

*TOTALLY WILD:
Seeking to preserve the
natural value of wild
rivers. Photo: aapone*

Unchartered *waters*

STATE LAWS TO PROTECT WILD RIVERS ARE FACING A FEDERAL CHALLENGE.

■ STORY: DAVID KIRKPATRICK

On the surface, the debate about Queensland's wild rivers legislation comes down to a simple proposition: what's best for the vast Cape York region. But underneath is a raging current of disagreement over how to achieve it.

The Queensland government believes its Wild Rivers Act (2005) will ensure the cape's long term social and environmental sustainability. Federal Opposition Leader Tony Abbott believes the laws need to be overhauled and has introduced a private member's bill to do so.

His Wild Rivers (Environmental Management) Bill 2010 seeks to give Aboriginal traditional owners the right to consent to a wild rivers declaration over their land – a right being denied under the current Queensland laws.

But the Queensland government insists its laws mean no change for most people who live or work around these river systems or who use the rivers – they just provide extra protection.

Mr Abbott argues his bill is not about scrapping environmental protection but about restoring reasonable rights to Aboriginal people.

The Queensland government says traditional Indigenous activities such as camping, fishing, hunting and conducting ceremonies and traditional fire management are not subject to wild river requirements as they do not constitute development. There are no requirements under the act for boating and camping and a wild river declaration will not affect native title, cultural heritage, or the function and operation of the Aboriginal Cultural Heritage Act 2003.

With the Senate having passed an identical private senator's bill last June, further consideration of any Commonwealth legislation now awaits the findings of a review being undertaken by the House of Representatives Economics Committee.

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The committee is considering the existing legislation in relation to the environment, mining and other state legislation including the Wild Rivers Act (Qld) 2005 and the Environmental Protection and Biodiversity Conservation Act 1999.

The MPs are also examining the impact of the proposed Wild Rivers (Environmental Management) Bill 2010 and options for improving economic development for local Indigenous people while protecting undisturbed river systems.

And what the committee has heard in submissions and at public hearings is that there is great confusion about what is and isn't allowed under the current legislation.

There's a sense of weariness and wariness amongst the communities of Cape York and other parts of Queensland that no matter what they say it won't be taken into consideration by decision makers and that their rights have been trampled on during this process.

David Donald has been a tour operator in Queensland's Cape York for the past 20 years and sees the wild rivers legislation as just another layer of bureaucracy that makes his business harder to run.

He's not against moves to protect the environment, as long as it doesn't shut down businesses in the process.

"The cape is so far away from everyone," Mr Donald says. "People drop in for a couple of hours or a couple of days and then go back to the wilds of Brisbane and Canberra.

"They have absolutely no comprehension of what it is like to live here and run a business here.

"We do not just go down to the corner store and buy things. We have to source stuff from Cairns, which is 850km away, things like that.

"The roads close for four months of the year and we cannot get things.

"We are looking at a totally different situation and almost a totally different country to what normal society operates under."

And on the introduction of legislation to protect Queensland's wild rivers in 2005 he has this to say: "They seem to have picked out the cape – 'we'll just chuck all the bits and pieces up to that end and let them wallow in it'?

"I have some agreement in that it will protect the area and keep it fairly pristine.

"That is good when we are running businesses, provided we are allowed to run businesses to a small extent, where we are not impacting too much on the environment.

"It is good if it allows that, but if it starts shutting everything down ... that is totally unrealistic."

Whether it is real or perceived, Queensland's controversial wild rivers legislation has raised many issues about costs, consultation and consent. It has also caused great confusion about what can and can't be done on the land it seeks to preserve.

The Queensland government introduced the legislation in 2005 to protect wild rivers in Cape York and other parts of Queensland.

According to the Queensland Wild Rivers Act, it aims to preserve the "natural values of rivers that have all, or almost all, of their natural values intact", but not undermine sustainable Indigenous economic development.

So far 10 areas have been declared wild rivers including Wenlock Basin, Stewart River, Fraser River, Hinchinbrook River, Settlement River, Archer River, Lockhart River, Gregory River, Morning Inlet and Staaten River.

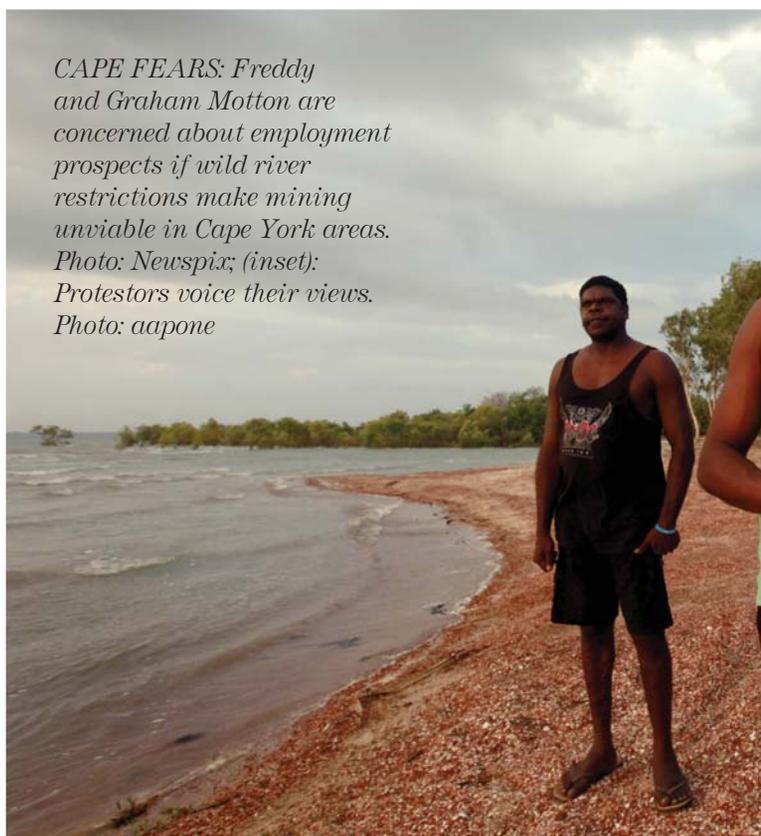
At a public hearing in Canberra, government department representatives told the House Economics Committee around 125 projects have been approved in wild rivers areas and only one project, a bauxite mine, has not proceeded because of the wild rivers laws.

