

Frequently Asked Questions – Wild Rivers

What is a Wild River?

Queensland has a number of river systems which have been almost untouched by development and are therefore in near natural condition, with all, or almost all, of their natural values intact. One way of preserving this valuable part of our natural heritage for the benefit of current and future generations is to designate them as 'declared wild rivers'. In 2005, the Wild Rivers Act was passed in State Parliament. The Act provides the legislative framework for the nomination, and possible declaration, of a wild river area.

How is a wild river nominated?

The Minister can formally propose a river as a wild river if he believes all or almost all of its natural values are intact. These natural values include the river's hydrological and geomorphological values, water quality, riparian vegetation and the existence of natural wildlife corridors. Any member of the community can suggest to the Minister that a river system be proposed as a wild river.

What happens next?

If a wild river area is nominated, a wild river declaration proposal and an Overview Report are published.

These reports describe the area being proposed, and detail how development will be managed if the area is declared as a wild river area.

The overview report is not a scientific or technical document. It summarises the rationale for the nomination of the proposed wild river area and provides information about the requirements that would apply if the area was declared.

It is acknowledged that many of the major river systems in areas such as Cape York Peninsula remain in pristine condition. The *Wild Rivers Act 2005* provides a mechanism to ensure these river

systems remain in that condition for today's, and tomorrow's, Queenslanders.

There have been comments that the Wild Rivers Act affects Native Title rights. Is this true?

In 2007, the Queensland Government in collaboration with the Cape York Land Council inserted a specific section into the Wild Rivers Act to put beyond doubt that Native Title rights would not be affected by a wild river declaration, or the associated Wild Rivers Code.

Native Title describes the rights of Aboriginal and Torres Strait Islander peoples to land and waters according to their traditional laws and customs.

Self determination, though it may relate to Native Title, is a broader concept which recognises and supports the right of Indigenous people to have greater control over their lives. The Queensland and Australian Governments support the concept of self determination through supporting Indigenous Queenslanders in land tenure resolution, the formation of Land Trusts, the joint management of national parks, the operation of Land and Sea Management Centres, the funding of native title representative bodies to support native title claimants, the funding of Indigenous Councils and a variety of other Indigenous programs. However, the right to self determination does not mean an exemption from the laws that govern us all as Australians and Queenslanders. These laws include the requirement to plan for development to occur in such a way that is appropriate for a particular area.

Will a declaration 'lock up' country and prevent future economic opportunity for all residents or business interests wanting to develop in that area?

No. The Wild Rivers Act allows current and future economic development activities to occur. It simply ensures the natural values of the rivers declared wild are not impacted by these activities.

The wild river requirements do not apply to "day to day" traditional activities such as camping, hunting, fishing, use of traditional fish traps, collecting bush foods and medicines, conducting ceremonial

activities or the manufacture of traditional artefacts. Native Title rights are also not affected in any way.

Can tourists still fish and use the rivers?

Yes. For recreational users and residents of the declared wild river area, activities such as camping, fishing and enjoying the river still continue.

Won't the Wild Rivers Act mean even more red-tape for those people wanting to undertake a development?

No. Generally, if someone was seeking to start, or expand, a business within a wild river area, there is no additional paperwork required.

They would need to complete the same paperwork that would be required if a Wild River declaration was not in place.

If the application requires State Government approval – such as Primary Industries – it is the agency's role to ensure that as *they* consider the application, they must ensure the proposed development complies with any wild rivers requirements. So the applicant's role has not changed – and neither has the paperwork they would normally complete.

The only new approvals required in a wild river area are if someone is wishing to undertake intensive "animal husbandry" which is a feedlot style development, or for an agricultural development. This doesn't include normal grazing activities- or growing food for your family or the community.

A wild river declaration is akin to a "planning tool", similar to a Local Government planning scheme.

It does not remove people's legitimate rights but it does manage future development to protect the natural values of the wild rivers.

What is a High Preservation Area?

Declared wild river basins have two distinct areas. The High Preservation Area (HPA) and the Preservation Area (PA). The HPA is an area up to one kilometre either side of the main river and its major tributaries. The HPA is the area where the greatest

potential impact of development activities on the river is likely. The PA is largely the remaining area of the overall declared wild river basin. The HPA typically makes up less than 20 per cent of the basin area and the PA the other 80 per cent or more.

Can residents who live in the High Preservation Area (HPA) grow their own food?

Yes. This has always been the case.

Consultation was undertaken before each wild river was declared. What is the process?

