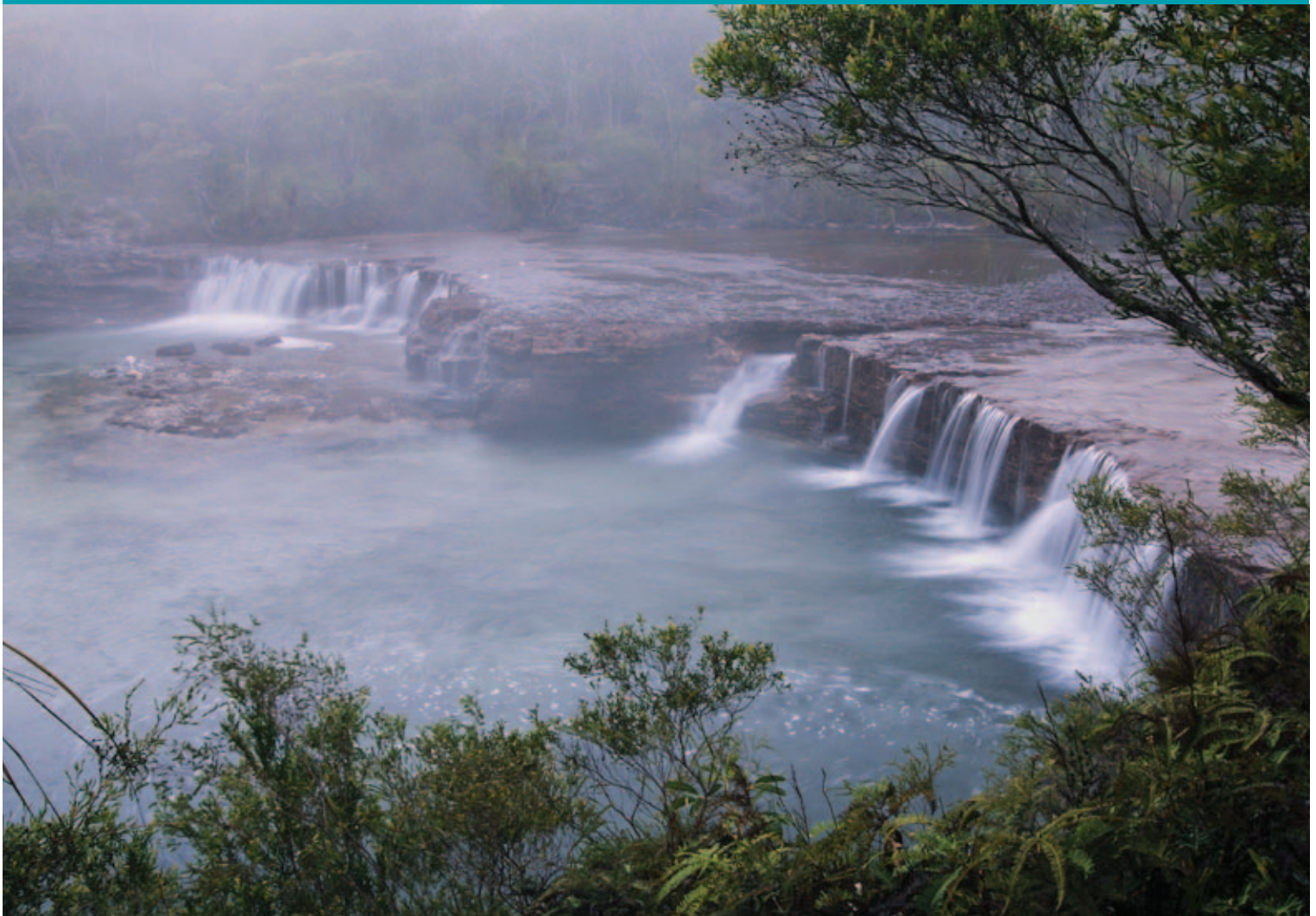


Protecting Rivers, Supporting Communities

A report series by The Wilderness Society for the House of Representatives Economics Committee's *Inquiry into issues affecting Indigenous economic development in Queensland and review of the Wild Rivers (Environmental Management) Bill 2010*

Queensland's *Wild Rivers Act*

Report 2 of 6 – Feb 2011



Summary

This report provides background to the genesis of Queensland *Wild Rivers Act* and the surrounding national political debate, a simple explanation of how the legislation works, a repudiation of the misinformation about the initiative, and recommendations for improving the Wild Rivers initiative. A brief summary of each section in the report is as follows:

Queensland's Healthy Rivers: Queensland has some of the world's last healthy river systems, including in Cape York Peninsula, the Gulf Country, the Channel Country, the Paroo River, and some coastal streams.

Rivers Under Threat: Around the world and in Australia, there are few remaining healthy river systems. Of these, many are under threat by destructive and uncontrolled development, and poor land and water management. The story is the same for Queensland.

Development of the Wild Rivers Initiative: Queensland's *Wild Rivers Act* is part of a national water reform agenda to improve and maintain the health of our rivers. Passed in 2005 by the Beattie Labor Government with the support of the Liberal Party, there are now 10 river systems protected under the initiative, with another 12 identified for future protection. There are also 35 Indigenous Wild Rivers Rangers employed, with another 65 positions promised.

How Wild Rivers Works: The *Wild Rivers Act* is enabling legislation best described as a planning and management approach to river conservation. In practice it means that destructive forms of development such as strip-mining and polluting irrigation schemes have been set back from major watercourses and wetlands. Other activities such as pastoralism, construction of infrastructure and fishing continue throughout a declared wild river area.

Addressing the Misinformation about Wild Rivers: There has been a great deal of misinformation and misreporting about how the Wild Rivers initiative operates. For example claims that Wild Rivers stops market gardens, pastoralism, hunting and fishing, or the construction of tourism lodges, are false.

How this report relates to the Terms of Reference of the Inquiry

This report addresses the following components of the Terms of Reference:

- [The Committee should consider:] existing 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 inquiry should pay particular attention to the following:] 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
- [The inquiry should pay particular attention to the following:] Options for improving environmental regulation for such systems

Queensland's Healthy Rivers

Queensland is privileged to retain some of the world's last free-flowing, healthy rivers. Given the Australian Constitution vests core responsibilities for the management of land and water in the States, the Queensland Government has a crucial responsibility to protect these river systems for the benefit of all Australians.

Below is a quick snap-shot of where the remaining wild rivers are in Queensland, all of which have been identified on a national Wild and Natural Rivers database as part of a study undertaken by the Commonwealth Government in the 1990s (Department of the Environment and Heritage, Australia. 1998a and 1998b):

Cape York Peninsula: Cape York Peninsula is one of the last great wild places remaining on Earth, with some of the healthiest and most spectacular river systems on the planet (Mackey et al 2001). This includes rivers travelling through dense rainforest and flowing into the Great Barrier Reef, and others, fringed by gallery forests, weaving through hundreds of kilometres of savannah woodlands and forming huge wetlands before flowing into the Gulf of Carpentaria.

Gulf Country: Driven by the monsoonal wet-dry weather patterns of Northern Australia, the remote rivers of the Gulf Country traverse vast grasslands and savannah plains. In a big wet season, all of these rivers are connected at their mouths through the massive Southern Gulf Aggregation wetland system.

Coastal rivers: The vast majority of Queensland's eastern coastal river systems have been seriously degraded by agricultural, industrial and urban development. There are, however, a handful of rivers still free-flowing and relatively healthy: the Noosa River and Baffle River in South-East Queensland, and Sandy Creek and Daintree River in Far North Queensland. The streams and lakes of the World Heritage Fraser and Hinchinbrook islands are also still in a relatively pristine state.

