non Code Compliant (operations are high risk to the environment) Level 2 Mining Project (low mining risk).
22/01/2008	MMG AUSTRALIA LIMITED	Exploration only for Non Code Compliant (operations are high risk to the environment) Level 2 Mining Project (low mining risk).
16/05/2008	DUYFKEN EXPLORATIONS PTY LTD	Exploration only for Non Code Compliant (operations are high risk to the environment) Level 2 Mining Project (low mining risk).

## Environmental Authority for Mining Activity (Non Code Compliant Level 1 Mining Project)

Approval Date	Applicants Name	Activity Type
21/08/2009	LADY ANNIE MINE owned by CAPE LAMBERT 'A.C.N. 076 289 097 PTY LTD	No public objections were received to the draft Environmental Authority. An Environmental Authority was issued on 30 April 2007. A Mining Lease (ML 90179) was subsequently issued on 17 July 2008.
13/10/2009	LEGEND INTERNATIONAL HOLDINGS, INC.	The Environmental Authority that was issued includes conditions that prohibit the discharge of any contaminated water from the mine to any waterways in the area. These conditions accord with the Gregory Wild River Declaration 2007. The access road to the mine will cross West Thornton Creek. This creek is declared a high preservation area under the Gregory Wild River Declaration 2007. The access road will use existing roads and tracks.

## Exploration Permit Mineral

Approval Date	Applicants Name	Activity Type
12/03/2009	MMG AUSTRALIA LIMITED	Exploration only—All minerals other than coal
19/03/2009	MMG AUSTRALIA LIMITED	Exploration only—All minerals other than coal
19/03/2009	MMG AUSTRALIA LIMITED	Exploration only—All minerals other than coal
19/03/2009	MMG AUSTRALIA LIMITED	Exploration only—All minerals other than coal
27/04/2009	MMG AUSTRALIA LIMITED	Exploration only—All minerals other than coal
11/11/2009	MMG AUSTRALIA LIMITED	Exploration only—All minerals other than coal
22/03/2007	SUMMIT RESOURCES (AUST) PTY LTD	Exploration only—All minerals other than coal
23/03/2007	SUMMIT RESOURCES (AUST) PTY LTD	Exploration only—All minerals other than coal
24/08/2007	KING EAGLE RESOURCES PTY LIMITED	Exploration only—All minerals other than coal
30/08/2007	SYRAH RESOURCES LIMITED	Exploration only—All minerals other than coal
26/06/2008	MT. ISA METALS LTD	Exploration only—All minerals other than coal
16/09/2008	SUPERIOR RESOURCES LIMITED	Exploration only—All minerals other than coal
22/09/2008	TROUTSTONE PTY LTD	Exploration only—All minerals other than coal
4/11/2008	ARCHEOPTRYX RESOURCES PTY LTD	Exploration only—All minerals other than coal
21/04/2008	LEGEND INTERNATIONAL HOLDINGS, INC.	Exploration only—All minerals other than coal
23/07/2009	LEGEND INTERNATIONAL HOLDINGS, INC.	Exploration only—All minerals other than coal
28/08/2009	LEGEND INTERNATIONAL HOLDINGS, INC.	Exploration only—All minerals other than coal
29/09/2009	LEGEND INTERNATIONAL HOLDINGS, INC.	Exploration only—All minerals other than coal
29/09/2009	LEGEND INTERNATIONAL HOLDINGS, INC.	Exploration only—All minerals other than coal
6/10/2009	LEGEND INTERNATIONAL HOLDINGS, INC.	Exploration only—All minerals other than coal
8/10/2009	INDIVIDUAL NAME REMOVED FOR PRIVACY CONSIDERATIONS	Exploration only—All minerals other than coal
12/11/2009	INDIVIDUAL NAME REMOVED FOR PRIVACY CONSIDERATIONS	Exploration only—All minerals other than coal
7/12/2009	HAPSBURG EXPLORATION PTY LTD	Exploration only—All minerals other than coal
11/01/2010	SAVANNAH RESOURCES PTY LTD	Exploration only—All minerals other than coal
25/02/2010	LADY ANNIE MINE owned by CAPE LAMBERT 'A.C.N. 076 289 097 PTY LTD	Exploration only—All minerals other than coal
19/04/2010	TECK AUSTRALIA PTY LTD	Exploration only—All minerals other than coal
19/04/2010	TECK AUSTRALIA PTY LTD	Exploration only—All minerals other than coal

### Vegetation Clearing Permit

Approval Date	Applicants Name	Activity Type
17/09/2007	LANSKEY	Fence/firebreak/road/infrastructure and thinning
17/04/2009	DEPARTMENT OF TRANSPORT AND MAIN ROADS	Fence/Firebreak/Road/Infrastructure—Road realignment

### Permit to do works in a watercourse

Approval Date	Applicants Name	Activity Type
12/08/2008	DEPARTMENT OF PRIMARY INDUSTRIES AND FISHERIES	Construction of fish passage ways (2 permits). These were upgrades to two fishways carried out by Department of Employment, Economic Development and Innovation (DEEDI) to restore fish passage at the Doomadgee Road crossing of the Gregory river and the Escott Station Causeway crossing on the Nicholson River. These projects restored fish passage to 80 kilometres of the Nicholson river and 50 kilometres of the Gregory river.
6/06/2008	DEPARTMENT OF PRIMARY INDUSTRIES AND FISHERIES	See above
16/11/2007	ZINIFEX CENTURY MINE	Page Creek Crossing to replace an existing access to the mine to improve efficiency of its operations.
28/10/2008	OZ MINERALS CENTURY MINE	Haul Road across Page Creek Diversion from Century Mine Pit to the west waste rock dump
28/10/2008	OZ MINERALS CENTURY MINE	Installation of two pipelines under Page Creek diversion to move acid rock drainage to a safe holding area.
4/11/2009	MMG CENTURY LIMITED	Removal of contaminated sediments from a 13 kilometre reach of Page Creek as conditioned by an Environmental Protection Order.
18/12/2009	MMG CENTURY LIMITED	Installation of pipework across Page Creek to allow transfer of mine contaminated water from Sediment Dam 10 to sediment Dam 6.
18/12/2009	MMG CENTURY LIMITED	Installation of pipework across Page Creek to allow transfer of mine contaminated water from Sediment Dam 6 to sediment Dam 3.
18/01/2010	MMG CENTURY LIMITED	Construction of Sump and intersection trenches Page Creek to intercept mine water originating from the MMG west waste rock dump and prevent it from entering Page Creek.
15/02/2010	MMG CENTURY LIMITED	Trench Crossing of Page Creek Diversion for placement of pipeline connecting Sediment Dam 8 to Sediment Dam 5

### Mining Lease

Approval Date	Applicants Name	Activity Type
17/07/2008	LADY ANNIE MINE owned by CAPE LAMBERT 'A.C.N. 076 289 097 PTY LTD	Minerals are silver, lead, zinc, gold, arsenic, cadmium, cobalt, copper & molybdenum ores
12/08/2010	LEGEND INTERNATIONAL HOLDINGS, INC.	Phosphate mineral

### Permit to extract sand and gravel from Watercourse

Approval Date	Applicants Name	Activity Type
24/09/2008	INDIVIDUAL NAME REMOVED FOR PRIVACY CONSIDERATIONS	Approved extraction for ERA 20(b) & 22(b), See following

## Permit to clear native vegetation for the purposes of sand and gravel extraction

Approval Date	Applicants Name	Activity Type
8/10/2008	INDIVIDUAL NAME REMOVED FOR PRIVACY CONSIDERATIONS	Approval was granted to extract and screen hard rock quarry material.  The approval includes conditions that meet the requirements of the <i>Wild Rivers Act 2005</i> .  A Sales Permit was issued under the <i>Forestry Act 1959</i> . The permit is current to 31 May 2011. It is extended yearly at the request of the applicant.

## Permit to extract sand and gravel

Approval Date	Applicants Name	Activity Type
24/02/2010	NORTHERN PROJECT CONTRACTING PTY LTD	Dredging and Screening of material has been approved under Environmentally Relevant Activities ERA 16(2B) and 16 (3A) respectively.  The material is overburden from Century Mine. It is to be used for off-site projects such as road maintenance.

## Registration—of a sewage treatment plant and storage facility

Approval Date	Applicants Name	Activity Type
28/04/2009	GAMBLR PTY LTD	Approved for waste disposal, sewage treatment plant and crude oil storage.

## Lockhart & Stewart Basin wild river area

### Permit to do works in a watercourse

Approval Date	Applicants Name	Activity Type
18/09/2009	DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT—QPWS	Fence/Firebreak/Road/Infrastructure—Fence line to stop pests getting into Wild river area
5/10/2009	DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT	QPWS—Fence line to stop pests getting into Wild river area.  This was for establishment of boundary fence and access road for maintenance of QPWS along the boundary between Silver Plains station managed by the Kulla Land Trust (168,000 hectares) and Kulla National Park 122,000 hectares to prevent movement of feral animals. It would increase the economic viability of these large grazing operations and protect the environment.
5/10/2009	DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT—QPWS	Fence/Firebreak/Road/Infrastructure—Fence line to stop pests getting into Wild river area
5/10/2009	DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT—QPWS	Fence/Firebreak/Road/Infrastructure—Fence line to stop pests getting into Wild river area
5/10/2009	DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT—QPWS	Fence/Firebreak/Road/Infrastructure—Fence line to stop pests getting into Wild river area
5/10/2009	DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT—QPWS	Fence/Firebreak/Road/Infrastructure—Fence line to stop pests getting into Wild river area
5/10/2009	DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT—QPWS	Fence/Firebreak/Road/Infrastructure—Fence line to stop pests getting into Wild river area
5/10/2009	DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT—QPWS	Fence/Firebreak/Road/Infrastructure—Fence line to stop pests getting into Wild river area
5/10/2009	DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT—QPWS	Fence/Firebreak/Road/Infrastructure—Fence line to stop pests getting into Wild river area

## Settlement wild river area

### Environmental Authority for Mining Activity

Approval Date	Applicants Name	Activity Type
4/06/2007	REGALPOINT EXPLORATION LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
4/06/2007	REGALPOINT EXPLORATION LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
17/01/2008	DUYFKEN EXPLORATIONS PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
26/03/2008	MMG AUSTRALIA LIMITED	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
28/10/2008	TECK AUSTRALIA PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
4/05/2010	INDIVIDUAL NAME REMOVED FOR PRIVACY CONSIDERATIONS	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
12/05/2010	MM MINING PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
21/05/2010	REDBANK OPERATIONS PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).