If a river system is nominated, a public notice is issued in the relevant newspapers to advise that the consultation phase is starting. Normally, a media statement will also be issued. Wild Rivers co-ordinators from the Department of Environment and Resource Management then commence an extensive period of consultation.

In addition to the public notice, declaration proposals, overview reports, associated maps, fact sheets and information are also distributed and the staff conduct widespread face-to-face consultation. Anyone can make a submission on a declaration proposal and all the views expressed are taken onboard.

Often, repeat visits to communities and local councils are undertaken for consultation meetings. These meetings include Traditional Owners pastoralists, communities, local councils, State Government agencies and business operators. For example, more than 300 individuals were consulted in the proposed Archer, Stewart and Lockhart river basins. More than 100 face-to-face meetings were held and more than 3500 submissions were received. Every properly made submission is considered and a Consultation Report is released by the Minister. That report outlines the issues that were raised in submissions and the consultation meetings and how they were dealt with in relation to a decision to declare, or not to declare, a proposed wild river area.

If a declaration is made, DERM staff return to the communities and key areas to further explain how the declaration works.

Has development stopped in declared wild river areas?

No. Development continues right across these river basins. It is a matter of ensuring those developments, particularly in a HPA, do not impact on the natural values of the wild rivers.

Some people have suggested that the State Government should have sought 'consent' from residents in Cape York Peninsula rather than consulting and then making a decision. Why didn't the State Government seek their consent?

The Wild Rivers Act was introduced to State Parliament in 2005. It was debated and passed and became law in October 2005. The Act requires a minimum of 20 business days for consultation with all potentially affected parties. This includes Traditional Owners, pastoralists, communities, local councils, State Government agencies and business operators. The Queensland Government has voluntarily extended this consultation period to around four months, to ensure all views are heard. So each time a wild river area is nominated, extensive on-the-ground consultation starts. This includes repeat visits to those with a keen interest in the proposals.

All interested parties can make formal submissions during this process. Every properly made submission is considered and a Consultation Report is released by the Minister. That report outlines how submissions were dealt in relation to a decision to declare, or not to declare, a proposed wild river area.

A wild river declaration only occurs after the Minister has given due consideration to all submissions made on the declaration proposal and the issues raised during the consultation process.

Does the Wild Rivers Act mean no development can occur within 1 kilometre either side of a wild river? This area is known as the High Preservation Area?

No. While it is true that new high impact activities cannot occur in the HPA, other development activities can continue in the HPA providing they do not impact on the natural values of the wild rivers.

High impact activities which are effectively prohibited in the HPA include:

- in stream dams and weirs
- intensive animal husbandry (e.g. feedlots, emu farms)
- aquaculture (e.g. hatcheries, grow out ponds)
- environmentally relevant activities (except some that are essential for urban areas)
- surface mining (except for limited hand sampling in stream and low-impact exploration off-stream)
- intensive agriculture.

What can occur in the Preservation Area which is the area immediately outside the High Preservation Area?

Subject to normal approval processes, development activities may continue to operate, start up, or expand in this area. The PA makes up around 80 per cent of a declared wild river basin.

Are there specific provisions to ensure indigenous communities can access water for their potential business enterprises?

Yes. In those declared wild river basins within the Cape York Heritage Region, a specific reserve of water is set aside so indigenous communities can undertake economic development.

The State Government has always mentioned a total of 13 rivers being considered as Wild Rivers for Cape York Peninsula. But if all these rivers are declared, around 60 rivers would be included in the overall footprint. Is this true?

A wild river area includes the catchments of the wild rivers and generally corresponds to a drainage basin which is often made up of a number of catchments. The inclusion of the catchments, as well as the rivers themselves, in a wild river area is important as large-scale development activities can impact on riverine health, even though they may be some distance from the river.

It is important to note that although there may be some simple requirements for managing development activities in the greater catchment area, the High Preservation Area (where most

restrictions will occur) is typically limited to about 20 per cent of the total wild river area. Even within this limited area, developments such as outstations, grazing activities and tourism facilities can continue to be developed, provided the wild river natural values are preserved.

Can indigenous residents wanting to start a business obtain assistance from the State Government?

Yes. There are a range of programs within the Department of Employment, Economic Development and Innovation (DEEDI) to assist not only indigenous people but all Queenslanders. The range of programs and specific details on them can be obtained from DEEDI at www.business.qld.gov.au

For further details, please contact 07 4039 8332 or 07 4039 8283.