Channel Country: These arid-zone rivers flow thousands of kilometres inland towards Australia's iconic outback lakes such as Lake Eyre. The rare major flooding events of these rivers about once a decade triggers a spectacular burst of life, particularly for migratory birds who travel thousand of kilometres to meet the floods. As the flood waters spread out across the outback landscape, they also bring life to grazing, fishing and tourism industries.

Murray-Darling Basin: The Paroo River is the last wild river in the whole of the Murray-Darling Basin. Free of dams and weirs and polluting irrigation schemes, this arid-zone river is known for its spectacular and healthy Ramsar-listed wetlands, which means their ecological importance is internationally recognised.

Rivers Under Threat

The Global Situation

Healthy river systems are crucial to life. They provide us with drinking water, food, recreation, pollution filtration, and many other services critical to all human societies. The fish, birds, plants and many other species that are part of a river system also have intrinsic values beyond direct human use or economic value.

“A major global study recently published in *Nature*, found that about 65% of the world's river systems are “highly threatened” from over-development ...”

But on a global scale, healthy river systems are increasingly rare, and those remaining face serious development and pollution threats. A major global study recently published in *Nature*, found that about 65% of the world's river systems are “highly threatened” from over-development, and that global efforts to reduce and manage these threats are limited (Vorosmarty et al 2010). For this reason many scientists agree that river systems are the most endangered ecosystems in the world – the loss of biodiversity in them is far greater than in most affected terrestrial ecosystems (see Sala et al 2000, Dudgeon et al 2006, Abell et al 2009).

Ecologists have grouped the major threats to the health of river systems into five major categories:

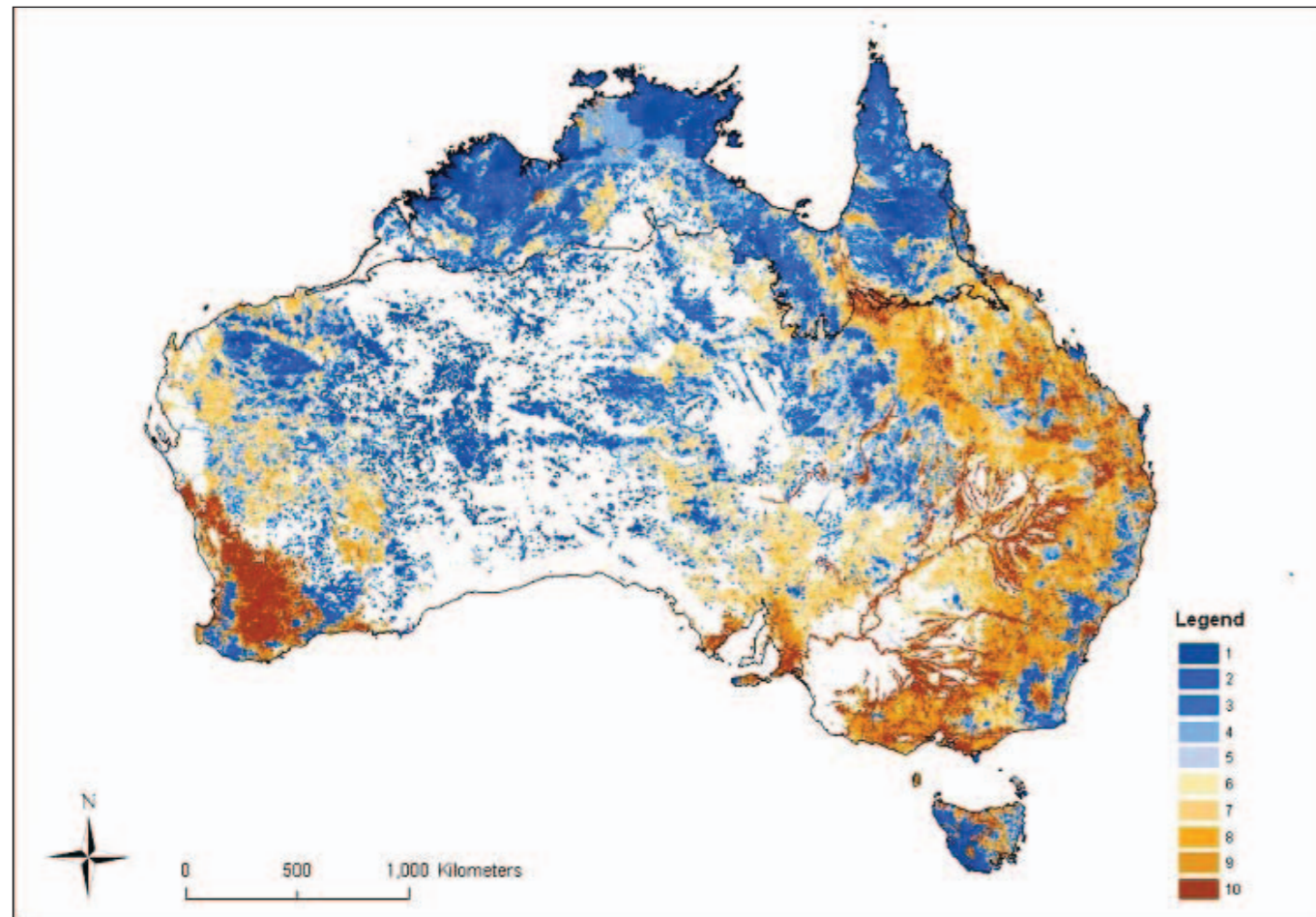
1. **Water pollution:** this includes agricultural runoff, and toxic chemicals or heavy metals from mining and urban areas.
2. **Habitat destruction and degradation:** river systems drain water from the surrounding landscape, so the clearing of land and destruction of natural forests, woodlands or grasslands directly impacts on their health.
3. **Flow modification:** this includes the impoundment of water in dams and weirs and complete alteration of the timing of natural flows down a river system, as well as the amount of water and its chemistry.
4. **Species invasion:** invasive weeds and other feral animals quickly capitalise in modified environments, further exacerbating native species decline.
5. **Overexploitation:** this includes over-fishing and uncontrolled exploitation of freshwater species. (Dudgeon et al 2006)

All of these factors are further compounded by climate change, which affects water availability and the timing of flow events.

The Australian Situation

Many of Australia's river systems are severely degraded (see Dunn 2000, Arthington and Pussey 2003, Kingsford et al 2005). The most prominent is the Murray-Darling Basin, which is at the centre of a major national debate about ways to restore the dying system. The solutions are complex, and require many billions of dollars – a key reminder of the social and economic consequences of river system destruction.

A major study conducted by the Commonwealth Government in 2000 showed that 26% of river basins in Australia were either close to, or overused, and 30% of Australia's groundwater management areas are either close to, or overused (National Land and Water Resources Audit 2000). Similarly, a follow-up study in 2002 showed that of the 14 000 river reaches assessed, 85% were classified as "significantly modified", nutrient and sediment loads were higher than normal in 90% and one third of aquatic plants and animals were "impaired" (National Land and Water Resources Audit 2002). These studies show, unequivocally, that we have pushed many of our river systems to the brink, jeopardising the survival of many native species, as well as our own life support systems.



Much of the damage to river systems has been concentrated on the eastern and southern coasts, the Murray-Darling Basin, and the Western Australian "wheat-belt". The rivers of central and northern Australia, and south-west Tasmania remain relatively intact in comparison. But this does not mean they are safe from the same development pressures that have so fundamentally destroyed other river systems.

For instance, in northern Australia, there has been a push to transform the region into the "food bowl of Asia". This is despite a recent taskforce and major CSIRO study demonstrating the serious natural constraints to this sort of development in the north, as well as the likely significant ecological impacts (Northern Australia Land and Water Taskforce 2009; CSIRO 2009).

