

# Caring for Queensland's Wild Rivers

## Indigenous rights and interests in the proposed Wild Rivers Act



*A Native Title & Protected Areas Discussion Paper*

*The Wilderness Society*

*Queensland Conservation Council*

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### **Acknowledgment**

*The contributors to this paper acknowledge the Traditional Owners of Country throughout Queensland.*

## **Introduction**

AT THE State Election in early 2004, the ALP Government announced its policy to protect 'Wild Rivers' in Queensland by developing and implementing a new piece of conservation legislation – a Wild Rivers Act.<sup>1</sup> The Wilderness Society (TWS), Queensland Conservation Council (QCC) and the Environmental Defenders Office (EDO) have developed a joint policy position, proposing a suite of measures the Government should adopt to ensure a high level of environmental protection and management of rivers.<sup>2</sup>

Unsurprisingly, Indigenous Traditional Owners assert their right to be actively involved at all levels in the management of natural and cultural values throughout their traditional lands. This discussion paper places the views and aspirations of conservationists within this Indigenous rights context and is an accompaniment to the TWS-QCC-EDO joint policy. We are clear in our advocacy that this proposed legislation be used to introduce a new approach to Indigenous rights in conservation in Queensland.

Most conservationists realise that the past exclusion of Traditional Owners from decision-making and control in relation to land allocation and use was inequitable and not in the best interests of the Australian environment and its diverse species. The challenge we have been facing for some time now is to resolve the tenure issues highlighted by land rights claims and native title, find the appropriate models of protection and management, and drive forward the necessary reform. New approaches need to be demonstrably respectful of indigenous people, their property, rights and interests, while also guaranteeing a high level of environmental integrity in face of the increasing range and scale of destructive threats and degrading processes.

We see the decisions involved as being about what's required to protect and manage vital ecological processes, such as the flows of water through the landscape, and the different kinds of legal and political options available to achieve this. By virtue of Indigenous rights, customary tenure and native title, decisions of this kind should be taken in cooperation with Traditional Owners and their representatives.

## **Indigenous cultural rights and customary tenure**

THE RELATIONSHIP of Traditional Owners to their country brings with it an intricate system of rights and responsibilities. In contemporary terms, these relationships embody self-determination within the community of native title-holders, customary tenure, rights to natural resources, intimate ecological knowledge, cultural protocols and laws, and responsibilities to 'care for country'.

A new Wild Rivers Act offers a decisive opportunity for consideration of Indigenous peoples' interests in the conservation of land and waters in Queensland. It is a chance to remove the impacts that have so devastated the hydro-ecology of many parts of the continent, while reflecting the inter-relationship between indigenous environmental, spiritual and cultural values.

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<sup>1</sup> Protecting Queensland's Natural Heritage: Wild Rivers - Peter Beattie & Labor - Policy 2004. See Appendix 1 at p12.

<sup>2</sup> *Policy Position on the Proposed Queensland Wild Rivers Act*. The Wilderness Society, Queensland Conservation Council, Environmental Defenders Office (Qld & NQ) 2004

The ecological cycles of a river system replenish natural and cultural values. Reducing the health and environmental values of a river system erodes cultural values and can result in the loss of connection to country and the natural world. This in turn undermines the basis of Indigenous connection to traditional lands and the transmission of ecological and cultural knowledge through the generations.

Indigenous cultural values - connection to country, maintenance of ancestral knowledge systems, and practice of traditional law and customs - are intrinsic to Aboriginal peoples' cultural survival and social wellbeing, and to the determination by traditional elders of property and management arrangements within the customary tenure system.

Customary tenure involves a tightly integrated set of social, cultural and ecological relationships, giving rise to a highly specialised form of organisation and management. This is an important source for understanding the natural and cultural heritage values of wild rivers. In this sense, the boundaries of lands traditionally occupied by Indigenous groups and nations, Indigenous ecological knowledge, and 'caring for country' principles, should be ongoing features of the conservation of these critical natural resources.

Traditional Owners have a strong interest in the determination and ascribing of natural and cultural values, and in their authority and control over indigenous cultural heritage. As there is not necessarily a counterpart in Indigenous languages for "wild", calling something a 'wild river' may be inappropriate to an Indigenous cultural perspective. In the end, though, the contemporary English term and its evolving meaning will be of minor importance compared to addressing Indigenous cultural rights in a real and substantial way.