### Exploration Permit Mineral

Approval Date	Applicants Name	Activity Type
31/07/2007	LAGOON CREEK RESOURCES PTY LTD	Exploration only—All minerals other than coal
23/08/2007	LAGOON CREEK RESOURCES PTY LTD	Exploration only—All minerals other than coal
20/11/2007	U308 LIMITED	Exploration only—All minerals other than coal
17/09/2008	U308 LIMITED	Exploration only—All minerals other than coal
17/09/2008	U308 LIMITED	Exploration only—All minerals other than coal
24/10/2008	MMG AUSTRALIA LIMITED	Exploration only—All minerals other than coal
22/07/2009	INDIVIDUAL NAME REMOVED FOR PRIVACY CONSIDERATIONS	Exploration only—All minerals other than coal

## Staaten wild river area

### Environmental Authority for Mining Activity

Approval Date	Applicants Name	Activity Type
27/02/2007	GOLD FINANCE & EXPLORATION PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
27/02/2007	GOLD FINANCE & EXPLORATION PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
27/02/2007	GOLD FINANCE & EXPLORATION PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
27/02/2007	GOLD FINANCE & EXPLORATION PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
26/11/2007	GULF GOLD PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).

21/02/2008	GULF GOLD PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
27/02/2008	GULF GOLD PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
11/02/2008	PLANET MINERALS PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
25/06/2008	QUEENSLAND TIN PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).
26/06/2008	QUEENSLAND TIN PTY LTD	Exploration only for Code Compliant (operations are low risk to the environment) Level 2 Mining Project (low mining risk).

### Exploration Permit Mineral

Approval Date	Applicants Name	Activity Type
13/06/2008	CORVETTE RESOURCES LIMITED	Exploration only—All minerals other than coal.
23/07/2008	CORVETTE RESOURCES LIMITED	Exploration only—All minerals other than coal.

### Vegetation Clearing Permit

Approval Date	Applicants Name	Activity Type
24/12/2008	LAND TENURE SERVICES	Fence/Firebreak/Road/Infrastructure—Road and fence construction.

### Permit to do works in a watercourse

Approval Date	Applicants Name	Activity Type
16/10/2009	STANBROKE PASTORAL COMPANY PTY LTD	Fenceline and road to new dam at Miranda Downs station These permits were for Miranda Downs Station, a very large grazing operation (438,000 hectares) near Normanton to construct a new fenceline required to fence out feral horses and cattle accessing the property and to construct a road to maintain the fence and access a large new dam in a remote part of the property.
16/10/2009	STANBROKE PASTORAL COMPANY PTY LTD	Fence/Firebreak/Road/Infrastructure—Fenceline and road to new dam at Miranda Downs station.
16/10/2009	STANBROKE PASTORAL COMPANY PTY LTD	Fence/Firebreak/Road/Infrastructure—Fenceline and road to new dam at Miranda Downs station.

## Stewart Basin wild river area

### Vegetation Clearing Application

Approval Date	Applicants Name	Activity Type
26/08/2009	DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT	To clear vegetation for fence construction.

## Appendix 3: Summary - Discussion paper: Protecting Australia's Rivers, Wetlands and Estuaries of High Conservation Value (Department of Environment and Heritage (2005)).

The discussion paper: Protecting Australia's Rivers, Wetlands and Estuaries of High Conservation Value (Department of Environment and Heritage (2005)) noted that conservation value "is a relative measure, established through a comparison of all rivers and dependent ecosystems". The national framework approach included "a whole-of-river" approach and "protection of high conservation-value rivers, river segments and dependent ecosystems (floodplains, wetlands, estuaries) ...". Under the heading of "Recommendations— natural resource management and planning", the discussion paper lists the following:

- Statutory resource and land-use plans, including river- management plans, should assess and control potentially deleterious impacts on these ecosystems at catchment scales.
- Environmental objectives in water plans should adequately acknowledge high conservation value rivers and their dependent ecosystems and water regimes that maintain their ecological values.
- River-management planning of these areas needs to explicitly incorporate rivers and their dependent ecosystems within management plans, recognising catchment processes and hydrological connections.
- For those aquatic ecosystems that cross management borders, river planning should incorporate all of a catchment, taking account of different jurisdictional water legislation.
- Water-quality policies and management should link to planning, assessment and controls that protect identified aquatic ecosystems.
- Introduction of exotic species (plants or animals) should be controlled in these aquatic ecosystems and their catchments.
- River management planning should involve communities early and involve effective community consultation and communication.
- Planning should be culturally sensitive (e.g. respect Indigenous decision-making and governance processes) and involve Traditional Owners for identified ecosystems.
- For improved management, research and development should focus on threats that affect conservation values of high conservation- value rivers, reaches and dependent ecosystems.

(R.T. Kingsford, H. Dunn, D. Love, J. Nevill, J. Stein and J. Tait, Department of Environment and Heritage Australia, 2005).

The following tables, reproduced from the discussion paper demonstrate state and territory protection tools for Australia's high conservation value rivers and how Queensland's Wild Rivers legislation was intended to address inadequacies in these. It also shows a comparison of between the different approaches of Australia, Canada and the USA to the protection of high value river systems (as at 2005).

**Table 1: General (G) and site-specific (S) protective measures for rivers that may be applied at national, State, Local Government or regional jurisdictional scales.**

Scale	Type	Incentives	Controls
Australian Government	G	Funding Programs (e.g. National Action Plan, Natural Heritage Trust) and bilateral agreements for good natural resource management.	<i>Environment Protection and Conservation Act 1999</i> . May be used to assess development proposals that affect sustainability of world heritage areas, Ramsar, threatened species and communities and heritage sites.
	S	Funds may be directed to purchase of protected areas, plans or works. Funding may also be provided to reduce allocation of water (e.g. Living Murray)	For land where the Australian government has jurisdiction, specific statutory prohibitions may be applied.
States and territories	G	Jurisdictions have regional natural resource management frameworks for sustainable environmental management. Some are established through policy (e.g. Western Australia) while others have legislation (e.g. South Australia and Tasmania)	A complex array of jurisdictional statutes can be used to control or stop activities. They include: fisheries controls; environmental assessment of major projects; land use planning; pollution control; control of invasive species; native vegetation management; protection of threatened species and communities and water resource management. Controls may include setting diversions limits on rivers (e.g. Murray-Darling Basin Cap)
	S	Some states (e.g. Victoria and NSW) have joint management areas. Ramsar sites and voluntary conservation agreements that encourage sustainable activities on privately-owned land. Potential Sustainability Trusts for accessing water for the environment have become established.	All states have statutes enabling the declaration of protected areas (or reserves). Many of these protect rivers or their dependent ecosystems. Some states can designate aquatic protected areas (see table C2). There are potential applications of environmental flows to particular sites of importance (e.g. Macquarie Marshes, living Murray, Narran Lakes).
Local Government	G	They can raise money through rates and sometimes environmental levies and offer rates concessions. They can also manage targeted funds from Australian government and States.	They are often determining authorities on land use planning and developments, influencing threats to rivers and dependent ecosystems. Local governments may have delegated authority for pollution control, providing opportunities to influence pollution control.
	S	They may provide rate relief in exchange for conservation and environmental programs on private land.	Local governments can create and manage conservation reserves on municipal land.
Regional bodies	G	They can sponsor or partner programs (e.g. Landcare and Waterwatch) and projects.	In some jurisdictions, regional bodies will take an active role in assessment of vegetation clearing and river management.
	S	This is the main mechanism for investments programs to individual areas for conservation (e.g. national Action Plan for salinity and Water Management, Natural Heritage Trust 2).	



**Table 2: Legislation and some policy tools for protection of high conservation value rivers and dependent ecosystems, that apply to sites, catchments and water supply**

Location	Legislation	Protection of Values										Application
		Biodiversity	Geodiversity	Recreation	Cultural	Site Specific	Catchment (a)	Water Supply (b)				
All States and Territories	Protected Area legislation (c)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public
Western Australian reserves	<i>Land Administration Act 1997</i>	✓	Unclear	✓	✓	✓	✓	✓	✓	✓	✓	Public
Queensland fish habitat areas	<i>Fisheries Act 1994</i>	Fish Only	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public and private
Tasmanian Fauna Reserve	<i>Inland Fisheries Act 1995</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public and private
Victoria Fisheries Reserves	<i>Fisheries Act 1995</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public and private
NSW Aquatic Reserves	<i>Fisheries Management Act 1995</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public and private
Most States and Territories	Threatened Species	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public and private
Australian Government, States and Territories	Directory of important wetlands in Australia (d)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public and private
Australian Government, States and Territories	Convention on wetlands of international importance (e)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public
All States and Territories	Environmental Assessment	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public and private
All States and Territories	Water management (f)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public and private
All States and Territories	Pollution control	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public and private
Commonwealth	<i>Environmental Protection and Biodiversity Conservation Act 1999</i> (g)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public and private
NSW Wild Rivers	National Parks and Wildlife Act 1974											Public
Queensland Wild Rivers	Legislation Developing	✓	✓	?	✓	✓	?	?	?	?	?	Public and private
Victorian Heritage Rivers	Heritage Rivers Act 1992 (h)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public and private
Canadian Heritage rivers	No specific enabling legislation (i)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public and private
USA Wild and Scenic Rivers	Wild and Scenic Rivers Act 1968 (h)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public and private

a) Controls relate to specified activities to protect designated site values

b) Also includes identification of environmental flows

c) Includes designation of national parks and reserves

d) Identify key wetlands in each jurisdiction but generally does not afford any protection value

e) Effected through *Environmental Protection and Biodiversity Conservation Act 1999* but limitations exist in applicability

f) Recreational and cultural values have variable coverage in different jurisdictions

g) *Environmental Protection and Biodiversity Conservation Act 1999*

h) Sites and catchments are only partially protected

i) Through a management plan

## Appendix 4: Indigenous Consultation processes.

The Wild Rivers Act was introduced to Parliament in 2005. The Act requires consultation with all potentially affected parties. This includes Traditional Owners, pastoralists, communities, local government (including Aboriginal Shire Councils), State Government agencies and business operators.