One of the best ways to demonstrate our impact on river systems is graphically. This is the "River Disturbance Index" developed by Janet Stein initially for the Commonwealth Government's Wild Rivers Project (see Section 6). The red value of 10 shows the most disturbed river catchments and reaches, the blue value of 1 the least disturbed.

The Queensland Situation

The Queensland Government's *State of the Environment Queensland 2007* report showed that most of the State's rivers are still threatened by destructive development, and that we are losing wetlands at an alarming rate of 7,000 hectares per year. Combined with the dire global and Australia-wide situation of river system health, it is a compelling case for action.

To relate back to the regions of healthy river systems in Queensland:

- On Cape York Peninsula, there are ongoing pushes for large-scale irrigated agriculture. On top of this, extensive strip mining for bauxite, kaolin and sand on the west coast seriously threatens rivers and the connected wetlands.
- In the Channel Country in Western Queensland, irrigation and a rapidly expanding coal and gas mining industry threaten the health of the rivers.
- In the Gulf Country in the State's north and in the eastern coastal areas, rivers continue to be at risk from dam proposals for the expansion of large-scale irrigation and industrial water use.

All of these river systems are also affected by invasive weeds, feral animals, poor stock management and inappropriate fire regimes. Indigenous people and land managers, with local knowledge and skills, are best placed to manage these threats, but need greater support from Federal and State Governments.

Bauxite mine threat to Wenlock River

The Wenlock River on Cape York Peninsula is one of Australia's last great wild rivers. Home to the richest diversity of freshwater fish species in the country, the Wenlock provides critical crocodile habitat, and is also of immense cultural importance to local Indigenous people.

The spectacular Steve Irwin Wildlife Reserve, established as a tribute to the Crocodile Hunter, encompasses part of the Wenlock River and protects important springs and headwaters of the river.

However, the Wenlock River and Steve Irwin Wildlife Reserve are under serious threat from a damaging bauxite mining proposal.

Cape Alumina wants to build a new mine right on the Wildlife Reserve. If allowed to go ahead, this will destroy forests, cause erosion and wipe out wildlife habitat. Unique rainforest springs will also be seriously threatened by modified water flows, while plans to extract millions of litres of water from the river could reduce river flows in dry times to critical levels.

Development of the Wild Rivers Initiative

The Roots of the Wild Rivers Initiative

The United States' *Wild and Scenic Rivers Act* 1968 could be considered the early precursor and inspiration for Queensland's Wild Rivers initiative. Created in response to escalating public concern about the rapid decline of river health, the Act restricts the federal government from introducing dams, mining, irrigation, and other development projects on listed river systems. But while the degradation of Australia's river systems has been just as severe as in the U.S., we have taken much longer to develop effective stand-alone legislation to protect river systems.

“... it wasn't until the early 1990s that public awareness of the plight of our river systems spiked, and governments were compelled to do something drastically different”

In fact it wasn't until the early 1990s that public awareness of the plight of our river systems spiked, and governments were compelled to do something drastically different. This was due largely to the very graphic images of a the disastrous algal bloom of the Darling River in 1991 – the biggest in the world spanning over 1000 kilometers – that so effectively communicated a problem, combined with acknowledgement of equally pressing issues with salinity and decline of aquatic species in the Murray-Darling Basin and other stressed systems.

One major response to this crisis was a major overhaul of the Australian water industry. The initial step was the signing of a water reform agreement at the 1994 Council of Australian Government's (COAG) meeting, which set out a framework for dramatically changing the way water licenses are allocated, and factoring in the environment as a key consideration for water planning.

In 2003, COAG agreed to refresh and expand this agreement by signing the *National Water Initiative*. Of direct relevance to Queensland's Wild Rivers initiative, the new agreement explicitly outlined the need to protect and manage high conservation value aquatic ecosystems (section 25(x)), providing impetus for a stand alone legislative framework to protect healthy rivers.

The other key response in the early 1990s was the initiation of the *Wild Rivers Project* by the Australian Heritage Commission (AHC), which in 1992 was tasked with identifying Australian rivers in near-pristine condition and encouraging their protection and proper management. The AHC completed the *Wild Rivers Project* in 1998, culminating in the reports *The Identification of Wild Rivers and Conservation Guidelines for the Management of Wild River Values* (Department of the Environment and Heritage, Australia. 1998a and 1998b). However, no immediate action was taken by any government following the release of the reports.

A Campaign for River Protection

Ironically, the commencement of the water reform period in the 1990s coincided with a dramatic acceleration in water resource extraction and development. In Queensland, this included the surging growth of the infamous and gigantic Cubbie Station cotton farm, pushes for cotton in the Cooper Creek, the Gulf Country and Cape York Peninsula, and a massive dam building agenda across Queensland outlined by the Borbidge National Party Government in their *Water Infrastructure Task Force* report of 1997.

“These escalating pressures convinced The Wilderness Society and other conservationists that the national water reform process on its own was simply not enough to prevent the irreversible destruction of our river systems”

These escalating pressures convinced The Wilderness Society and other conservationists that the national water reform process on its own was simply not enough to prevent the irreversible destruction of our river systems. There were too many ad hoc, highly destructive water development proposals being pushed throughout the State, and it was becoming increasingly difficult to ensure the protection of Queensland's rivers. So conservation groups in 2000 began advocating for sensible regulation in the form of specific river protection legislation – a *Wild Rivers Act*.

In the midst of the 2004 State election campaign, the ALP responded to this campaign, and publicly announced a commitment to introduce legislation to protect wild rivers, including a list of 19 river basins identified for protection. The policy commitment effectively embraced many of the management principles as developed by the AHC's *Wild Rivers Project*, including the regulation of destructive forms of development in and near healthy waterways and wetlands, and controlling the use of invasive weeds and pest fishes.

Following a phase of public consultation that included conservation, Indigenous, agricultural and mining interests, the Queensland Government passed the *Wild Rivers Act* in 2005, with the support of the Queensland Liberal Party (while the National Party abstained). It was a highly significant step, and signalled a major breakthrough in the proactive protection of Queensland's healthy river systems.

Implementation of the Wild Rivers Initiative

Three months after the passage of the *Wild Rivers Act*, the first six wild river basins were nominated for protection: Settlement Creek, Gregory River, Morning Inlet, Staaten River (these four being in the Gulf of Carpentaria), Hinchinbrook Island and Fraser Island. While Traditional Owners in the Gulf of Carpentaria responded positively to the move, AgForce, the Queensland Resources Council, and Noel Pearson reacted furiously, prompting the Queensland Government to forcefully encourage all stakeholders to negotiate a workable way forward to enable the first round of declarations to occur.

“Strongly backed by *The Australian* newspaper, Pearson waged an unrelenting media campaign, centred on the false claim that Wild Rivers would stop economic development”

A settlement was reached and amendments made to the *Wild Rivers Act*, which effectively watered down provisions concerning mining exploration and agriculture, however it allowed the declarations to proceed in February 2007.

As the Queensland Government moved to begin the consultation process for protection of the 13 identified river basins on Cape York Peninsula, Noel Pearson stepped up his campaign against the initiative (despite being part of the negotiated amendments to the *Wild Rivers Act*). At a pivotal meeting on Cape York Peninsula hosted by AgForce, Noel Pearson declared that:

“*The way [Wild Rivers] will work out is that indigenous people will die on welfare. No prospect for development, no prospect of jobs, no prospect of even developing the lands that they already have ... So we have got to have a full frontal attack on this legislation ...*”
(Noel Pearson 2006).

Strongly backed by *The Australian* newspaper, Pearson waged an unrelenting media campaign, centred on the false claim that Wild Rivers would stop economic development. Premier Beattie responded once again by initiating a negotiation process, this time designed to settle the broader question of land use and sustainability on Cape York Peninsula.