Tony Abbott says the bauxite mining project would have provided hundreds of millions of dollars of investment and hundreds of jobs for Aboriginal people on the cape.

In its submission to the inquiry, the Queensland Resources Council expresses disappointment over the failure of the Cape Alumina Pisolite Hills project and concern that resource industry projects in the Lake Eyre Basin may face a similar fate.

Instead of being instantly rendered unviable, as is the case under the present laws, QRC would like these projects to

CAPE FEARS: Freddy and Graham Motton are concerned about employment prospects if wild river restrictions make mining unviable in Cape York areas. Photo: Newspix; (inset): Protestors voice their views. Photo: aapone



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have to undergo a rigorous environmental impact assessment to identify all potential environmental, social and economic benefits and impacts as part of a framework of sustainable development. QRC argues that is the best way to maximise the benefits to local communities as well as the environment.

Since the introduction of the legislation many of the communities in the region have been crying foul about the consultation process that saw Queensland's legislation enacted under Peter Beattie's reign as premier.

They claim the costs of trying to establish businesses such as aquaculture, market gardening or tourism in the so-called 'high preservation' areas have become either too expensive or too bureaucratic to manage.

Cecil Arthur, a ranger with the Steve Irwin Wildlife Reserve, says there is a right way and a wrong way to consult with Indigenous groups.

"If you go to a tribe like where I am, there may be five or six families who come from that tribe, so if you have to bring five elders in then that is what they have to do," he says.

"They are the people who you need to tick off a proposal with and then it goes down the channel.

"But all I have seen is them coming around to our doors ... saying 'Do you agree?' I do not have anyone, my lawyer or whoever, there to say yes, that is the right thing, or it is not.



“At the end of the day, what we say down here, the government on top still makes their own decision.”

Mr Arthur told committee members he was pushing ahead with a venture to build a “traditional house to take kids back to their country” and teach them about cultural values, but wanted some certainty that what he was doing would be allowed.

“We have heard rumors that the legislation stops us going back to our traditional lands, stops us from having our rights in our waterways – say if we want to run fishing charters, organisations around running ecosystems, tourist camps and that sort of stuff.

“I would like to find out if it stops us starting up these economic businesses by ourselves.”

Many of those attending the public hearings also spoke about the confusion surrounding the Queensland wild rivers legislation and how it overlaps with native title or the laws that govern national parks and state reserves.

Typical was Larry Woosup, a native title claimant for the Ankamuthi Traditional Owners Group north of Port Musgrave in Queensland.

“First of all it gets down to consultation and consent. A lot of people are not up to date with what is in the legislation,” he says.

“There are 13-odd bits of legislation to go through. We should have the right to build in high preservation areas. Who is to tell us that we cannot be there?”

“We cannot impact on the environment. We know how to look after it because we were the custodians for 80,000 years.”

Mr Woosup says the Queensland government has restricted his people to barren country that has no economic prospects.

“This for us is a knock on the head because the most important area that you can get water from is the river or from the creek.

“The only way we can get water is to pipe it, and it costs a lot to pipe. People like me, Indigenous people in the cape, we do not have that sort of money.

“So the economic side is an issue, the costing, plus there is legislation on top of that. It sort of puts us back. It takes our economic viability for future generations.”

Tracey Ludwick, another member of the Ankamuthi group, says the Queensland legislation has made dreams of starting a business more difficult.

“We live a very simple life in the cape. We do not pollute the air – some of us do not even own a car to pollute the air – and we definitely do not own factories,” she says.

“My brother wants to do a market garden – something very simple that will cost him maybe \$500.

“With wild rivers across it now, he might have to put in more piping and he will probably have to get an environmental impact study done on the land.

“It will cost him \$10,000 to do that. It is okay if you have a lot of funding behind you, but if you are just a normal family that wants to pull in a little more income apart from welfare, it cannot be done.

“It can be done if you go and get some more money from somewhere else, not once you say you are from the cape, you would be flat out even getting into a nightclub in Cairns.”

But a group of graziers and dryland farmers has come out in strong support of the existing Queensland laws, describing them as an appropriate balance in the interests of water users and protecting the rivers.

In its submission, the Australian Floodplain Association says the legislation ensures the water which flows down the inland river system in western Queensland can continue to flood out across floodplains as nature intended, and will not be taken by irrigation or mining.

“Floodplain meat production is one of the few food producing industries which coexists with the river and does not take or divert water out of the system.

“Once wild rivers protection is in place and rivers flow with full water flows, the economic benefits to Indigenous (and non-Indigenous) people will be plentiful. These will centre on tourism, grazing and wild rivers branding.”

Pointing to the financially, socially and emotionally exhaustive efforts currently underway in the Murray-Darling Basin, the graziers warn “it is cheaper to protect than to rehabilitate”.

The Economics Committee is due to report by mid-year. ●

FOR MORE INFORMATION on the inquiry into Indigenous economic development in Queensland and review of the Wild Rivers (Environmental Management) Bill 2010 visit www.aph.gov.au/economics or email economics.reps@aph.gov.au or phone (02) 6277 4587.