Each time a wild river area is nominated, extensive on-the-ground consultation starts. The Act states that a minimum period of 20 days is allocated to consultation with the community. In practice, the consultation period has been four months or longer and multiple meetings were held in community centres or on individual properties to provide information and respond to concerns. Importantly, the Wild Rivers Act states that the Minister must consider among other things:

- the results of the community consultation on the declaration proposal; and
- any properly made submission about the declaration proposal.

This means that the outcomes from the consultation meetings are part of the consideration, and that the Minister does not rely on written submissions only.

The Act also stipulates that the Minister must prepare a report on consultation within 30 days of a decision to approve, amend or revoke a wild river declaration. The consultation reports summarise issues raised during the consultation process, and from properly made written submissions to the Minister. The Ministers decisions are based on consideration of the issues raised rather than the number or source of the response.

The Government is aware of the complexities and different requirements for consultation with Indigenous communities. This includes poor literacy rates, poor access to internet or other electronic communication, as well as displacement from traditional lands.

As an example of consultation on the Archer, Stewart and Lockhart River basins Wild River Declaration Proposals, agency staff travelled throughout Cape York Peninsula as well as to Cairns and Yarrabah to maximise the input from Traditional Owners. Over 100 face to face meetings were held throughout Cape York, including in Aurukun, Lockhart River, Coen, Cooktown, Weipa, Napranum, Mapoon, Port Stewart and Portland Roads prior to the declarations being made. These meetings consisted of public meetings or meetings with land trusts in communities, as well as face to face meetings with identified key stakeholders including clan elders and heads of families who spoke for country. These latter meetings often occurred with individuals or small family groups. In some cases follow up consultation occurred, to address subsequent questions and to enable Traditional Owners to seek further clarification if required.

To address the issues of low literacy and/or English language proficiencies a variety of strategies were adopted. These included the development of a concise pictorial guide that was widely circulated within communities during the consultation process. A Wild Rivers DVD was produced by Bush TV and was provided public airtime on Imparja TV, with information advertisements aired as Murri Minutes. The DVD provided general information about Wild Rivers, including Indigenous viewpoints on Wild Rivers. Members of the consultation team were deliberately selected on the basis of demonstrated skills and experience in the cross-cultural environment. For the Archer, Lockhart and Stewart consultation processes, Balkanu Cape York Aboriginal Development Corporation was contracted to assist with the delivery of information, identification of issues and in the preparation of individual and collective submissions.

## Appendix 5: Australian Bureau of Statistics (ABS) Level of Economic development Far North and North West Queensland Statistical Divisions

### References—data sources

Australian Bureau of Statistics, Office of Economic and Statistical Research

POPULATIONS FNQ & NW	2004	2008	2009	Change 2004–2009	% Increase
Total Population	242,140	267,899	274,638	32,498	13%
Estimated Indigenous Population	27,247		28,592	1,345	5%

Employment by Industry	2006		2010	Change 2006–2010	% Change
Agriculture, forestry and fishing	7,532		7,546	14	0.19%
Mining	1,408		1,410	2	0.14%
Manufacturing	7,098		7,109	11	0.15%
Electricity, gas and water supply	1,070		1,073	3	0.28%
Construction	9,670		9,666	- 4	-0.04%
Wholesale trade	3,043		3,050	7	0.23%
Retail trade	12,846		12,869	23	0.18%
Accommodation, cafes and restaurants	10,652		10,667	15	0.14%
Transport and storage	6,527		6,545	18	0.28%
Communication services	1,009		1,008	- 1	-0.10%
Finance and insurance	1,810		1,814	4	0.22%
Property and business services	2,082		2,082	0	0.00%
Professional, scientific and Technical services	4,045		4,053	8	0.20%
Administrative and Support Services	3,695		3,696	1	0.03%
Public Administration and Safety	9,364		9,692	328	3.50%
Education and training	7,757		7,773	16	0.21%
Health Care and Social Assistance	10,223		10,312	89	0.87%
Arts and Recreation Services	1,621		1,629	8	0.49%
Other Services	3,829		3,833	4	0.10%
Totals	105,281		105,827	546	0.52%

Industry by Type FNQ & NW	2005	2006	2007	2008	2009
Agriculture, forestry and fishing	5,895	5,091	5,091	No info available—Australian Bureau of Statistics—advised by email that the statistics for these years have been prepared but are not ready for release at this time.	
Mining	159	138	141		
Manufacturing	1,059	1,071	1,101		
Electricity, gas and water supply	24	30	30		
Construction	3,588	3,834	4,269		
Wholesale trade	744	747	741		
Retail trade	2,832	2,844	3,021		
Accommodation, cafes and restaurants	1,083	1,071	1,059		
Transport and storage	1,788	1,764	1,797		
Communication services	231	249	264		
Finance and insurance	951	987	1,059		
Property and business services	4,506	4,584	4,851		
Education	117	141	165		
Health and community services	783	804	813		
Cultural and recreational services	453	474	465		
Personal and other services	753	768	798		
Total businesses	24,180	24,597	25,665		

Overseas Export of goods by Port, Volume (tonnes)	2006-07	2007-08	2008-09	2009-10
Cairns	321,076	359,083	255,382	364,433
Kurumba	567,482	675,821	657,710	553,502
Weipa	6,160,756	9,067,917	7,337,917	7,175,506

COMMODITIES -North, Queensland (Note all North Qld—no data that shows just the FNQ and Gulf) Data Source ABS AUSSTATS	2007-2008		2008-2009	
	Gross value	Local value	Gross value	Local value
Total agriculture Crops	\$ 354,778,643	\$ 328,457,520	\$ 305,640,748	\$ 279,982,214
Livestock—Livestock slaughtered	\$ 292,692,917	\$ 278,433,245	\$ 237,489,861	\$ 222,484,927
Livestock—Livestock products Eggs/Wool etc	\$ 358,217	\$ 320,612	\$ 319,182	\$ 277,555

Mining Production (tonnes)	2005-06	2006-07	2007-08	2008-09
NOTE Commercial in Confidence data— not for publication Data source Dept of Mines and Energy				
Bauxite Production (Weipa/Ely/Andoom)	16,013,454	17,379,599	19,386,324	17,438,363
Lead Concentrate (Century)	124,990	58,625	60,871	57,043
Kaolin Clay (Skardon River)	349	534	815	N/A

## Appendix 6: Review of the Anglican Diocese of Brisbane Social Responsibilities Committee report: Wild Rivers Policy—Likely impact on sustainable development and Map showing productive land (as assessed by CYPLUS) in Cape York wild river areas

The following information provides a response to the report: *Wild Rivers Policy- Likely impacts on sustainable development report (released 29 Sept 2010)*.

### 1. Anglican Report discussion: Case Study—Biodiesel Fuel from Pongamia (Milletia) Tree Seeds.

The report provides a ‘case study’ (of a diesel tree plantation) which it concludes could not have been established if begun after the Lockhart wild river declaration came into effect. The report also suggests the activity could not occur within one kilometre of a nominated waterway.

#### Response:

- Agricultural activities can occur readily in a Preservation Area, and the diesel tree plantation mentioned in the report’s case study would be able to be undertaken in accordance with the usual statewide development requirements. For example, an application may need to be submitted for a material change of use under the *Sustainable Planning Act 2009*. The proponent of the diesel tree plantation indicate to the Queensland Government that areas outside of the High Preservation Area were also suitable for this venture.
- It needs to be noted that development is able to be undertaken within a Nominated Waterway. The Queensland Government acknowledges that there are more stringent requirements on development in the high preservation area, recognising inappropriate development in these areas can create the greatest risk to the wild rivers. However, not all development is prohibited, and it should be noted that for each declared wild river area on Cape York Peninsula, approximately 80 per cent of the area lies outside of a high preservation area.

### 2. Anglican Report discussion: Inappropriate ‘Blanket Prohibitions’

The Report states “Rather than imposing blanket prohibitions, this case study (above) demonstrates that legislation which considers the relative impacts on the environment, as well as the economic and social benefits to be had from a particular development, will give rise to better outcomes for all stakeholders.”

#### Response:

- The *Wild Rivers Act 2005* does not impose blanket prohibitions on development. A declaration is akin to a town planning scheme in that it sets out where development can occur and in what manner it should occur. Further, a Property Development Plan is a provision in the Wild Rivers Act which enables a landholder to demonstrate that a proposed development, not normally permitted in a wild river area, can occur without adversely impacting on the natural values of the declared wild river area. This type of plan is voluntary and is intended to provide a mechanism for certain development to occur where the proposed development cannot otherwise be done under the existing wild river declaration.

### **3. Anglican Report discussion: Economic benefit should be the key driver for future development choices such as irrigated agriculture.**

There is no discussion in the report of the significant benefits potentially derived from future tourism opportunities or other elements of a 'conservation economy'. Instead the report focuses on perceived impacts on opportunities of more intensive developments.

#### **Response:**

- A wild river declaration will support the future growth of tourism on Cape York Peninsula. Tourism, including ecotourism or cultural tourism, will provide for the diversification of the Cape community's economy. Because of landscape and geographic challenges, it is accepted that the opportunities for agriculture based development is limited on the Cape (see the Cape York Peninsula Land Use Study 1995), and alternative approaches need to be considered and fostered.

### **4. Anglican Report discussion: Water going to the sea is a 'waste' of the resource**

#### **Response:**

- The contemporary understanding and science into freshwater systems has identified a strong and important link between estuarine ecosystem health and freshwater environmental inflows. Freshwater inflows maintain estuarine functions such as juvenile fish and crustacean habitat and ecosystem connectivity on which a range of estuarine assemblages depend. As a result of healthy freshwater flows into the Gulf there has been significant economic benefit derived from the major commercial fishing industry (worth \$250 million per annum) established in the area .

### **5. Anglican Report discussion: Declarations unreasonably restrict use of artificial grasses for enhanced cattle stock rate**

The report asserts that 'artificial grasses' which could provide for increased stock rates (carrying capacity) have been excluded from use as a result of wild river declarations.

#### **Response:**

- Within a wild river area, there are no restrictions on grazing of native pastures within any part of a wild river area, and no restrictions on introduced grasses in existing wild river areas.