## **River conservation**

CONSERVATION in contemporary Australia has been shaped largely by the cultural values of the settler society and in response to the environmental impacts wrought from colonial times to the present. It has been assumed that conservation and environmentalism offer closer parallels to Indigenous traditional land and natural resource management than other aspects introduced with the colonial enterprise. Given the cultural grounding of the modern conservation approach, this assumption is not necessarily correct. However, there is a body of thought and practice developing on the common ground between contemporary conservation work (based on the adaptive learning principles of the environmental sciences) and Indigenous ecological knowledge and management, both traditional and evolving.

Due to the last ten to twenty years of developments in Indigenous rights and political organisation, scientific understanding, legal precedent, legislation, international law and conventions, and the efforts of environmental non-Government organisations and some Government agencies, the field of Conservation is now open to addressing Indigenous cultural rights and customary tenure and offers a rich knowledge base for the protection and sustainable use of the environment.

In developing a broad Wild Rivers conservation agenda, TWS-QCC-EDO have concluded that effective protection of high natural and cultural values must include recognition of Aboriginal title, cultural landscapes and significant sites, and enable the active participation of Traditional Owners and Indigenous communities in accord with their rights and interests.

John Sheehan, writing in 2001 when a member of the Queensland Land Tribunal, noted that Indigenous property rights and interests and the associated traditional land and water management systems "have

proved much more environmentally appropriate, multi-faceted, and capable of survival than originally predicted. Conversely, Western 'advanced' land and water management approaches have exhibited far less resilience and appropriateness". He said that "in the face of mounting evidence of the environmental and climatic impact of Western approaches to water property resources, there is increasing recognition of the need to introduce new river management regimes which meld those most evident desirable features of Western and Indigenous approaches".<sup>3</sup>

The radical changes in the cultural landscape and the necessity of environmental protection today will require the development and application of new ecological knowledge derived through fair and effective cooperation between Indigenous and other conservation interests.

TWS-QCC-EDO have proposed that the legislation define three classes of rivers - Wild and Natural Rivers, Rivers of Regional Significance and Heritage Rivers<sup>4</sup> – to ensure that river systems around the State can be maintained at, or restored to, a high degree of biophysical naturalness. The Act should be the benchmark for river ecology and management by which to judge the health of all river systems. The purpose of the Act should be to permanently protect, safeguard, restore and rehabilitate these rivers in Queensland. The legislation needs to specify 'prohibited' activities and expressly state that the criteria for 'assessable' and 'permitted' activities must achieve the priority management goals for each river.<sup>5</sup>

All decisions and recommendations made under the Wild Rivers Act or in relation to Wild Rivers should apply the precautionary principle. The precautionary approach has been developing through national and international conservation and governance forums and "has emerged over recent decades as a widely and increasingly accepted general principle of environmental policy, law, and management".<sup>6</sup> It is a means to avoid serious or irreversible environmental harm.

A recent IUCN (International Union for the Conservation of Nature) policy discussion paper has noted that "precaution has emerged as a broad principle weighing in favour of environmental protection in the case of uncertainty". The core of the principle counters the presumption that we should always favour orthodox development. It also states that there is a strong case for precautionary decision-making to incorporate the understanding and knowledge of Indigenous resource users: "Science often plays an important role in establishing the basis for precautionary decision-making. However, scientists and scientific institutions are not the only repositories of knowledge about ecosystems and biological resources. Traditional and indigenous people managing resources may often have different and, or, better understanding and information than scientists about the dynamics and responses of utilised systems".<sup>7</sup>

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<sup>3</sup> *Indigenous Property Rights and River Management*. John Sheehan. Australian Property Institute and the Land Tribunal, Queensland. 2001

<sup>4</sup> See *Defining and Classifying Wild Rivers* in the Policy Position on the Proposed Queensland Wild Rivers Act – The Wilderness Society, Queensland Conservation Council, Environmental Defenders Office (Qld & NQ) 2004

<sup>5</sup> See *Attachment 1 - Management Regime: Prohibited Activities* in the Policy Position on the Proposed Queensland Wild Rivers Act - The Wilderness Society, Queensland Conservation Council, Environmental Defenders Office (Qld & NQ) 2004