The process, which included The Wilderness Society, the Australian Conservation Foundation, the Cape York Land Council, the Balkanu Development Corporation, the Cook Shire Council, AgForce and the Queensland Resources Council, culminated in the Cape York Peninsula Heritage Act 2007.

The Act included an assurance of an Indigenous water reserve for any Wild River declaration, explicit protection of Native Title rights in any Wild River declaration, special tree-clearing exemptions for Indigenous communities, a process to progress a World Heritage listing for the region, and a new class of Aboriginal National Park.

While the agreement was hailed by all parties, including Noel Pearson, it lasted just one month. In the heat of the Federal Election, Pearson accused the Queensland Government, Kevin Rudd, The Wilderness Society and the Greens of secretly including bigger areas in the Wild Rivers scheme on Cape York through a “preference deal” (Koch 2007) – a claim with no basis in reality.

Despite the ongoing campaign from Pearson and others, the Queensland Government proceeded with the terms of the agreement, and after a lengthy public consultation process declared the first three river basins on Cape York Peninsula in April 2009 (the Stewart, Lockhart and Archer Rivers) and the Wenlock River in June 2010. The latter declaration included the protection of rainforest springs on the Steve Irwin Wildlife Reserve from Cape Alumina's proposed bauxite mine, who have announced that their project is no longer viable because of the 500m buffers around the springs.

While there remain 9 river basins on Cape York Peninsula still identified for protection, the Queensland Government has also begun to deliver on their 2009 state election promise of including the Lake Eyre Basin river systems of Queensland in the Wild Rivers scheme. In November 2010, further amendments to the *Wild Rivers Act* were passed in Queensland Parliament aimed at incorporating these river systems into the framework. The Cooper Creek nomination was released for public consultation in December 2010.

The Wild Rivers initiative is now operating in a highly politicised space, with Federal Opposition Tony Abbott determined, in his words, to “overturn” the Queensland legislation. This Parliamentary Inquiry into Indigenous economic development, including the operation of Wild Rivers, is a result of the overblown rhetoric of the anti Wild Rivers campaign.

Indigenous Wild River Ranger Program

From the outset of the development of the *Wild Rivers Act* in 2004, The Wilderness Society has consistently called for strong support and resources to be given to local communities to manage declared Wild River areas. In the 2006 Queensland state election, the Beattie Government responded by committing to create a program of Indigenous Wild River Rangers, with the aim of eventually employing 100 Indigenous people.

“To date the program has been a huge success, with 35 rangers now employed across Far North Queensland”

To date the program has been a huge success, with 35 rangers now employed across Far North Queensland. The program is based on a community development model – whereby community organisations are funded and resourced to run their own ranger programs, rather than via a direct, Government-controlled program. Not only are the rangers performing a vital environmental service for all Australians through their management of invasive weeds, feral animals and fire, but the program is performing an important social role by providing full-time employment and a beacon of pride for local communities.

Premier Anna Bligh recently announced that the ranger positions are now permanent and will be treated with the same security as public service jobs. This means the Indigenous people employed through the program can more readily access capital for homes and other basic needs most Australians already enjoy.

Key Wild Rivers Events

1994 - Feb: COAG Water Reform agreement signed

1998 - June: Federal Government's *Wild Rivers Project* completed

2003 - Aug: National Water Initiative agreement signed

2004 - Jan: Beattie Government promises to introduce *Wild Rivers Act*

2005 - Sept: *Wild Rivers Act* passed in Queensland Parliament, with support of Liberal Party

2006 - June: Noel Pearson launches campaign against Wild Rivers

2006 - Sept: Queensland Government promises to employ 100 Indigenous Wild River Rangers

2007 - Feb: First six Wild Rivers declared

2007 - Oct: *Cape York Peninsula Heritage Act* passed, with agreement to proceed with Wild Rivers

2009 - March: Bligh Government promises to include Lake Eyre Basin rivers in Wild Rivers scheme

2009 - April: Three Wild Rivers declared on Cape York Peninsula

2010 - Feb: Opposition Leader Tony Abbott introduces Bill to override *Wild Rivers Act*

2010 - June: Wenlock River declared on Cape York Peninsula

2010 - Nov: Post Federal Election, Tony Abbott re-introduces Bill to override *Wild Rivers Act*

2010 - Nov: Amendments to *Wild Rivers Act* passed, to incorporate Lake Eyre Basin rivers

2010 - Dec: Draft Cooper Creek Wild River declaration released for consultation

See Appendix A for a detailed timeline on Wild Rivers

How Wild Rivers Works

The Mechanics of the *Wild Rivers Act*

The *Wild Rivers Act* is enabling legislation best described as a planning and management approach to river conservation. It operates in tandem with Queensland's Sustainable Planning Act 2009, Water Act 2000 and other relevant Queensland legislation to regulate new developments in declared “wild river areas”, setting a baseline for ecologically sustainable development that protects wild river values.

The following excerpt from the *Wild Rivers Code*, which is used to assess development in a wild river area, is a good explanation of how Wild Rivers operates.

“The Queensland Government can declare a wild river area under the *Wild Rivers Act* in order to preserve the natural values of that river system. Once a wild river area is declared, certain types of new development and other activities within the river, its major tributaries and catchment area will be prohibited, while other types must be assessed against this code. Each wild river declaration will identify these developments and other activities. Also proposed developments and activities assessed against this code must comply with its requirements.

The natural values to be preserved through a wild river declaration are:

- hydrological processes
- geomorphic processes
- water quality
- riparian function
- wildlife corridors “

Proposed development activities are assessed for their potential impact on these natural values.”

In order to give more definition for this assessment process, a declared Wild River area (defined by a river basin) is mapped into different management areas, which have varying rules to guide development activities in the *Wild Rivers Code*.

The simplified diagram on the next page provides further explanation of how these management areas work, and other key features of the initiative.

Consultation and Negotiation

A Wild River declaration cannot occur without extensive community consultation, including a public submission phase. The formal consultation process is triggered when the Government releases a draft declaration proposal (termed a “nomination”). This includes releasing a draft map showing proposed management areas, and is followed by months of face-to-face meetings between the Government and communities, sectoral groups, and industry organisations, as well as a chance for people to lodge submissions with the Government.

There is also the opportunity for parties to seek to negotiate directly with the Government following the close of submissions. This was applied in the Gulf of Carpentaria, where a number of stakeholder groups worked with the Government to develop a final outcome for the declarations, after the submission period had closed.

“A Wild River declaration cannot occur without extensive community consultation, including a public submission phase”

The final decisions on a declaration are then made at the discretion of the relevant Queensland Minister endorsed by Queensland Cabinet, signed off by the Queensland Governor and tabled in State Parliament.

To date, there has also been a lot of negotiation and consultation outside of this formal process. For instance, the three rivers declared on the Cape in April 2009 involved more than three years of ongoing consultation by the Queensland Government with conservation groups and regional Indigenous organisations, resulting in amendments to the *Wild Rivers Act* and development of the *Cape York Peninsula Heritage Act 2007*.

How does Wild Rivers work? - The Wenlock River example

Mining Exclusion:

This is the 'Coolibah Springs' area on the Steve Irwin Wildlife Reserve, where Cape Alumina wants to strip mine for bauxite. The 500m buffer zone here has excluded mining from this sensitive area.

Floodplain Management Area:

Within this area the construction of levees and flow-impeding development is regulated to ensure connectivity between this area and the main river channel

Native Title:

Native Title rights are formally protected under the Wild Rivers Act. A Wild River declaration does not affect land tenure.

Water Extraction:

Water extraction is capped at a sustainable level of no more than 1% of mean annual discharge. Within this cap, a special water reserve is made for Indigenous economic use.