### **6. Anglican Report discussion: Suitable agricultural soil**

The report suggests that the existing (and presumably future) Wild River High Preservation Area's cover the majority of productive agricultural land on Cape York Peninsula.

#### **Response:**

- The department thoroughly analysed the data provided in the Cape York Peninsula Land Use Study (CYPLUS) relevant to the declared wild river areas. The CYPLUS data indicates that the majority of suitable agricultural soil is found outside the High Preservation Areas.
- The total area of highly suitable soils intersecting the declared wild river areas on Cape York Peninsula is 686 square kilometres. Further analysis demonstrated that 72 per cent (494 Km<sup>2</sup>) of the highly suitable soil used for agriculture is outside the High Preservation Area, while only 28 per cent (192 Km<sup>2</sup>) is found within this area.
- Nonetheless, existing agricultural activities are not affected, and certain new agricultural activities such as market gardens can continue to be developed within the high preservation area with no wild river requirements.

## 7. Anglican Report discussion: Access to Water

The report suggests that under wild river declarations and water resource plans in North Queensland, water availability for development is too restricted. The report also states that it is not possible to have a water pump on the bank of a river because fuel and oil cannot be stored in close proximity to the river, a development permit is required to dig in-stream pump holes and a property development plan is required to dig holes in bed sands to keep the water running.

### Response:

- Importantly, water is made available in a wild river declaration through the general, strategic, and Indigenous water reserves. Queensland's wild rivers program has set a precedent in Australia by initiating and developing a provision for an Indigenous water reserve. Through the existing wild river declarations on the Cape, a total volume of 34,500 megalitres per annum is set aside to enable sustainable economic growth to occur in the region. Of this total volume, 20,000 megalitres per annum is made available for Indigenous stakeholders to support future social and economic aspirations. It should be noted that this volume is significantly greater than what is already available in existing authorisations.
- The storage of petroleum for a water pump is not prohibited in a wild river area, or within the high preservation area. If the volume of petroleum product stored is no more than 10,000 litres there are no wild river requirements. If the volume of petroleum product is larger than specified above; the activity will then become an Environmentally Relevant Activity under the *Environmental Protection Act 1994* which requires an application to be made.
- Wild rivers does not require a development permit for maintenance activities or for the establishment of a pump hole to access water from within a watercourse. Additionally, these activities do not require a property development plan. However a riverine protection permit is required under the *Water Act 2000*, if excavation within within the watercourse is involved. This requirement applies across Queensland.
- Landholders also have "Riparian Access Rights" if their land is directly adjacent to a watercourse. Through Riparian Access Rights, a landholder can install a pump and extract water for stock and domestic purposes if his or her land adjoins a watercourse, without the need to obtain a water licence or development permit. This activity is self-assessable and notice must be provided to the department within 30 days after the activity has been undertaken. These requirements apply across Queensland and are not specific to a wild river area.

## 7. Anglican Report discussion: Development of private jetties and excessive requirements for crossings and roads

The report states that public jetties are treated differently to private jetties and that the installation of concrete channels is mandatory for any stream crossing and that, for example "the road must come in on the inside of a bend and the only place one can go out is the inside of the bend again".

### Response:

- Public jetties are not prohibited on Indigenous land, thus public jetties are treated no differently to private jetties. The department consulted extensively with communities and subsequently amended the Wild Rivers Regulation 2007 to define boat ramps, jetties and pontoons used to access Indigenous lands as specified works. This amendment ensured that private jetties are not prohibited on Indigenous land.
- The Wild Rivers Act and a wild river declaration do not include any such conditions on the development of road crossings over streams. It should be noted that throughout Queensland, a riverine protection permit is required for a stream crossing under the *Water Act 2000*. There are no requirements under the Water Act, that a riverine protection permit be conditioned to install the crossing on the inside of a bend.

## 8. Anglican Report Discussion: Inaccuracies in Table 5- Analysis of prohibitions

### Response:

The analysis of prohibitions and exceptions provided in Table 5 of the report is inaccurate and contains significant errors and misinterpretations.

The following information is provided as a response to these anomalies.

- It should be noted the taking of water is not prohibited in the High Preservation Area, or anywhere else in a wild river area. Reserves of unallocated water are set aside in each declaration including an Indigenous reserve. The Indigenous water reserve will support Indigenous people achieve their social and economic aspirations. As noted earlier, water for stock and/or domestic use is an “as of right” to riparian landholders.
- An application for an instream dam or weir can be made for any purpose in a nominated waterway.
- Limitations on Environmentally Relevant Activities are generally confined to the high preservation area. These are activities that can pose a risk to the environment, this is why there are specifically regulated under the *Environmental Protection Act 1994*.
- There are no additional wild river requirements relating to native vegetation clearing in the Preservation Area. (the *Vegetation Management Act 1999* may apply, as is the case across Queensland).
- The provision to clear for agricultural purposes under the *Cape York Peninsula Heritage Act 2007* is only available in Cape York and only for Indigenous purposes. This was provided specifically to allow for Indigenous economic development.
- The Wild Rivers Act explicitly states that all existing authorisations, mining or otherwise, are not affected by a wild river declaration.
- There are no wild river requirements on operational works that take or interfere with overland flow in the Preservation Area and outside of the Floodplain Management Area.
- There are no regulations or conditions within a wild river declaration which would impose conditions on how or where a subartesian bore might be constructed. Under the *Sustainable Planning Regulation 2009*, a development permit maybe required to construct a water bore and will need to meet specific construction specifications. The drillers’ licensing arrangements of the *Water Act 2000* ensures that all water bore drillers are properly skilled and that their work meets minimum standards. These requirements have nothing to do with a wild river declaration.
- The take of underground water is regulated under the *Water Act 2000* and, as is the case across Queensland, a water licence may be required under that Act. However in most cases the take of subartesian water for stock or domestic purposes does not require a permit unless that water is connected to artesian water.

## 9. Summary

In summary, the report fails to recognise that the regulation of development activities in wild river areas serves to protect both the long term prosperity for people and our environment.

Ensuring development is undertaken in a manner that is appropriate to the particular environmental considerations of wild river areas, provides opportunities for the people of today without compromising the ability of future generations to enjoy the long terms benefits of an undiminished environment.



## Appendix 7: Government funded natural resource management projects

There has been a long history of government support for Indigenous participation in natural resource management programs. This is in recognition of the stewardship of the land of the Traditional Owners, and the benefits that are achieved by utilising the traditional knowledge of local Indigenous communities. The programs provide employment in areas of high unemployment, as well as training and capacity development. Programs that have provided significant benefits are:

- Looking After Country Together
- Caring for our Country programs
- Working on Country program
- Q2 Coasts and Country
- Wild River Rangers

### Looking After Country Together

Whole-of-Government achievements in 2009–2010 under the Looking After Country Together strategic policy framework include including, training and employment projects, increased employment in the Queensland Parks and Wildlife Service and new partnership arrangements with Traditional Owners regarding the management of Queensland's Protected Area Estate, contracting of natural resource management functions to Aboriginal and Torres Strait Islander service providers and initiatives such as "Queensland's Green Army". Queensland's significant progress in Land Transfers, Land Grants and Indigenous Land Use Agreements which underpins the strategy are detailed in Chapter 6 Land acquisition and tenure resolution.

The Cape York/Savanna Region Indigenous Initiatives Unit was formed to assist Queensland Parks and Wildlife Service rangers and Land Trust representatives to manage parks such as Lama Lama National Park (Cape York Peninsula Aboriginal land), which was the first jointly managed national park on Aboriginal land in Queensland. The Indigenous Initiatives Unit is currently working closely with Land Trusts and Traditional Owners in several areas on Cape York Peninsula, delivering training and employment in natural resource management in protected areas under Indigenous Land Use Agreements and Indigenous Management Agreements. The unit is working with six different groups, in the Kalpowar, Archer Point, Melsonby, Lama Lama, Kulla and Mitchell Alice areas.

To date, 33 people have been trained through Aboriginal and Torres Strait Islander natural resource management pilot training and employment projects, involving an investment of over \$400,000 to support this training. A further 28 people will be trained in 2010. During 2009–2010, the Department of Environment and Resource Management provided significant employment opportunities for Aboriginal and Torres Strait Islanders in natural resource management through the Queensland Parks and Wildlife Service (QPWS).

The Department of Environment and Resource Management (DERM) has implemented new partnership arrangements with Traditional Owners regarding the management of Queensland's Protected Area Estate, including Memorandums of Understanding (MoU) of involvement in a range of NRM related activities.

DERM also has a policy of contracting a range of natural resource management functions to Aboriginal and Torres Strait Islander service providers where possible, including the Quandamooka Land Council (North Stradbroke Island), the Gidarjil Corporation (Bundaberg), the Ambilmungungarra Aboriginal Corporation and the Hopevale Aboriginal Shire Council on behalf of the Kalpowar Land and the Melsonby Land Trust.

Queensland's "Green Army program" aims to address current skills shortages in the north western region of Queensland and increase Aboriginal and Torres Strait Islander employment within the resources and civil construction (infrastructure) industries. The Green Army work placement component will provide participants with knowledge and skills in horticulture and land and conservation management. Other work placement activities will include road upgrades, maintenance on flood damaged roads and ongoing landscaping. Training will be provided in construction, civil construction, resources and infrastructure work preparation, surface extraction operations and horticulture. As at 30 June 2010, 213 Aboriginal and Torres Strait Islander people have been employed in Green Army projects across the State, with 61 Aboriginal and Torres Strait Islander people having received Green traineeships. Work placements for Aboriginal and Torres Strait Islander people, represents 24 per cent of the total number of people placed in Green Army projects and 26 per cent of the total number of people participating in Green traineeships.