<sup>6</sup> *The Precautionary Principle in Biodiversity Conservation and Natural Resource Management: An issues paper for policy-makers, researchers and practitioners*. Rosie Cooney. IUCN Policy and Global Change Series No. 2, 2004

<sup>7</sup> Ibid

The best available knowledge of river systems and their ecology should be at the basis of the protection and natural resource use of Wild Rivers. The management planning process also needs to identify (with due respect for privileged knowledge) Indigenous cultural values associated with rivers, watercourses, wetlands, groundwater, springs and specific sites, and protect these through cooperation between Traditional Owners and indigenous communities, state agencies and other stakeholders.

Overall, the Government should ensure legislative provisions that meet high standards of ecological integrity, deal adequately with Indigenous tenure and management issues and deliver a coordinated implementation strategy. Conservation science and Indigenous ecological knowledge should be brought together to form the conservation strategies that guide the work of environmental managers, land holders and conservation agencies.

## **Conservation economy**

PRINCIPLES OF natural and cultural conservation should also define the type and direction of economic activity associated with wild rivers. This is not to ignore the practical issues associated with meeting material needs and community development – it is about investing in opportunities to build a new economy - a 'conservation economy' - to achieve lasting environmental protection and economic inclusion, especially for those living in the remote and largely intact landscapes of the State.

This is a challenge that Indigenous and local communities, environmentalists, Governments and natural resource-based industries must come to grips with. A conservation strategy for the State's wild rivers "must include people, jobs, and communities, or it will fail". But it must also recognise that if "the health of ecosystems and communities is not integrated into economic activities then all three suffer - economic dependence on destructive activities creates apparent conflicts between work, nature, and community".<sup>8</sup>

The development of a conservation economy requires economic arrangements of all kinds to be gradually redesigned so that over the long-term they "decrease economic dependence on activities that deplete natural or social capital" and in the shorter-term they make investments with economic, social, and environmental returns. It is possible to harness market forces and changes in laws, taxes, and policies to favour a conservation economy.<sup>9</sup>

It will be important to identify systematically the current and future uses of the environment for economic activities, as either -

1. compatible with the ongoing maintenance and protection of ecological processes
2. compatible with some modification and reform to the economic activity
3. incompatible with the protection of ecological processes<sup>10</sup>

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<sup>8</sup> *A Conservation Economy* – Ecotrust. Online references through <http://www.conservationeconomy.net/> and <http://www.ecotrust.org/index.html>

<sup>9</sup> Ibid

<sup>10</sup> Reference here is made to outcomes of the Australian Conservation Foundation-convened "Appropriate Economics Roundtable" 2003

Conservationists have concluded that “this process of identification of compatible and incompatible uses will allow appropriate economic and community development strategies”. These will “phase out or modify those economic activities incompatible with the maintenance and protection of natural heritage values and ecological processes. It will also support and encourage the development of new ‘compatible’ industries.”<sup>11</sup>

Lyndon Schneiders, drawing on experience and research from North America, indicates that the development of the ‘conservation economy’ requires a number of critical steps including -

1. Development of the criteria to assess ‘compatible’ and ‘incompatible’ economic uses and industries
2. Strategies to phase out or modify ‘incompatible’ industry
3. A detailed assessment of existing economic conditions and trends in target regions
4. An understanding of the social and community conditions and trends in target regions, including skills base, investment potential and education standards
5. An analysis of impediments (both regulatory and financial) to the development of new industries
6. The identification of capital and support required to encourage new compatible industries (training, identification of markets, low interest loans, incentives)<sup>12</sup>

Some of the most significant and relevant models of this ‘conservation economy’ approach, for example Ecotrust Canada, are occurring in collaboration with First Nations people on Aboriginal lands.

## **Aboriginal lands and native title**

ABORIGINAL LANDS form the primary template of land and natural resource management in Australia. Before colonisation, the clan estates were the foundations of a continent-scale, regionally distinct, social and economic life enjoyed by Indigenous communities. Ancient in origin, it was a uniquely adapted cultural system. Water, of course, is fundamental to the availability of natural resources and the pattern of use, productivity and ceremony was organised around catchments and seasonal water supplies.