Land Management:

There are 6 Indigenous Wild River Rangers working within the Wenlock River catchment, addressing problems of invasive weeds, feral animals and fire management. In total there are 40 Indigenous rangers as part of this program, with another 60 promised by the Bligh Government.

Buffer Zones:

These orange areas are the main feature of a Wild River declaration - the buffer zone around the most important rivers, lakes, wetlands and springs. The buffer here is 1km either side of the river. Within these areas, strip mining, intensive irrigation and dams are not allowed. Pastoralism, fishing, buildings, and other lower impact activities are still allowed in this zone.

Nominated Waterways:

Some development has to be setback a reasonable distance from these smaller tributaries, including clearing for mines, and aquaculture.

Preservation Area:

Encompassing over 80% of most declared Wild River areas, within this zone mining, agriculture, aquaculture, and other intensive development is allowed. The Wild Rivers Code sets some benchmarks for these activities, on top of existing environmental regulations.

Buildings and Outstations:

The Chuulangun outstation is here within the buffer zone. These sorts of buildings, including tourism lodges and residential, are allowed within the buffer zone, as are roads, fences, firebreaks and other important infrastructure.



(The Wild River declaration for the Wenlock River was made on the 4th June 2010)

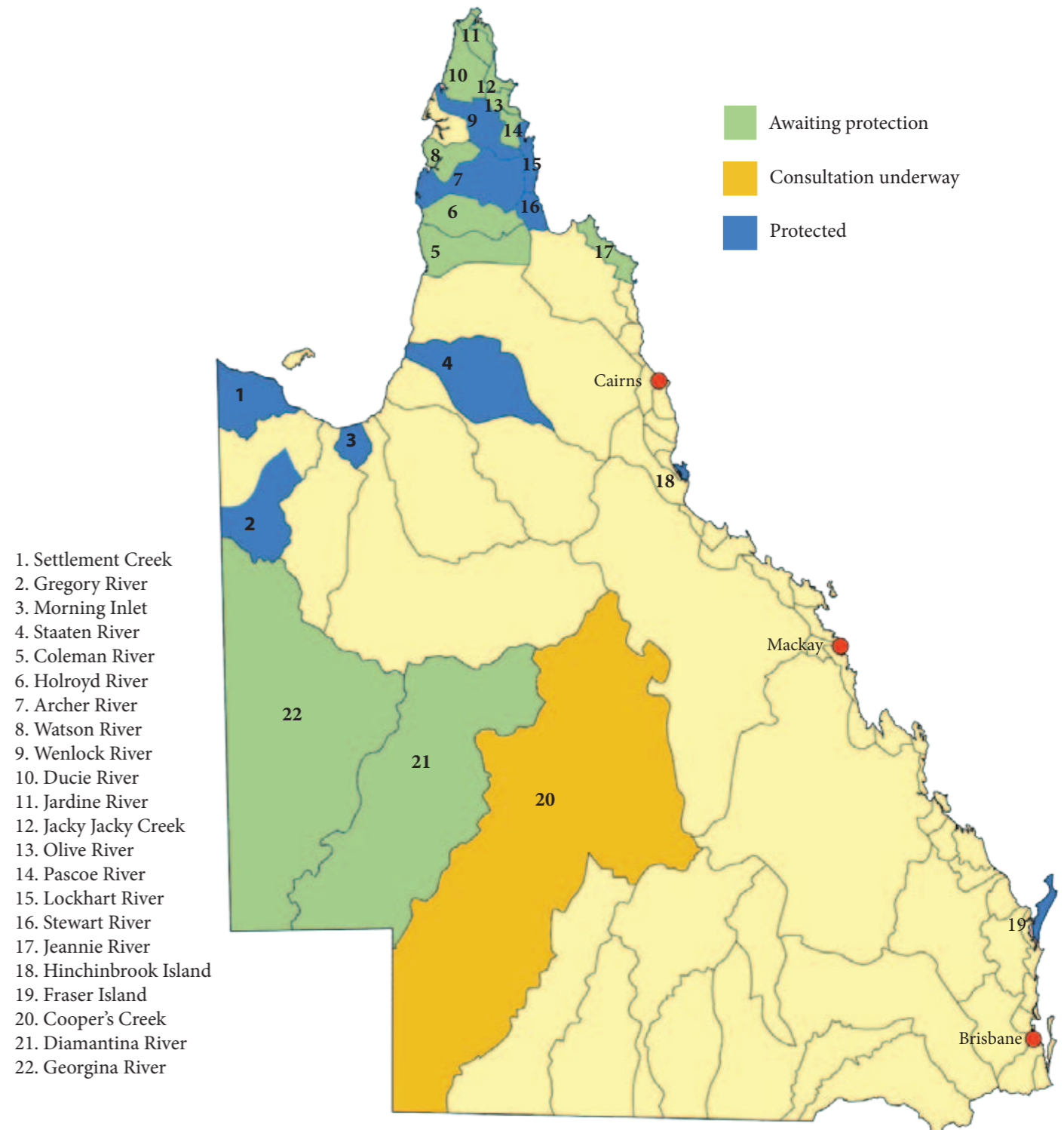


Addressing the Misinformation About Wild Rivers

Since the proclamation of the *Wild Rivers Act*, there has been a great deal of misinformation and misreporting about how the initiative operates. The following table provides a response to these claims.

Misinformation	Facts
Wild Rivers stops the building of toilet blocks within 1km of a river	Toilet blocks can be built in a High Preservation Area – this claim is simply ludicrous.
Wild Rivers stops the building of tourism lodges	Wild Rivers does not stop the construction of buildings such as tourism lodges. Within the High Preservation Area, there is a requirement that such construction does not cause adverse erosion, effect water quality, or destroy wildlife corridors along the river. Typically this means building away from the high banks of the river.
Wild Rivers will lead to the banning of traditional hunting and fishing	There is no basis to this claim whatsoever. All Native Title rights are confirmed in the <i>Wild Rivers Act</i> , including the traditional rights to hunt and fish.
The Indigenous Wild River Rangers are “green welfare”	The Indigenous Wild Rivers Rangers are full-time waged positions run by local Indigenous service providers, creating real jobs, and are not part of any welfare program.
There has been no consultation with Indigenous people	Since 2004 there has been ongoing consultation with communities and Indigenous organisations about Wild Rivers, sometimes facilitated by Indigenous organisations. For example, the Balkanu Development Corporation, led by Gerhardt Pearson, received over \$60,000 from the Queensland Government to partner with them to run Indigenous consultations.
Wild Rivers stops market gardens	Market gardens are allowed in High Preservation Areas, including for commercial sale, so long as they don’t exceed 4 hectares in size.
Wild Rivers is the same as a National Park	Wild Rivers is a planning scheme that applies to all land tenures – it does not change the tenure or ownership of the land. Unlike a National Park, activities such as grazing, fishing, sustainable enterprise and building private infrastructure occur under Wild River declarations.
Wild Rivers stops pastoralism	Wild Rivers does not stop pastoralism: water is still available for cattle, cattle dams can still be built away from rivers and cattle can still access rivers and waterholes. Many graziers support Wild Rivers as it ensures floodplains and rivers are healthy and productive.
Wild Rivers stops the aquaculture industry	Wild Rivers prevents aquaculture in the middle of a watercourse of wetland because of the high risk of pollution and contamination from this activity, but it is permitted outside of the High Preservation Area in lower risk, closed-tank systems.
Wild Rivers means more onerous “red tape”	Development in a Wild River area has to follow the normal planning process. That is, lodge a development application and await approval. This doesn’t mean extra paper-work for the applicant – it means that local government, or the assessment manager, has to ensure that the application meets any Wild River requirements, along with other relevant state-wide building codes or planning regulations
Wild Rivers was a “sleazy” election deal in 2009	Based on ideas originating from the Australian Heritage Commission in the mid-1990s, the Labor Party in Queensland committed in 2004 to protecting free-flowing rivers. The <i>Wild Rivers Act</i> was enacted in 2005, and the Queensland government has now been to three elections with Wild Rivers policy commitments.
There are no threats to Cape York’s rivers	Strip mining for bauxite and sand is a major threat to the health of Cape York’s rivers. There is also a push for large-scale irrigation schemes. On top of this, invasive weeds, feral animals, changed fire regimes and climate change are major threats.
“Preservation areas” in a wild river area will lead to further restrictions	There has been no indication from the Queensland Government that any such changes would occur, nor any desire to unnecessarily tighten regulation in these areas.
Wild Rivers ignores Indigenous people’s environmental stewardship	The Indigenous Wild River Ranger program is a direct recognition of the wealth of skills and knowledge held by local Indigenous people, who are now exercising their stewardship back on country, with huge benefits for the land, themselves and their families.