## Caring for our Country programs

Through Queensland's Caring for Country program over \$1.53 million has been provided to Cape York Land and Sea Management groups this financial year. Additionally the Northern Australian Indigenous Land and Sea Management Alliance was funded \$2.4 million for land and sea centres, and employment of rangers for natural resource management. The Northern Gulf Resource Management Group (including the Mitchell catchment, Kowanyama) has been funded with \$3.173 million over four years) and \$2.8 million over 4 years to manage ghost-net threats. Examples of individual projects funded through this initiative include:

- South Cape York Catchments Inc.—\$217,250 for salvinia control and community groups involved in protecting riparian vegetation and wetlands.
- Northern Gulf Resource Management Group—\$136,610 for community groups protecting nature corridors, wetlands, and promoting best-practice land management.
- Cape York Sustainable Futures—\$150,000 to protect Cape York's sea turtles, employment of two rangers in each of five hotspots to monitor nesting following aerial pig control measures, and \$320,000 for Northern Australia Fire Information project, providing computer based information for fire management; \$17,166 for feral pig satellite tracking; \$18,094 for west coast turtle rescue.
- Traditional Knowledge Revival Pathways <www.tkrp.com.au>—\$200,000 to record traditional knowledge.
- Northern Gulf Resource Management Group—\$210,000 for Healthy Savanna Lands program and savanna plan for grazing land management.
- Mitchell River Watershed Management Group Inc.—\$22,272 for hymenachne control, Kowanyama).

## Working on Country program (Indigenous Australians caring for country)

Funded projects in "round 1" of the grants process includes land and sea, natural and cultural protection coordinated by the Lockhart River Aboriginal Shire Council which employs Indigenous people to control weeds and feral pests (\$557,566 for 2007–10). Projects funded in "round 2" of the Working on Country program include:

- Employment of Indigenous rangers and a coordinator to protect ecological and cultural assets and to tackle environmental problems coordinated by the Kowanyama Aboriginal Shire Council (\$3.1m for 2007–13); and
- Employment of Indigenous people to maintain camping areas; fence sensitive areas to protect them from feral pigs, horses and cattle; monitor, map and reduce feral pig numbers; rehabilitate 15,000 ha over-run by weeds, establish fire breaks and manage fire regimes The Chuulangun Aboriginal Corporation (\$2.5m for 2007–12).
- The Napranum Ranger program coordinated by the Napranum Aboriginal Shire Council (\$2.28m for 2009–13).
- Northern Peninsula Area Indigenous Rangers program, coordinated by the Northern Peninsula Aboriginal Regional Council (\$2.54m for 2009–13).
- Lama Lama Ranger group in the Lama Lama Land Trust including Running Creek Nature Refuge and surrounding Aboriginal freehold land, coordinated by Balkanu Cape York Development Corporation (\$697,100 for 2009–10).
- Toolka Land Trust including the Mt Croll Nature Reserve and surrounding Aboriginal freehold land (for environmental works such as weed and feral animal control, fire and grazing management) coordinated by Balkanu Cape York Development Corporation (\$569,400 for 2009–10).
- Employment of Indigenous rangers and coordinator through the Mapoon Land and Sea Centre
- Crocodile surveys and water quality monitoring projects coordinated by the Mapoon Aboriginal Shire Council (\$507,040 for 2009–10).

Projects funded previously include:

- Injinoos Community Council (\$39,033 for community capacity building).
- Porpuraaw Shire Council (\$38,636 for fencing and stock watering points at Lake Puyul).
- Napranum Aboriginal Shire Council (\$44,438 for traditional knowledge recording, Pennefather River).

## Q2 Coasts and Country

A number of projects have been funded through this program on Cape York and the Gulf of Carpentaria including:

- Cape York Weeds & Feral Animal Program (\$200,000)
- Cape York Fire Management Program (\$150,000)
- Cape York Turtle Conservation Project (\$200,000)
- Julatten–Mt Molloy Biodiversity and Habitat Reconstruction Project (\$110,000)
- Core operating costs for the newly formed Cape York NRM group (\$250,000).
- Lower Gulf Indigenous Coordination and Capacity Building project (\$200,000) is run through the Northern Gulf Resource Management Group to increase the capacity of Indigenous communities to managing natural resources.

## Wild River Rangers

Funding for the current financial year is provided to the following Ranger Groups and associated organisations:

- Burketown Rangers, Carpentaria Land Council (\$559,985)
- Chuulangun Rangers, Chuulangun Aboriginal Corporation (\$234,047)
- Cape York Weeds & Feral Animals Program (provides training), Cook Shire Council (\$40,000)
- Ewamian Rangers, Ewamian Aboriginal Corporation (\$424,955)
- Giringun Rangers, Giringun Aboriginal Corporation (\$206,124)
- Kowanyama Rangers, Kowanyama Aboriginal Shire Council (\$93,679)
- Mapoon Rangers, Mapoon Aboriginal Shire Council (\$135,757)
- Napranum Rangers, Napranum Aboriginal Shire Council (\$ 94,879)
- Northern Peninsula Area Rangers, NPA Regional Council (\$165,923)
- Normanton Rangers, Carpentaria Land Council (\$763,575)
- Pormpuraaw Rangers, Pormpuraaw Aboriginal Shire Council (\$534,927)
- Aurukun Rangers, Aurukun Shire Council (\$79,452)

# Appendix 8: Methodology and key outcomes of the land tenure resolution program

## Program components

### State land dealings

Key Actions include the negotiation of Indigenous Land Use Agreements (ILUA) and Indigenous Management Agreements (IMA) for nominated State land areas resulting in both national park (CYPAL) and Aboriginal freehold land with nature refuges within areas of high conservation value on the Aboriginal freehold areas.

Outcomes to date include the creation of:

- 575,000 ha of new national park
- 617,000 ha of Aboriginal land with 90,000 ha subject to a nature refuge

### National park transfers

Key Actions include the negotiation of ILUAs and IMAs to support the transfer of all national parks to national park (Cape York Peninsula Aboriginal Land) (CYPAL).

Outcomes to date include the conversion of 32,000 ha.

### Land acquisitions

Key actions include the acquisition of areas on Cape York Peninsula of high conservation significance for conversion to national park (CYPAL) and Aboriginal freehold land.

Outcomes to date include:

- The acquisition of 636,000 ha since 2003.
- A further 948,000 ha was acquired between 1994 and 2002.

### Joint management implementation

Key actions include, in collaboration with Traditional Owners and key representative and advisory bodies including Balkanu Cape York Development Corporation and the Regional Protected Area Management Committee, the development of appropriate strategies and programs to facilitate equitable participation of Aboriginal people in decision making and on-ground management of national park (CYPAL) and nature refuge areas.

## Recent land dealings

### Land transfers—*Aboriginal Land Act 1991 (ALA)*

An area of 42,510 hectares (Mulkay Holding) was transferred as Aboriginal freehold land to the Olkola Aboriginal Corporation Land Trust on 26 May 2010. The area was subsequently declared as the Alwal National Park (Cape York Peninsula Aboriginal land) in accordance with the *Nature Conservation Act 1992 (NCA)*. In addition, on 26 May 2010, an area of 37,170 hectares (Kalinga Holding) was transferred as Aboriginal freehold land to the Kyerwanhdha Thingalkal Land Trust.

## Land grants—*Aboriginal Land Act 1991 (ALA)*

These grants are the outcome of previous claims made in accordance with the former claimable land provisions of the ALA.

An area of 38,170 hectares (formerly Mitchell-Alice Rivers National Park) was granted as Aboriginal freehold land to the Errk Oygangand National Park Land Trust on 23 October 2009. The area was subsequently declared as the Errk Oygangand National Park (Cape York Peninsula Aboriginal land) in accordance with the NCA. In addition, an area of 37.8 hectares (formerly three islands making up the Cliff Islands National Park) was granted as Aboriginal freehold land to the Lama Lama Land Trust on 29 April 2010, and an area of 70.15 hectares, known as Marina Plains (Rindoparr), was granted as Aboriginal freehold to the Lama Lama Land Trust on 2 June 2010. Finally, on 22 June 2010, an area of 6,004 hectares (Banana Creek) was granted as Aboriginal freehold land to the Wunbuwarra Banana Creek Land Trust.

In summary, in the 2009–10 financial year, total areas of 79680 hectares and 44281.95 hectares were respectively transferred or granted to Aboriginal people under the ALA. The total area of land transferred under the ALA since its inception is 1,760,416 hectares.

## Land transfers—*Torres Strait Islander Land Act 1991 (TSILA)*

The total area of land transferred under the TSILA since its inception is 772,762 hectares.

## Indigenous Land Use Agreements

Indigenous Land Use Agreements (ILUAs) play an important role in providing Aboriginal and Torres Strait Islander people with access to their traditional lands. Between 1 June 2009 and 31 May 2010, 23 ILUAs covering 3,898,718 hectares were registered in Queensland. By comparison, only 19 ILUAs were signed in the same period in all other states and territories together (Western Australia: 8; South Australia: 5; Northern Territory: 3; Victoria: 3).

## Cape York State Land Dealings Program: Summary Information

**Table 1: New National Parks and National Park extensions**

	Area (ha)	Year
Extensions to Cape Melville (from Starcke)	101,000	1996
Extensions to Iron Range NP	12,000	2000
Extensions to Lakefield National Park (from Marina Plains)	5,856	2004
Extensions to Cape Melville NP (from Kalpowar)	34,200	2005
Jack River National Park (from Kalpowar)	166,000	2005
Melsonby (Gaarraay) National Park	8,990	2006
Annan River (Yuku Baja-Muliku) National Park	8,830 2,281 (RR)	2006
Lama Lama National Park (CYPAL)	35,560	2008
KULLA (Mcllwraith Range) National Park (CYPAL)	158,358	2008
Alwal National Park (CYPAL)	42,510	2010
Total	575,585	

**Table 2: New Nature Refuge and Coordinated Conservation Agreement Areas**

	Area (ha)	Year
Rindoparr (Marina Plains)	951	2004
Kalpowar	28,855	2005
Annan River	159 on ALA	2006
Annan River Area B	319	2007
Melsonby (Gaarraay)	3,610	2006
Running Creek	38,570	2008
Lilyvale	6,710	2008
Mount Croll	5,131	2008
Balclutha Creek	2,066	2008
Balclutha Creek (Lava Hill)	976	2008
Kyerrwanhdha	2680	2010
Rindoparr Area B	70	2010
<b>Total</b>	<b>90,097</b>	

**Table 3: New Aboriginal land**

	Area (ha)	Year
Wakooka, Ngulun, Daarba (Starcke)	84,000	1996
Kulla (Silver Plains)	193,000	2000
Rindoparr (Marina Plains)	951	2004
Kalpowar	192,800	2005
Melsonby (Gaarraay)	10,710	2006
Archer Point	1314	2006
Running Creek	38,570	2008
Lama Lama	36,370	2008
Toolka	18,014	2008
Kulla	856	2008
Muluna	4,441	2008
Kalinga (Kyerrwanhdha)	37,170	2010
Rindoparr Area B	70	2010
<b>Total</b>	<b>617,942</b>	

**Table 4: Transferred National Parks**

	Area (ha)	Year
Errk Oygangand NP (CYPAL)	38,170	2009
Marpa NP (CYPAL)	38	2010
<b>Total</b>	<b>38,208</b>	

**Table 5: Other Transferred Lands (New Aboriginal land)**

	Area (ha)	Year
Banana Creek	6,004	2010

# Attachments

1. Letter from Minister Robertson to CEO, Balkanu Cape York Development Corporation; Mr Gerhardt Pearson. . . . .108
2. Letter from Minister Robertson to Director of Cape York Institute; Mr Noel Pearson . . . .109



**Hon Stephen Robertson MP**  
Member for Stretton



**Queensland  
Government**

Ref CTS 11384/09

**Minister for Natural Resources,  
Mines and Energy and  
Minister for Trade**

Mr Gerhardt Pearson  
Executive Director  
Balkanu Cape York Development Corporation  
PO Box 7573  
CAIRNS QLD 4870

**1 0 NOV 2009**

Dear Mr Pearson 

I note that you participated in an interview on the National Interest program on ABC Radio National on 16 October 2009 in which you discussed your views of the wild rivers program.