Through the long passage of time in which Aboriginal societies have endured in Australia, Indigenous Traditional Owners developed a unique spiritual and material relationship to their lands. The relationship is one of inalienable possession. Indigenous nations, defined by protocols and pathways of exchange and engagement, conducted themselves in self-governing homelands. From these relationships derives the original “law of the land”.

However, the non-indigenous legal system rarely gives an express recognition of, or supports, the exercise of rights and responsibilities under Indigenous law. Despite an enormous moral claim to justice, equity and restitution, as against the dispossession, coercion and patronage in the history of race relations in Australia, there has been only limited acceptance for a proper settlement of land rights and Aboriginal autonomy.

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<sup>11</sup> *The Conservation Economy and WildCountry*. Lyndon Schneiders. The Wilderness Society 2004

<sup>12</sup> Ibid

In the last decade, native title provided the legal breakthrough and became the pivot for these debates. Today it is both a strength and limitation for Indigenous people seeking expression of their rights and interests. Statutory Native Title as it stands is a limited and derivative form of Traditional Ownership.

Ritter and Flanagan in *Crossing Boundaries: Cultural, legal, historical and practice issues in native title* observe that “the courts and the legislature have incrementally limited native title. Transformative common law actions like *Mabo* have made way for a streamlined and workable system for the determination of native title. The burden of proof has seemed to get harder, a *sui generis* title ‘as against the whole world’ had become a mere ‘bundle of rights’. The propensity to extinguishment has also increased. The purpose of the native title process is not to determine what is fair... native title rights will only be respected, so long as they are capable of recognition within the law of Australia and do not fracture any of its skeleton of principle”.<sup>13</sup>

They continue: “The effect of these various doctrinal and institutional arrangements is to entrench and perpetuate existing power relations between Aboriginal and non-Aboriginal interests. The de-politicisation of the native title process and the invocation of principles of objectivity and neutrality foreclose any possible enquiry into substantive justice within those power relations. Confining Indigenous aspirations and the search for substantive justice to an application for a determination of native title may be to abandon the material pursuit of social equity”.<sup>14</sup>

Owing to the extent of extinguishment of Aboriginal title and the limits built into the legal doctrine, Native Title should not be the only point of reference for the resolution of issues between the State and Indigenous communities. While recognition of native title in 1992 “revealed the inadequacies of existing regimes” the “emerging models of engagement outside the native title process highlights the limits of the native title regime” in adequately addressing the rights and interests of Indigenous peoples in their traditional country.<sup>15</sup>

Rights and interests can be seen to fall into two broad but related categories – legal rights and moral rights. The existence or otherwise of native title does not solely determine the legitimacy of Indigenous peoples claims to be involved in decision-making and the protection of their cultural heritage, land and waters. The joining of legal and moral rights yields an argument for greater recognition and involvement.

Indigenous representatives argue for involvement that goes beyond mere consultation and seek inclusion in policy and decision-making, as well as direct involvement in environmental management. “Effective political participation is a central element of self-determination at international law” and political participation is essential to non-discrimination. “The requirement for states to engage with Indigenous peoples at this level should not be dependent upon formal structures for legal recognition such as native

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<sup>13</sup> *Lawyers and Rats: Critical Legal Theory and Native Title*. David Ritter and Francis Flanagan in *Crossing Boundaries: Cultural, legal, historical and practice issues in native title*. Ed S Toussaint. Melbourne University Press 2004

<sup>14</sup> Ibid

<sup>15</sup> See *Indigenous Rights to Water in the Murray Darling Basin: In support of the Indigenous final report to the Living Murray Initiative* - Monica Morgan, Lisa Strelein and Jessica Weir. Research Discussion Paper No.14, Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, 2004

title, but extend to all policy decisions that impact upon Indigenous peoples access to and use of traditional territories".<sup>16</sup>

It is clear in relation to developments concerning rivers and waterways that the Commonwealth government moved to restrict the procedural rights available to native title-holders under the Act. Section 24HA provides that a future act in relation to the management or regulation of water is a valid act, including legislation, regulations, management plans or licenses granted. Native title claimants and holders are entitled to notification and given an opportunity to comment. Where native title interests are affected, the native title-holders may receive compensation.