Map of Declared and Proposed Wild River Areas



The 22 river systems so far promised for protection by the Queensland Government under the Wild Rivers initiative

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Appendix A

Timeline of the Wild River Initiative

(Note: This timeline attempts to capture major events in the history of Queensland’s Wild Rivers initiative. It does not include the many meetings between The Wilderness Society and other stakeholders outside of Government processes, which includes engagement with Traditional Owner groups.)

1992 (Dec) Minister Paul Keating’s Statement on the Environment includes a commitment to identify Australian rivers in near-pristine condition and to encourage their protection and proper management. The Australian Heritage Commission is tasked with this role, and establishes the Wild Rivers Project (initially called the Near-pristine Rivers Project).

1994 (Feb) The Council of Australian Governments meets and agrees on a national agenda for water reform. This is triggered by escalating and severe problems with river health. A significant component of the reform agenda involves legal recognition and protection of natural ecosystems.

1996 (Oct) Graziers, conservationists, and scientists unite to reject plans for new cotton development in the free-flowing Cooper Creek catchment. The campaign includes a call for the long-term protection of the river system at a special conference in Windorah.

1997 (Feb) Queensland’s National Party Government releases the Water Infrastructure Task Force report, which identifies and priorities over 80 dam proposals throughout Queensland. This combined with the rapid expansion of the Cubbie Station cotton farm in South-West Queensland seriously alarms conservationists. Environment groups are increasingly focusing on improving water resource management and ensuring the protection of Queensland’s river systems.

1998 (June) The Australian Heritage Commission’s Wild Rivers Project is completed, culminating in the reports The Identification of Wild Rivers and Conservation Guidelines for the Management of Wild River Values. These reports later form the basis for the development of Queensland *Wild Rivers Act* 2005.

2000 (Feb) The Cooper Creek Water Resource Plan is released by the Queensland Government – it includes a moratorium on future water allocation licenses, which effectively stops cotton and other development for the life of the plan (ie 10 years).

2000 (Oct) Queensland Parliament passes the *Water Act* 2000 (replacing the Water Resources Act 1989), which seeks to reform water management in the state. Conservation groups strongly advocate for parallel, stand alone legislation to protect the conservation values of rivers, including free flowing rivers. This was in recognition that the *Water Act* focussed on water allocation and use but did not specifically address conservation issues nor provide a sensible and effective regulatory framework to protect Queensland’s remaining free flowing rivers.

Early 2000s The Wilderness Society and the Queensland Conservation Council begin publicly advocating for stand-alone legislation to protect Queensland’s remaining free-flowing rivers. The ideas for river management and protection for the campaign were based on some of the Australian Heritage Commission’s work and management ideas through the Wild Rivers Project, and drew on the aspects of the US Wild and Scenic Rivers Act and Canadian Heritage River System. The primary focus of the campaign begins with the Paroo River – the last free-flowing river of the Murray-Darling Basin.

2000 (mid) Queensland Environmental Protection Agency and other Queensland Government departments commence the development of a framework for a State Rivers Policy, which includes an assessment of Queensland’s wild rivers at the basin level, drawing on information produced by the Australian Heritage Commission’s Wild Rivers Project, and a recommendation to develop a regulatory framework to protect river systems according to three “categories” of river health.

2001 (Aug) The Cotton Cooperative Research Centre releases a report which identifies 21 priority areas for cotton development in Northern Australia. This includes proposals on healthy and undeveloped rivers, including the Kendal, Holroyd, Edward, Archer, Wenlock, Colman and Watson rivers on Cape York, as well as the Mitchell and Gregory rivers in the Gulf of Carpentaria. Conservation groups across Northern Australia, including The Wilderness Society, campaign to oppose the expansion of cotton development, which includes a central call for

legislative protection of free-flowing rivers.

2003 (July) On the back of a public campaign by a coalition of scientists, landholders and conservation groups, including The Wilderness Society, The New South Wales and Queensland Government’s sign the Intergovernment Agreement for the Paroo River, to ensure the sustainable ecological management of the last free flowing river system in the Murray Darling Basin, including a moratorium on new water licenses. Many of the principles in the agreement are later incorporated in the *Wild Rivers Act* 2005 (though the Paroo is not yet protected by the legislation).

2003 (Aug) Queensland signs the National Water Initiative, which refreshes the 1994 Council of Australian Governments water reform agenda by compelling Australian governments to improve water and river management, and to protect high conservation value aquatic ecosystems. This provides further strong impetus for Queensland to go beyond the *Water Act* 2000 and adopt the Wild Rivers framework.

2004 (Jan) Queensland ALP makes an election commitment to create stand-alone Wild Rivers legislation and proposes an initial 19 river basins across Queensland for [protection. The policy commitment states, among other things, that: “We will not allow dams to be built on Queensland’s wild rivers. Our wild rivers will run free”.

2004 (Feb) Beattie Government is re-elected in Queensland.

2004 (Aug) The Wilderness Society embarks on a community engagement tour in the Gulf of Carpentaria with Cooper Creek grazier Bob Morrish, championing the protection of wild rivers and the risks of cotton and other irrigated development on free-flowing rivers.

2004 (Oct) The Wilderness Society, the Queensland Conservation Council and the Environmental Defender’s Office produce an initial policy position on the proposed *Wild Rivers Act*. The paper includes a call for a “three tier” system of river classification; a significant funding package for ongoing management of rivers and employment of local people; and the formal protection of Native Title rights and Traditional Ownership and management, protection of Indigenous cultural heritage and ensuring consultation rights for Indigenous people.

2004 (Dec) The Wilderness Society and the Queensland Conservation Council produce a discussion paper Caring for Queensland’s Wild Rivers – Indigenous rights and interests in the proposed *Wild Rivers Act*. The discussion paper is aimed at ensuring Indigenous rights are recognised in the new Act. It is mailed out to over 150 Native Title representative bodies and Indigenous organisations throughout the State, and followed up by a series of meetings, including between The Wilderness Society and the Cape York Land Council, and Balkanu Cape York Development Corporation.

2005 (March) Queensland Government releases the draft Wild Rivers Bill 2005 for consultation with stakeholders ahead of its introduction into Parliament. The Bill adopts key aspects of the Commonwealth Government’s Wild Rivers Project.

2005 (April) A coalition of Queensland conservation groups (including The Wilderness Society) submit a response to the draft Bill. The submission emphasises the need for Wild Rivers to include a funding package for river management, the option for public nomination of rivers, and the formal protection of Native Title rights.

2005 (May) Queensland Government introduces the Wild Rivers Bill 2005 into Parliament for debate. The Wilderness Society and other conservation groups welcome the Bill but criticise the Queensland Government for failing to provide adequate funding to actively manage the rivers (conservation groups advocated for a \$60 million management fund).