In discussing the Archer Basin Wild River Declaration, you mentioned that the construction of a fishing lodge was a known project that one of the communities on the west coast of the Cape has aspirations to develop. You also mentioned that there were concerns that the project would be severely impacted as it will not be able to meet the guidelines in the High Preservation Area.

As you would be aware, the Queensland Government is committed to enabling Indigenous economic development, and therefore I am offering to provide resources from the Department of Environment and Resource management to assist in progressing this development proposal. There is no doubt in my mind such a development could in fact occur in the Archer Basin High Preservation Area and is very much compatible with the wild river declaration.

In order to facilitate this development, I ask you to please provide the contact details of the proponents for this development so that officers of the department can direct them to the relevant sections of the Government who can assist both technically and financially in getting this project off the ground.

Should you have any further enquiries, please do not hesitate to contact Mr Scott Buchanan, Team Leader (Wild Rivers), Water Allocation and Planning of the department on telephone 3225 1023.

Yours sincerely

**STEPHEN ROBERTSON MP**

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Ref CTS 15514/09

24 DEC 2009

Mr Noel Pearson  
Director  
Cape York Institute for Policy and Leadership  
PO Box 7573  
CAIRNS QLD 4870

Dear Mr Pearson

Thank you for meeting with Mr John Bradley, Director-General of the Department of Environment and Resource Management and myself to discuss a number of matters regarding the State Government's wild rivers program and prospects for future Indigenous economic development on Cape York Peninsula.

At our meeting, it was agreed that the department would document - on a without prejudice basis - alternative approaches to three issues relevant to the Wild Rivers process. The three issues concerned were: economic development; Indigenous engagement; and the employment security of Wild River Rangers. Please note that the options listed in these papers are yet to be subject to a financial assessment and budgetary consideration.

I agreed to onforward these to you so that we could both consider and refine any options at the same time, and have now enclosed them for your consideration. If you are of the view that these options or alternative approaches have merit, we could then discuss how to further progress them together.

I would appreciate your feedback early in 2010. As suggested at our meeting, if it would be beneficial to openly explore these issues, Mr Bradley would be happy to meet with you or your nominated representative to progress discussions or clarify matters in regard to these papers.

I take this opportunity to wish you a safe Christmas holiday period and a prosperous New Year.

Yours sincerely

**SIGNED**

**STEPHEN ROBERTSON MP**

Att

# **Alternative Frameworks for Indigenous Engagement**

**(December 2009)**

## ***Purpose of this paper***

One of the major issues raised by peak Indigenous bodies and certain Indigenous community leaders during consultation on the first four proposed wild river areas on Cape York was the issue of “consent”. The vehicle for a consent process put forward has been the use of “Indigenous Land Use Agreements”. This is problematic given Native Title Rights are not impacted by a wild river declaration.

This paper discusses three options (not necessarily exclusive) for dealing with forms of Traditional Owner Consent.

The following options are discussed below:

1. Formation of an Indigenous Reference Committee.
2. Development of an Indigenous Natural and Cultural Resource Management Plan.
3. Development of an Economic Development Plan.

## ***Options for securing a form of Traditional Owner Consent***

### **1. Formation of an Indigenous Reference Committee**

#### **Outline**

A Reference Group of representative Traditional Owners would be formed for each potential wild river area. The Committee could provide advice and guidance directly to the Minister on wild river declaration proposals and final declarations. Advice would be required during the declaration proposal development phase as well as prior to reaching any final decisions about declarations.

## Process

### *Membership*

The key objective would be to establish a group which is representative of local TOs relevant to that Wild River area, independent and transparent in its deliberations.

The “representativeness” is a key goal, so as to be able to speak with any authority or make recommendations on behalf of their people. The members should be considered by their own community to be able to speak for their country. To this end the group should be comprised of respected, locally based Traditional Owners with connections to the proposed wild river area. Membership could be comprised of nominated elders/spokespeople, Land Trust Chairs or representatives, Native Title representatives, and/or elected members of local councils.

Advertisements as well as direct contact through Councils, Land Trusts and other Indigenous organisations would call for nominations for the committee. The department will seek advice from Mr Noel Pearson in regard to this process.

### *Role and Terms of Reference*

Under the Wild Rivers Act, the final decision on any declaration would rest with the Minister. The purpose of the Committee is to provide informed, explicit and transparent advice which reflects indigenous interests to the Minister. The Committee would not have the power of veto over the declaration/s.

The committee could be expected to undertake a site by site review, advising in particular on matters relating to:

- a) the extent of the wild river’s high preservation areas, management areas and the special features.
- b) specific regulatory requirements;
- c) the proposed water reserves under the declaration; and
- d) aspirations for their country which they feel will be compromised by a declaration; and
- e) an assessment of the consultation process and residual issues they feel have not been dealt with appropriately through the consultation and submissions process.

The Committee would be formed early in the development of any declaration proposals and would advise on potential wild rivers within a basin, as well as the extent of any High Preservation Areas and other management areas. This

would include providing advice on management areas to protect sites of cultural significance. Some on-country field work would be entailed to identify particular areas.

No such committees currently exist, and therefore the process for their formation would require significant coordination. However, once formed the committee should be maintained to provide advice into the other significant issues, for example the identification of areas of international conservation significance as per the *Cape York Peninsula Heritage Act 2007*.

*Key Outcomes: 'Endorsed Declaration' or 'Informed Declaration'*

The outcome of the Committee's considerations would be:

- An explicit **Report** would be provided to the Minister by the Indigenous Reference Committee which addressed the Committee's Terms of Reference; and
- The Minister, prior to making his decision, would have regard to the Report of the Indigenous Reference Committee; and
- If the Minister accepted the recommendations of the Committee or agreed with the Committee on the features of the Wild Rivers declaration, the Declaration would be explicitly published as an **Endorsed Declaration**; or
- If the Minister did not accept the recommendations of the Committee or otherwise agree with the Committee on the features of the Wild Rivers declaration, then
  - the final Declaration would be explicitly published as an **Informed Declaration**; and
  - the Minister would publish a **Statement of Reasons** addressing recommendations which were not accepted (see flow chart attached)

The key differences between this option and the current consultation process are:

- As for now, all Traditional Owner input would be considered, but the process would be formalised with the support of a secretariat.
- This process would provide a streamlined feedback loop, where the Minister, or his representatives could provide feedback directly to the committee as opposed to through a consultation report

## 2. Development of an Indigenous Natural and Cultural Resource Management Plan (INCRMP) for each wild river basin.

### Outline

While a wild river declaration provides an appropriate tool for strategic planning for future development in wild river areas to ensure the major river systems retain their environmental values, the benefits of a declaration are not immediately tangible. Rather, the benefits will be realised in the future.

Three criticisms have been repeatedly levelled at the wild rivers program on Cape York. These are:

1. *The declarations are developed by decision makers remote from the Cape York communities affected.*
2. *A declaration does not recognise the cultural values important to the Traditional Owners of the Country.*
3. *A declaration provides no tangible on ground benefit in terms of managing the environmental values the program purports to protect. In particular, Traditional Owners have submitted that they would like to see greater management of weeds and feral animals, commercial fishing and uncontrolled camping and waste issues.*

A commitment to infrastructure, resources, Indigenous employment and incorporation of traditional management practices is seen by Indigenous peak bodies and Traditional Owners as fundamental to achieving the preservation of a wild river's natural values.

Indigenous groups on Cape York have also expressed concerns about the adequacy of the *Aboriginal Cultural Heritage Act 2003* (ACHA) in protecting cultural values. Of note were concerns that cultural values were poorly protected through the ACHA which considers cultural heritage in terms of particular individual sites or artefacts. However these values are often less "tangible" and imbued in a landscape or river. Traditional Owners have repeatedly stated their desire for the Wild Rivers policy and legislation to explicitly recognise and provide protection for cultural values associated with the river systems.

Conservation groups are supportive of both the recognition of cultural values and the application of the wild rivers program in addressing on-ground management issues. In addition Conservation groups have stated their support for amendments to the *Wild Rivers Act 2005* to address the incorporation of cultural recognition and preservation.

Traditional Owners in each potential wild river basin could be involved in the development of an Indigenous Natural and Cultural Resource Management Plan (INCRMP).

It is expected that the development of an INCRMP for each wild river basin would be given considerable support in both Cape York communities and by peak environmental organisations such as the Wilderness Society and the Australian Conservation Foundation.

The Wet Tropics Aboriginal Cultural and Natural Resource Management Plan published in 2005 by the then Rainforest CRC and FNQ NRM Ltd. Cairns would be a useful model for the development of INCRMPs. Additionally, the Chuulangun Aboriginal Corporation has finalised a Management Plan for the Kaanju Ngaachi Wenlock and Pascoe Rivers Indigenous Protected Area in the Wenlock and Olive Pascoe Basins. This plan could also prove useful as a model on which to base the INCRMPs.

The recommendations outlined in the Cape York Formation Steering Committee Report to Government, submitted in August 2009, would also be useful in the development of plans.