In our view, there is a clear imperative for Governments to aim for legal reform in the area of Indigenous land tenure and correlated rights and interests. Public policy must go further to deliver genuine equity and resolution in the longstanding issue of Indigenous land justice.

### **Indigenous interests in the Wild Rivers Act**

INDIGENOUS peoples in Queensland, as elsewhere, continue to seek recognition and protection of their customary tenure systems as the basis for retaining or restoring traditional relationships and for contemporary cultural and community development. This has been a central element of the politics of land rights.

While there have been strict limits placed on these rights and interests by the statutory native title regime and through the political process, the Native Title Act and other legislation provides some scope for the exercise and expression of rights - through judicial determination, 'Future Acts' provisions and the use of Negotiated Agreements. Indigenous leaders are expected to continue to assert their legal and moral rights in the development and implementation of the Wild Rivers Act.

The customary rights to cultural self-determination and the preservation of distinctive cultural identities are relevant to questions of land and natural resource management. Traditional owners hold particular interest in the governance structures that manage land and waters and in the right to harvest and husband the natural resources of their country. Government should recognise it has a positive responsibility in natural resource management to protect Indigenous access and incorporate it into the priorities for management.

A considerable number of Wild Rivers are located in areas of the State where Indigenous people are a significant portion of the local population and significant land holders in their own right. In addition, most of the rivers are in areas with strong native title claims. Considering the many defensible title claims, use rights and cultural heritage interests, many Traditional Owner groups will have a direct interest in the provisions and consequences of the Act.

Traditional Owners will have their own interest in the 'protection' of rivers – in what the Wild Rivers Act (and related legislation) will and won't protect. The issues surrounding Indigenous rights and 'protected areas' in contemporary conservation debates will be highlighted by this initiative. To address them adequately, the Act will need to embody a consistent set of principles for environmental protection and cultural rights. The framework for Wild River protection should establish the environmental and cultural

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<sup>16</sup> Ibid

standards to be upheld and provide means to restrict or remove activities that threaten natural and cultural values within a Wild River catchment.

In a recent discussion paper, Morgan, Strelein and Weir noted that Canadian Courts have dealt with similar issues. In that jurisdiction, for example, "it is recognised that Indigenous non-commercial rights are prioritised above all non-Indigenous interests but are subject to legitimate environmental and conservation measures. It has been held that conservation measures could be justified to take priority over Aboriginal rights because they are inherently consistent with the protection of the environment for future generations and the maintenance of the underlying connection that sustains the distinct cultural identity of the group."<sup>17</sup>

Importantly, the Canadian Courts "placed an emphasis on Indigenous peoples' direct involvement in conservation management. The Courts have held that a legitimate legislative objective of conservation overriding Indigenous interests is only met where Indigenous people had been consulted (and not just informed) and, moreover, were unable or unwilling to implement appropriate measures themselves. In addition, the test assumes that conservation objectives could only be achieved by restricting the rights of Indigenous peoples and not by restricting other users. The Aboriginal right takes precedence over the rights of others and should be occasioned as little interference as possible to achieve the regulatory objectives".<sup>18</sup>

It is important for government policy to be conceptually clear about how to achieve Indigenous involvement in conservation management. "Involvement by Traditional Owners is critical to cultural heritage protection and the broader aspirations for recognition of Indigenous rights and responsibilities towards lands and waters. In natural resource management and cultural heritage decision making, it is appropriate that agencies pay most attention to effective involvement of Traditional Owners because only they can speak for Country. Efforts must focus on negotiating and building strong partnerships with the Traditional Owners".<sup>19</sup>

These partnerships will recognise that Traditional Owners and their communities will have a broad set of interests aligned to, but also at times in conflict with, the conservation agenda. As land holders, land and river managers and natural resource users in particular catchments, they will be directly concerned with the declaration of particular 'wild rivers' and how this might restrict or enhance their economic and cultural interests.

The Government will need to actively facilitate the involvement of indigenous people who have rights and interests in a river system to be declared a 'wild river' under the Act. The State will need to provide public resources and undertake a process of cross-cultural dialogue and agreement making. It should engage in properly structured negotiations to seek the free and informed consent of Indigenous groups and communities as a critical component of achieving wild river protection consistent with Indigenous rights in the management regime.