2005 (June) The Northern Territory Government follows the lead of Queensland, and commits to introducing their own Living Rivers program, which would include stand alone legislation (the Government has since been incredibly slow to deliver on this commitment and have not yet finalised the policy and legislation).

2005 (Sept) *Wild Rivers Act* 2005 passes in the Queensland Parliament, with the votes and support of the Queensland Liberal Party.

2005 (Dec) First six wild river basins nominated for protection under the *Wild Rivers Act* 2005: Settlement Creek, Gregory River, Morning Inlet, Staaten River, Hinchinbrook Island and Fraser Island. Formal community consultation begins. Public submission period is open until mid-late February 2006.

2005 (Jan) Queensland Government extends submission period for

nominated wild river areas in the Gulf Country and the draft Wild Rivers Code until late April 2006, following concerns that the consultation period was inadequate.

2006 (April) Public submission period closes for the four proposed Wild River declarations in the Gulf Country.

2006 (May) Staff from The Wilderness Society receive a phone call from a close ally and friend of Noel Pearson who declares: “it’s war”. The phone call and Musgrave speech (below) signals the commencement of a forceful public campaign by Noel Pearson, the Cape York Land Council and Balkanu Cape York Development Corporation, against Wild Rivers and The Wilderness Society.

2006 (June) Noel Pearson addresses an AgForce meeting at Musgrave Station in central Cape York, strongly denouncing Queensland’s land clearing laws that and the Wild Rivers legislation. Shortly following the meeting, Liberal MP for Leichhardt, Mr Warren Entsch, facilitates a new alliance to oppose Wild Rivers, including the Cape York Land Council, Balkanu Cape York Development Corporation, AgForce, and the Cook Shire Council.

2006 (June) Following extreme pressure from the peak mining body the Queensland Resources Council, AgForce, and Noel Pearson, Queensland Minister for Water, the Hon Henry Palaszczuk signals a back down on Wild Rivers. The Wilderness Society responds with protests outside the Minister’s office, and thousands of emails from supporters to Premier Peter Beattie demanding no government back down. The Carpentaria Land Council and The Wilderness Society issue a joint media statement to the same effect.

2006 (June) Premier Peter Beattie responds to the debate over Wild Rivers by calling a high-level meeting with key stakeholders. The meeting includes the Premier, Minister Palaszczuk, senior government advisors and public servants, The Wilderness Society, the Carpentaria Land Council, Noel Pearson, the Queensland Resources Council and AgForce. The Premier promises to forge ahead with Wild Rivers, but asks the stakeholders to negotiate a workable way forward.

2006 (July) Premier Peter Beattie announces a raft of negotiated amendments to the *Wild Rivers Act* 2005 and accompanying Wild Rivers Code, which reflects negotiations of the parties in the June 2006 meeting with the Premier. The Premier also announces that the nomination of river basin on Cape York Peninsula will be deferred to allow for greater consultation with Indigenous interests beforehand.

2006 (Sept) The Beattie Government makes the election commitment to create up to 100 Indigenous Wild River Ranger jobs, following advocacy from The Wilderness Society. The initial commitment to protect 19 river basins is Queensland is also reconfirmed in the context of the election. The Government also commits to facilitating a 100 day negotiation period post the election to try and resolve a range of land management issues on Cape York, including Wild Rivers.

2006 (Sept) Beattie Government is re-elected and are therefore compelled to honour the Wild Rivers commitment, including the Indigenous Rangers.

2006 (Oct) Queensland Government introduces the Wild Rivers and Other Legislation Amendment Bill 2006, which reflects the announcement made by Premier Beattie in July 2006 around a negotiated way forward for Wild Rivers.

2006 (Dec) Queensland re-releases the nomination for the four Gulf Country rivers, on the back of the new legislative amendments to the *Wild Rivers Act* 2005. The submission period for comment is set to close in February 2007. Queensland Government also releases a revised Wild Rivers Code for public comment, submissions closing in February 2007.

2007 (Jan) Prime Minister John Howard announces the new Northern Australia Land and Water Taskforce to further Senator Bill Heffernan’s agenda of transforming Northern Australia into the “food bowl of Asia”. As part of the advocacy for the Taskforce, Senator Heffernan heavily criticizes Wild Rivers, and appoints Noel Pearson and Lachlan Murdoch as star recruits to the Taskforce. Warren Entsch, MP for Leichardt, is also made a member of the taskforce.

2007 (Feb) First six wild river areas finally declared after 14 months of consultation and negotiation. This is made effective by the tabling of the Wild Rivers and Other Legislation Amendment Bill 2007, and its passing as an Act two weeks later. The Act also includes further concessions to the agricultural industry, by introducing the concept of property development plans into the *Wild Rivers Act* 2005. This gives agricultural development proponents an opportunity to request changes to a High Preservation Area, if they can prove project viability and that the environmental impact will be negligible.

2007 (April) Noel and Gerhardt Pearson set up the Indigenous Environment

Foundation to “run a guerrilla campaign against The Wilderness Society”, specifically focused on the Wild Rivers issue (“War in the Wilderness”, Good Weekend, John van Tiggelen, 22/09/2007). The Foundation holds protests at a number of Wilderness Society events, and hands out materials slandering The Wilderness Society and denouncing Wild Rivers.

2007 (June) Premier Peter Beattie tables the *Cape York Peninsula Heritage Bill* 2007 in parliament, announcing that an agreement has been reached between the Queensland Government, The Wilderness Society, the Australian Conservation Foundation, the Cape York Land Council, the Balkanu Development Corporation, the Cook Shire Council, AgForce and the Queensland Resources Council on the future land management of Cape York Peninsula. The agreement follows several months of negotiation and includes a way forward for World Heritage listing on Cape York, a new form of Aboriginal National Parks, relaxing of land clearing restrictions for Indigenous communities, and amendments to the *Wild Rivers Act* 2005 to explicitly protect Native Title rights, and to ensure Indigenous water reserves in Wild River declarations. Noel Pearson endorses the Heritage Act and declares that the Cape native title crusade had been won and the Cape York Land Council’s heralds the Bill as a victory.

2007 (Sept) Premier Peter Beattie steps down and Anna Bligh becomes Premier of Queensland.

2007 (Oct) Queensland Parliament passes the Cape York Peninsula Heritage Act 2007 with bi-partisan support. Only Australia’s last remaining One Nation MP – Rosa Lee Long – opposes the Act. Premier Bligh hails the passage of the Act as “one of the most significant land management initiatives in the State’s history”.

2007 (Nov) In the heat of the Federal Election, Noel Pearson and the Cape York Land Council renege on the Cape York Peninsula Heritage Act agreement and incorrectly accuse the Queensland Government, Kevin Rudd, The Wilderness Society and the Greens of secretly including bigger areas in the Wild Rivers scheme on Cape York through a “preference deal”. The Wilderness Society issues a media statement expressing strong disappointment that the agreement was so quickly dropped by Pearson and others.

2007 (Nov) In response to the fresh accusations from Pearson and the Cape York Land Council, the Queensland Government convenes a meeting between The Wilderness Society, the Australian Conservation Foundation, Balkanu Cape York Development Corporation and the Cape York Land Council. Three Queensland Ministers are present at the meeting, and discussions commence once again for a way forward on Wild Rivers.

2007 (Dec) The same parties from the November 2007 meeting meet again to discuss Wild Rivers and other land tenure issues on Cape York.

2008 (Feb) Premier Anna Bligh writes to the November 2007 meeting parties, once again, regarding Wild Rivers and other land management issues on Cape York. The Premier reaffirms her commitment to Wild Rivers, and extensive consultation with Traditional Owners before making final declarations.