Involvement in the development of the INCRMP and appropriate linkages to the development of the wild river declaration proposals would provide ownership in the process and reflect the aspirations for preservation and management of country.

### **Process**

The INCRMP would focus on management strategies aimed at preserving both natural riverine values and cultural values, and include targets and strategies such as for:

- Preservation of wild river natural values.
- Protection of wetlands and waterways from threatening processes such as those associated with weeds and pests.
- On-going monitoring programs targeting riverine and associated landscape health.
- Protection of places of cultural significance.
- Protection of Aboriginal cultural material.
- Protection of intellectual and cultural property.
- Incorporation of Indigenous perspectives in other applicable plans.
- Articulation of community social and economic/ development aspirations with reference to land use and management.

The INCRMP development and finalisation could coincide with the wild river declaration proposal release and its development should parallel and compliment the development of the declaration.

Each relevant plan would inform the corresponding wild river declaration, allowing Traditional Owners to actively participate in the development of regulatory provisions in the declaration and in particular the designation of each management area within the wild river area, the determination of which rivers should be considered wild rivers, which areas should be designated as special features, and the lateral and longitudinal extent of the HPA along the wild rivers and around special features.

The development and implementation of the plans could involve clan elders, any on-country rangers including the wild river rangers, Land and Sea Centres and other local bodies and/or interested community members.

#### *Plan Objectives*

The objectives of each plan should be consistent with; each other, the wild river declaration, the as yet un-developed overarching NRM plan for Cape York, the Far North Queensland Regional Plan (finalised in Feb 2009), and the Cape York Peninsula Marine and Coastal Natural Resource Management Action Plan (finalised in June 2006).

Implementation of a Plan's objectives would occur through the provision of State funds. There is also the opportunity to access funds through the Commonwealth government's Caring For Country program, particularly for projects that are consistent with the final NRM plan for Cape York.

#### *Capacity Building*

Some capacity building may be required to enable participants in the plan development to engage fully.

### 3. Indigenous Economic Development Plan

#### Outline

To increase indigenous participation in, and ownership of, a Wild Rivers declaration, an Economic Development Plan for each Wild River Basin could be developed in consultation with Traditional Owners of the areas.

#### Process

A wild river declaration and an economic development plan for a particular area could compliment each other. The development plan could provide an avenue of input which could integrate future development aspirations with aspirations for environmental (river specific) preservation and the development of a wild river declaration for the area.

The development plan could build upon extensive work already done in the area of conservation economies, as well as utilise work completed during the Cape York Peninsula Land Use Study (CYLPUS).

The plans could also compliment and enhance the Cape York Tourism Action Plan, and the work of DEEDI which has a program already under way on Cape York to facilitate Indigenous Economic Development.

The development of these plans could involve aspirations workshops on country and utilise a cross government “think tank” to provide a pragmatic analysis of the constraints/benefits issues of each type of development.

Officers from DEEDI may jointly assist DERM Officers in facilitating the development of economic plans.

#### *Terms of Reference*

The objectives of each plan should be consistent with; each other, the declaration and the Cape York NRM Plan, the FNQ Regional Plan and any other economic development strategies. However within these constraints, the objectives should be developed in conjunction with the Traditional Owners.

#### *Capacity Building*

The plan development process would benefit from a workshop and training component, which incorporated discussions with experts from industry and the Government, as well as Indigenous Business Owners.



## Issues Paper: Project Approval/ Economic Participation

### Purpose:

The purpose of this document is to inform the Director-General of Environment and Resource Management (DERM) on options with regards to co-ordinating future economic development opportunities and processes across the Cape York region. The summary only relates to the delivery of Indigenous focused services, initiatives and programs.

Developing Indigenous economic support projects across Cape York Peninsula could assist in bolstering economic opportunities and addressing core employment and social challenges evident on Cape York. The further development of Indigenous economic support is also likely to reinforce among Indigenous stakeholders the merits of the wild rivers program.

The Queensland Government currently offers a range of Indigenous assistance programs. A summary of some of these key programs is at **Appendix A**. Some of the current resourcing of these programs could be utilised to fund part of the following options.

It is acknowledged that delivery of services and programs across Cape York Peninsula presents a unique set of challenges due to the remote nature of the region, language barriers and underlying social issues.

As such, two options are outlined below to present the initial scope for further promoting and developing Indigenous economic support. The options are:

1. *Cape York Development Coordination*
2. *Realignment and expansion of Existing Development and Approval Processes.*

### Option 1. Cape York Development Coordination

#### Outline:

The State Government, in an effort to drive economic development for remote Indigenous communities, can facilitate priority consideration of project proposals within the Office of the Co-ordinator General.

A process could be established, with legislative amendment as necessary, which:

- allowed a new **designation** of development applications which promote Cape York economic development; and
- the use of a centralised assessment process similar to that undertaken by the State Coordinator General in relation to projects of state significance.

The intention would be to streamline Indigenous economic development on Cape York Peninsula.

It is expected the process would address development applications on Cape York Peninsula for a wide range of enterprise development projects (except for projects of State Significance which will still be dealt with through the current established framework of the Co-ordinator General).

The proposal of a priority consideration to assist with Indigenous enterprise could be trialled as a *pilot* program in Cape York Peninsula.

The Unit would act as a one-stop centre for development approvals, ensuring local and State requirements were met and that the enterprise could then move forward to its implementation phase.

#### **Process:**

The intention would be to provide a new 'synthesised' process for statutory development approval processes on Cape York Peninsula. This would be akin to the Coordinator General's established assessment of 'State Significance' projects under the *State Development and Public Works Organisation Act* where by the Coordinator General's decision is "*taken to be a decision of the decision maker (the original decision maker) under the relevant law for the prescribed decision or process*".

It is anticipated that legislative changes may need to be made to give the Office a head of power and amendments to the following Acts may be required to establish the required level of delegation – State Development and Public Works Organisation Act, Sustainable Planning Act and Local Government Act. Amendments may be required to other Acts/Regulations yet to be identified.

The Office could implement the strategies and objectives of existing Indigenous Economic Development Plans that may be developed in alignment with Wild River Declarations.

#### **Option 2. Realignment and expansion of Existing Development and Approval Processes**

##### **Outline:**

The key changes would be to:

- Design and realign staff to deliver a process which allows for the **expert facilitation** of Development Approvals (DA) to provide long-term support for individuals and community groups seeking to undertake economic development activities.
- Work with Cape York councils to assist in '**capacity building**' their councils through this process, improve project implementation timelines

and build on previous Queensland Government work already done with regards to this approach.

This would be consistent with the government's commitment to both wild rivers protection and Indigenous economic development opportunities.

The option has two distinct components; the expert assistance to complete development applications and a focussed and efficient assessment process.

### **1. Facilitation of development applications**

- *Realigning existing programs to focus support on the expert facilitation of development applications*
- *Ongoing support, project planning and assistance to regional bodies*

*Realigning existing programs to focus support on the expert facilitation of development applications* – Project Officers skilled in fulfilling the requirements of IDAS applications would be employed for this role. These skills exist in state and local government agencies where applications are currently assessed. The Project Officers would need to work in the field and undertake regular community visits and conduct presentations on what they do; and how they can help. Communications support from DERM/DEEDI would be required to promote their role/s and work plan. The fundamental outcome is that a Project Officer would act as an 'expert' to assist in putting together development or funding applications.

Assessment managers from the Queensland Government agencies would then effectively manage an application to ensure all relevant statutory requirements were addressed and the proponent's application was fast tracked through to a conclusion (positive or otherwise). DEEDI would play a key role in this regard given its Indigenous Business Development programs currently in place.

The result would be that when these applications were to be formally assessed, there would be no need for the Assessment Manager to then go back to the proponent and ask for further detail.

#### *Project planning, ongoing support and assistance to regional bodies*

As part of a parallel process, Project Officers would provide support to regional bodies such as ROCCY, to act as intermediaries in assisting communities and individuals to submit applications. This could take the form of Project Officers sitting alongside a local shire council administration officer to assist in processing applications when submitted. This would work to build local capacity to take on a development facilitation role, and continue a long term support role for Indigenous enterprises as they grow and develop.

Project officers would work with local Cape York councils to, where possible, ensure the long-term viability of an approved enterprise. The support would include working closely with the enterprise operators to identify possible

challenges to the project's viability (access to ongoing capital, marketing, Occupational Health and Safety Issues etc). The Project Officer would then work to link local, State and federal Government agencies with the project operators to access grants, funding or relevant support. Further, the Project Officer would train the relevant Cape York council staff on how to assess and process DA applications. This would act as a long-term solution to educating and informing local staff regarding application processing. Regular repeat visits would be required to ensure staff remained abreast of the processes.

## 2. Streamline of development application assessments

The Queensland Government would realign staff resources to provide officers to act as specific Assessment Managers for Indigenous development projects. These officers could act 'across agencies' to fast track the application assessment/approval process. The position/s would need to be dedicated to this purpose with consideration given to promoting the role widely across Cape York Peninsula. In summary, resourcing and reprioritisation measures would need to be in place so that development applications made through these channels are prioritised. The agencies would commit to dealing with applications well within statutory timelines (This would be regulated through Key Performance Indicators attached to funding)

**Process:** This program would predominantly draw on existing processes within State Government - with the Department of Employment Economic Development Innovation (DEEDI) to act as lead agency.

Assessments would be varied and could include matters such as Vegetation Clearing and Water Extraction Permits through to formal business proposals.

A funding program could also be developed that utilises regional bodies such as Shire Councils, Land and Sea centres, and wetland management groups to assist with development and implementation. The Regional Organisation of Councils Cape York (ROCCY) should be considered in this regard. This program would allow the expert facilitation of Development Approvals (DA); allow applicants to receive support throughout the process; have a 'face on the ground' to discuss their business enterprise with, and potentially shorten the DA approval timelines for proponents. This program could be extended to all of Queensland if successfully implemented on Cape York.

**Note:** Indigenous Business Development Program (IBD) within DEEDI has approved 18 projects within the Cape York region and three in the Torres Strait over the past three years. Total funding commitment is \$2,587,030 (\$770,030 for Torres Strait). Projects are supported through grant or initiative funding.