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<sup>17</sup> Monica Morgan, Lisa Strelein and Jessica Weir citing *R v Sparrow* - p50, Research Discussion Paper No.14, *Indigenous Rights to Water in the Murray Darling Basin: In support of the Indigenous final report to the Living Murray Initiative* - Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, 2004

<sup>18</sup> Ibid

<sup>19</sup> Ibid

## Legislating protection

OVERALL, the Government should ensure legislative provisions that meet high standards of ecological integrity, deal adequately with Indigenous tenure and management issues and deliver a coordinated implementation strategy. This must involve Indigenous representation in the development and drafting of the legislation.

The preceding exposition leads to the identification of a range of Indigenous interests that should be addressed by the Government, environmental groups and other stakeholders in the protection of wild rivers, such as -

1. Ascribing natural and cultural values to rivers, particularly indigenous cultural values
2. The make-up of the protection and management regime
3. Land and rivers over which there is a defensible Aboriginal title, claim, use right or cultural interest
4. Customary tenure and the relationships arising from traditional ownership of land and waters
5. Native title, particularly in relation to the 'Future Acts' and 'Indigenous land use agreements'
6. The allowable, assessable and prohibited developments
7. The funds and resources available for protection and management and for structural adjustment
8. Indigenous conservation strategies<sup>20</sup> and development of 'conservation economy' business options

The legislation should respect and address the rights and interests of Traditional Owners, native title-holders and, or, claimants and will enable informed involvement in the development of measures to protect the values and indigenous cultural heritage of these rivers. Specifically, the Act should -

1. Give a formal statement of recognition to Indigenous people as Traditional Owners
2. Contain the 'non-extinguishment principle' and set out clear provisions and describe the procedures for dealing with Native Title and Future Acts
3. State that a wild river is to be managed, as far as practicable, in a way that is consistent with any Aboriginal tradition applicable to the area
4. Support native title and indigenous customary rights, particularly through recognising Indigenous tenure and management
5. Guarantee Indigenous people negotiation rights in relation to declaration of particular rivers and the levels of protection given to those rivers
6. Protect Indigenous cultural heritage in relation to Wild Rivers
7. Include reformist principles that can be adopted in the review of the Aboriginal Land Act and have clear links to other legislation designed to advance Indigenous rights and interests

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<sup>20</sup> The *UN Draft Declaration on the Rights of Indigenous Peoples*, Part 6, Article 28 states: "Indigenous peoples have the right to the conservation, restoration and protection of the total environment and production capacity of their lands, territories and resources, as well as to the assistance for this purpose from States and through international cooperation".

Implementation of the Act will, in general, require adequate funds and resources. An equitable portion of these funds and resources should be available to indigenous people and organisations for protection, management, restoration and structural adjustment. This should include, but not be limited to:

1. Funds and resources for conservation programs for the protection, management and sustainable use of these rivers, developed through cooperation between State agencies, Traditional Owners and relevant stakeholders
2. Funds and resources for collaboration on projects to advance indigenous ecological knowledge and management of river systems, to build linkages between science projects and holders of indigenous ecological knowledge, and for collaborative research and mutual education
3. Funds and resources for research into and identification, where appropriate, of indigenous cultural values associated with rivers, watercourses, wetlands, ground water, springs and specific sites
4. Funds and resources to be drawn upon following the completion of management plans for declared rivers to enable the purchase of existing licenses and leases that threaten identified values within the catchment of a Wild River. Purchase of the leases and licenses should be voluntary. Funds need to be available to indigenous communities affected by the implementation of the proposed legislation.
5. Funds and resources for indigenous conservation strategies and to facilitate or support the development of businesses and industries that are compatible with and capable of maintaining high natural values
6. Funds and resources for structural adjustment, compensation or development support required for indigenous people and communities

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## **Appendix 1 – Peter Beattie & Labor: Protecting Queensland’s Natural Heritage - Wild Rivers - Policy 2004**

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

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

We want to keep it that way.

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

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

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

### **Our commitments at a glance**

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

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

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

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

## Catchment management

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

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

## Building on our record

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

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

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

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

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

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

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

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