2008 (Feb) On the back of the Premier’s letter, the Queensland Government convenes another meeting between the November 2007 parties. Among other land tenure issues on Cape York, discussions continue for a way forward on Wild Rivers, including working towards an agreed timeline for the roll out Wild River nominations on Cape York.

2008 (April) Following negotiations, Queensland Minister for Water, Craig Wallace, writes to the Cape York Tenure Resolution Implementation Group members outlining the agreed timeline for the roll out of Wild River nominations. This includes four phases: 1) The Archer, Stewart and Lockhart River (and possibly Jackey Jackey Creek) Basins immediately 2) Wenlock River Basin before the end of 2008 3) Ducie, Watson, Olive and Pascoe River Basins in 2009 and 4) Jardine, Holroyd, Coleman and Jeannie River Basins in 2010.

2008 (July) Queensland Government announces that the first 20 Indigenous Wild River Rangers have now been employed.

2008 (July) Queensland Government formally nominates the Archer, Stewart and Lockhart River Basins under the *Wild Rivers Act* 2005. Public submission period set to close in late November 2008. Gerhardt Pearson’s Balkanu Cape York Development Corporation is contracted by the Queensland Government to help facilitate the consultation process.

2008 (Nov) Public submission period closes for the proposed Wild Rivers declarations for the Archer, Stewart and Lockhart River Basins.

2008 (Dec) Queensland Government nominates the Wenlock River Basin for Wild River protection. Public submission period set to close at the end of May 2009.

2009 (March) Conservation groups (including The Wilderness Society) and grazier groups (collectively known as the Western Rivers Alliance) launch a campaign to ensure the long-term protection of the rivers of Queensland’s Channel Country.

2009 (March) Bligh Government responds rapidly to the Western Rivers Alliance, promising to extend the Wild Rivers initiative to the Georgina, Diamantina and Cooper Creek Basins. Premier Anna Bligh also re-commits to protecting the identified river basins on Cape York, as well as following through with the Indigenous Wild River Ranger program.

2009 (March) Discussions take place between The Wilderness Society, Balkanu and Australian Conservation Foundation regarding a joint World Heritage policy position and advocacy to Queensland Government, resulting in a joint letter to the Bligh Government with a series of election asks.

2009 (March) Bligh Government is re-elected having recommitted to the Wild Rivers initiative, including the Indigenous Rangers.

2009 (April) Ten months after their nomination, Premier Anna Bligh announces the formal declaration of the Archer, Stewart and Lockhart River Basins. The Wilderness Society applauds the move, while Noel Pearson declares that Premier Bligh had “urinated on the rights” of Indigenous people, and re-commences a sustained anti-Wild Rivers campaign in the media. The Wilderness Society then receives an abusive phone call, which once again declares ‘war’ over Wild Rivers.

2009 (July) Queensland Government announces expansion of the Indigenous Wild River Ranger program, with another 10 positions provided for.

2009 (Oct) Indigenous Wild River Ranger Program receives Premier’s Award, in recognition of the overwhelming success of the program.

2009 (Dec) Queensland Government announces that a decision on the proposed Wild River declaration for the Wenlock will be further delayed, as additional science is compiled and considered concerning the Coolibah Springs Complex. The Wilderness Society and Australia Zoo express clear expectations that the declaration should protect parts of the Steve Irwin Wildlife Reserve from the proposed Cape Alumina mine.

2010 (Jan) Federal Opposition Leader Tony Abbott announces his intentions to overturn the *Wild Rivers Act* 2005.

2010 (Feb) The Northern Australia Land and Water Taskforce, with a renewed membership following the election of the Rudd Government, releases their report into the future of Northern Australia. The CSIRO also releases a series of science report considering the future of the North. Both point to the very serious constraints of irrigated agriculture and dams in the region, and highlight the need to protect and manage river systems in their entirety.

2010 (Feb) Tony Abbott introduces the Wild Rivers (Environmental Management) Bill 2010 into the House of Representatives. An identical Bill is later introduced into the Senate, and referred to the Senate Legal and Constitutional Affairs Legislation Committee.

2010 (March) Senate Legal and Constitutional Affairs Legislation Committee conducts hearing in Cairns.

2010 (June) Queensland Government announces the Wild River declaration for the Wenlock River Basin. The declaration includes 500m buffers around the Coolibah Springs Complex on the Steve Irwin Wildlife Reserve, which Cape Alumina claims will render their mine unviable.

2010 (June) Senate Legal and Constitutional Affairs Legislation Committee releases reports into Wild Rivers Inquiry, with the majority report concluding that Wild Rivers was not stopping economic development and that Abbott’s Bill should not be supported.

2010 (June) Despite the majority report, the Senate passes the *Wild Rivers (Environmental Management) Bill* 2010 with the support of Senator’s Steve Fielding and Nick Xenophon (however the Bill then expires in the House of Representatives when the Federal election is called).

2010 (Sept) Gillard Government is reformed following the announcement by independents Tony Windsor and Rob Oakeshott that they will support the ALP in government. The morning of the announcement, Noel Pearson appears on the front page of The Australian declaring his support for an Abbott Government and pleading for Rob Oakeshott to support Abbott, largely based on his opposition to Wild Rivers.

2010 (Sept) Opposition Leader Tony Abbott announces that his first priority

in parliament will be to re-introduce his anti Wild Rivers Bill.

2010 (Sept) A group of Indigenous leaders from across Far North Queensland release a statement rejecting Tony Abbott’s attempt to overturn the Wild Rivers legislation, and emphasise that Noel Pearson is not their “elected leader”. Some of these leaders travel to Parliament House in Canberra to deliver their message to key politicians, as well as the national media, during the first week of the new Parliament.

2010 (Sept) The Anglican Church releases a series of reports attacking Wild Rivers because it prevents dams and irrigated agricultural development near river banks. Noel Pearson joins the Church at the public launch of the reports, claiming that they are “independent”, “objective” and “comprehensive”. The Church fails in their reports to even mention the Indigenous Wild River Rangers, or any potential jobs in sustainable industries such and land management and tourism.

2010 (Oct) Tony Abbott announces that he will delay tabling his anti Wild Rivers Bill in parliament, in order to “consult” with Murrundoo Yanner and other Indigenous people in Far North Queensland.

2010 (Oct) Cape Alumina formally announces to the Australian Stock Exchange that their proposed bauxite mine on the Steve Irwin Wildlife Reserve is not viable unless the Wild River declaration for the Wenlock River Basin is revoked.

2010 (Oct) Queensland Government introduces the *Water and Other Legislation Amendment Bill* 2010, which includes a series of amendments to incorporate the Lake Eyre Basin river systems, and clarify a number of other issues. The move is welcomed by key graziers and Traditional Owners.

2010 (Nov) Tony Abbott tables his *Wild Rivers (Environmental Management) Bill* 2010 in Federal Parliament. Cape Alumina responds immediately by declaring they will lobby politicians to support Abbott’s Bill, in order to remove protections on the Steve Irwin Wildlife Reserve. Indigenous leader Murrundoo Yanner calls the Bill a “dog’s breakfast” and accuses Abbott of using Indigenous people as a political football.

2010 (Nov) Water and Other Legislation Amendment Bill 2010 is passed in the Queensland Parliament, allowing the Government to proceed with Wild River nominations for the Lake Eyre Basin river systems.

2010 (Nov) House of Representatives Economics Committee conducts hearings for the Indigenous economic development and Wild Rivers inquiry in Cairns, Weipa and Bamaga.

2010 (Dec) Draft Cooper Creek Wild River proposal released for public consultation, with submissions due by the of April 2011.

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Front page image: Fruit Bat Falls on Cape York Peninsula, by Kerry Trapnell.
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