## Appendix A

**Land Management and Economic Development Assessment – Pilot Project** - DEEDI and DERM are currently developing a framework to consider land use planning and economic development considerations as an ongoing process which attaches to each identified transfer property under the Cape York Peninsula Land Tenure Resolution Program (CYPLTRP).

**Western Cape Regional Partnership Agreement** - signed in March 2008, this is a statement of intent by the Australian, State and Local government, mining and local industries and Indigenous communities to work together to overcome to the fullest possible extent Indigenous disadvantage and to ensure that Indigenous people are supported to take up opportunities in the mainstream economy. The four nominated projects are being successfully progressed and are expected to contribute to the achievement of the employment target of 250 new jobs over five years. The four projects are:

- Work Readiness
- Intra-region Transport
- Youth Engagement
- Indigenous Business Development - partners of the project are working with a number of business intenders and small business operators to assist them to take advantage of enterprise opportunities.

**Indigenous Enterprise Development Officer (IEDO) network** –established in 1998 as a partnership project between the Australian and State Governments. IEDOs provide a suite of assistance to identify, engage and support new and established Queensland Indigenous businesses.

The network sits within the DEEDI's Regional Centres and is supported by the Department's economic development resources. In early 2009 the network was expanded to nine regions, including Far North Queensland, including Cape York.

**Western Cape Chamber of Commerce** - Cairns Regional Centre has assigned an Officer to work with the Western Cape Chamber of Commerce to assist in the implementation of its strategic plan.

**Indigenous Employment and Training Manager & Indigenous Employment and Training Support Officer (IETSO) network** - the role of the IETSO is to provide culturally appropriate mentoring and support to Indigenous apprentices, trainees and vocational students to help them get through their qualification. Support is also provided to employers by helping them become more culturally aware of Aboriginal and Torres Strait Islander cultural responsibilities and protocols. IETMs coordinate and facilitate employment and training activity between Indigenous communities, government agencies, industry and training providers. They assist to identify and create employment and training opportunities.

**Indigenous Employment Policy for Queensland Government Building and Civil Construction Projects (IEP 20% Policy)** - the IEP 20% Policy requires contractors and grant recipients to ensure employment and

accredited training occurs on Qld Government funded building and civil construction projects in specified Indigenous communities. A minimum of 20% of the total labour hours on the project must to be undertaken by Indigenous people recruited from the local community, with 50% of these hours to involve accredited training. The IEP 20% Policy encourages in depth consultation with communities from inception to completion of projects. Specified communities on the Western Cape include Napranum, Mapoon, Aurukun, Kowanyama and Pormpuraaw, as well as the Township of Weipa

**Get Set for Work - Vocational Partnerships Group Inc** – this project will provide work readiness assistance, job preparation, non-accredited and accredited training to young people in the Bamaga and Weipa areas. Participants will be offered training in job search activities, life skills, administration, basic computer, communication and customer service skills. Accredited training competencies from Cert I in Business, Tourism and Hospitality packages will be offered to participants.

**Industry Development (Agriculture, Food and Tourism) and DEEDI Regional Services** - Queensland Primary Industries and Fisheries, is utilising its expertise in agri-business development, economic analysis and trade to assist indigenous people on Cape York to explore and develop a number of economic development opportunities based on sustainable primary industries. Projects currently being supported include development of economically sustainable commercial fishing enterprise at Hope Vale, NPA and Lockhart River.

Paper for discussion IEP 20% Policy

## **Options Paper – Long term job security for Wild River Rangers**

### ***Purpose of this paper***

The issue of security of employment for rangers employed by the Wild River Rangers program was raised in a program evaluation completed early this year. This paper outlines key issues and offers options to address the issue of long-term job security for Wild River Rangers.

### ***Background***

The Wild River Rangers program has started to deliver on a 2006 Queensland Government election commitment to provide up to 100 rangers to protect and promote the natural values of wild rivers.

The majority of the areas managed by the rangers are Aboriginal-owned or controlled and considered to be of outstanding national and international significance in terms of natural and cultural features.

### **Implementation and delivery mechanisms**

In the first phase of the program, 20 Indigenous Wild River Rangers were employed through contracts with Indigenous host organisations (e.g. Councils and/or community organisations). These rangers are based in Burketown/ Doomadgee, Normanton, Kowanyama, Pormpuraaw, Mapoon and Chuulangun.

The Wild River Rangers program was expanded in June 2009 with additional funding of \$5 million over four years (including \$0.9 million in 2009-10) to employ an additional 10 rangers.

Implementation of the second phase of the program is underway with negotiations occurring with local Indigenous communities for the employment of the next 10 rangers. Options for placement of these rangers include Hinchinbrook Island, eastern Staaten River and Northern Peninsula Area and additional rangers for established groups throughout the Gulf of Carpentaria and Cape York Peninsula. An overview of Program Achievements and Program Evaluation is at **Attachment 1**

### ***Key Issues***

#### **1. Permanency of program funding**

While the program funding for the 20 rangers employed in the first phase of the Wild River Rangers program is on-going, additional funding for 10 ranger positions in the 2009–2010 State Budget was only for a four year timeframe. While it is not the only factor influencing the ability to provide long term job security to Wild River Rangers the capacity to do so depends on having long term program funding (Note:QPWS rangers employed by the Department of Environment and Resource Management are generally only permanently appointed where permanent funding is available.)

## **2. Use of indigenous community organisations to employ Wild River Rangers.**

As per the model endorsed by CBRC, the employment of Wild River Rangers is currently outsourced through contracts with local Indigenous community organisations. This is implemented initially through six month contracts, which serve as a 'probationary period'. For those communities which have shown adequate financial and performance management and, through their rangers, are achieving significant on-ground outcomes, contract periods have been extended up to 12 months (see **Attachment 2**). This in turn influences the capacity of these organisations to offer long term employment security.

Whilst there is no reason why longer term contracts could not be entered into with the employing organisations, clearly a 'permanent' contract would not be appropriate. Further, there is increasing risk of contractual failure with longer term contracts.

### **Options:**

In order to address the issue of long-term job security for Wild River Rangers, three options are proposed for consideration:

#### **1. Development of long-term contracts with local organisations for the employment of Wild River Rangers**

Maintain the community-based economic development model with rangers employed and 'owned' by the communities, but ensure reasonable security of tenure for rangers by developing long-term contracts (5–10 years) with local organisations where the organisation has demonstrated satisfactory management of contractual obligations and the achievement significant on-ground outcomes during a 'probationary period'.

#### **2. Employment of Wild River Rangers through the Queensland Government as QPWS rangers**

Establish a Wild River Ranger unit within Queensland Parks and Wildlife division of DERM. Dependant on funding, Wild River Rangers would be employed as Government employees on either a permanent or temporary basis, consistent with conditions for other QPWS rangers.

The duties and locations of the rangers would not change as a result of this model but they would be employed directly by DERM and have a closer affiliation with rangers (indigenous and non indigenous) employed by the QPWS.

#### **3. Permanent employment of Wild River Rangers through the Queensland Government as QPWS rangers but with secondment to local organisations**

Maintains the community-based economic development model, but increase security of employment and provides a fall-back arrangement where the Government can assume direct management of the rangers (ie as envisaged under Option 2) in the event the community based model



community based was discontinued either universally or locally for a range of reasons.

*Paper for discussion not Govt. Policy*

## Attachment 1

### **Program achievements**

A genuine partnership approach underpins the program, with program staff providing direct assistance to the rangers and their communities/ local host organisations to develop their business systems and undertake field work. Contracts are developed through a collaborative process, whereby ranger activities are determined through negotiation between government, communities, Traditional Owners and local landholders.

Rangers are appointed by the local host organisations through a formal recruitment process. Selection processes vary between communities and organisations, but generally Traditional Owners, Indigenous leaders, government officers and community members are involved and consulted on appointments.

Initially the program focused on training and skill development to allow the rangers to safely, effectively and efficiently undertake contracted activities. There is also a strong emphasis on the provision of relevant and culturally appropriate mentoring and support to rangers and communities.

The program has supported the development of a land management economy for Aboriginal communities by giving them the core capacity to deliver a range of land management services and supporting them to use these skills in an entrepreneurial approach to access multiple investment sources through fee for service contracts and other resourcing arrangements. The program recently received a “highly commended citation” in the Premier’s Awards Green Category for excellence in public service delivery.

### **Program evaluation**

An evaluation of Phase 1 of the program (2007-2009) found that the community-based economic development model an important factor in the success of the program. It reported that this model was effective in delivering planned program activities, as well as contributing to the achievement of broader policy aims and targets, including the National Reform Agreement (Closing the Gap) targets, Partnership Queensland goals and Looking After Country Together objectives.

The evaluation found that the program had resulted in significant social, cultural and economic benefits, both for individual rangers and their communities.

“...a ranger employed in the program reported that she was saving to buy her own property.

Another ranger employed in the program was able, for the first time in his life, to secure a car loan. Obtaining a reliable means of transportation will bring many and varied benefits to him and his family; including better health (through the ability to access a

wider variety of foods), increased self-esteem, and all the benefits that come from increased ability to access country."

Retention of rangers employed within the program is relatively high, with rangers attributing this to the fact that incentives offered through the program were greater than economic incentives offered by other jobs. Some rangers reported they had left more lucrative jobs to become rangers, citing their desire to look after country and the possibility of a local job and career path as their primary drivers.

However, the evaluation reported that security of funding arrangement and employment for rangers employed was a major issue, and recommended that consideration is given to securing reasonable security of tenure for rangers.

"Communities reported that one of their greatest concerns was the short term nature of funding arrangements. Short term funding has many effects on groups, including impact on staff morale.

*"When you put your heart into something, you need to know it's going to continue."* (Senior Ranger)

Sithole *et al* (2007) reported that this issue was of primary concern to Northern Territory Indigenous rangers and quoted a senior Indigenous ranger comparing ranger programs to building a sand castle that is constantly washed away."

## Attachment 2

### Phase 1 Wild River Ranger Contracts

Location	Number of Rangers	Contracts commenced	Length of current contract
Kowanyama	1	Dec 2007	12 months
Pormpuraaw	4	Dec 2007	12 months
Burketown/Doomadgee	6	Jan 2008	12 months
Chuulangun	3	April 2008	12 months
Normanton	3	May 2008	12 months
Mapoon	3	May 2008	6 months

Paper for discussion not Govt. Policy



