

**Submission to Parliament of Australia
Senate Enquiry Committee on Wild
Rivers
Based on previous**

**Submission to the Department of
Natural Resources and Water**

Regarding

**Archer, Stewart & Lockhart
Wild River Declarations**

Presented by Cape York Sustainable Futures



CYSF CREDENTIALS

The Cape York Peninsula Development Association Inc. (CYPDA) was formed in 1987 with the prime function of advising the then Minister for Northern Development on pertinent issues affecting the future of this vast and sparsely populated region of Far North Queensland.

Since then, the organisation has broadened its role and redefined its charter a number of times. Recently we have changed our name to Cape York Sustainable Futures Inc and our vision is to foster:

- An ecologically, economical and cultural sustainable environment in Cape York Peninsula;
- A cohesive viable community with improved quality of life for residents, and,
- Broad promotion and representation of the priorities and values of Cape York Peninsula

Cape York Sustainable Futures has five key principles that embody the work undertaken by CYSF. These are:

- *Environmental and Natural Resource Management:* Effective management now and for future generations of Cape residents and all visitors to the region.
- *Climate change:* managing and minimizing the impact of climate change on the Cape, its environs and residents.
- *Community:* promoting a cohesive and empowered community for the Cape.
- *Social:* Developing strong social infrastructure to support the Cape community/ies.
- *Economic sustainability:* ensuring sound and strong economic base in Cape York to ensure all the key principles are empowered.

The Association is an incorporated body under the Incorporated Associations Act (Qld) 1981. The constitution sets out the organisation's charter and main objectives. CYSF is recognised as the largest membership based organisation in Cape York Peninsula with members drawn from small business, pastoral, agricultural, tourist industry, Aboriginal and Torres Strait Islander organisations, local, state and federal government departments and agencies.

Cape York Sustainable Futures liaises with all sectors of government, and all relevant industry and business organisations to achieve its aims. CYSF initiates projects and carries out investigations to accelerate sustainable development.

In facilitating regional development in Cape York Peninsula, CYSF recognises the inseparable link between economic and social/cultural community development on the one hand, and the sustainable use and protection of the region's natural assets and resources on the other hand.



The proposed declaration of the Archer, Lockhart and Stewart River basins as wild rivers and subsequent wild river codes causes concern to stakeholders within region. These concerns centre around the following points which we will expand on further:

- The complex nature of this legislation
- The consultation process
- Simple language not used in the Act or the Codes
- Legislation already in place
- Future sustainability of CYP is at stake
- Regulations repercussion - what right of recall will landholders have?
- Who is to manage the HP areas i.e. to contain weeds and ferals?
- Archer River Roadhouse
- Funds should be provided to landholders - i.e. incentives for positive improvements in land management
- Wild River Rangers Program - is this a short term buy out of groups in CYP?

The complex nature of this legislation

This legislation is complex in that there is the Act, the Code and then two separate booklets for each declared river and the Code must be read in conjunction with the booklets. Then we have several other Acts linking to the Wild Rivers Framework, so within a wild river area a number of development activities are already regulated through these Acts.

The fact sheets provided i.e. Field Guide for Graziers, Mining and Exploration, and the Indigenous summary guide all have different references as to what constitutes a Wild River. This has led to confusion and the lack of simple language leads to a misunderstanding by most people on the ground.

One of our concerns is what exactly constitutes a wild river? What criteria has been used to establish this and do the rivers proposed actually meet the criteria of being a wild river? There is no mention of the word “*basin*” in the Act, however the Wild River Area is defined in the Code and mentions “*drainage basin*”.

The Commonwealth already has substantial material on Wild and Undisturbed Rivers which we believe the State was closely involved with at the time. We believe that



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this information is still valid and when examining this material we have to question as to the relevance of the Archer, Stewart and Lockhart proposed declarations.

It is our belief that wild river proposals have come from outside CYP and it appears that these people are misinformed. An excerpt from Wilderness Society webpage is - *"A place where less than one per cent of the land has ever been cleared, and wild monsoonal rivers continue to flow freely"*.

Re: Lockhart River Basin – in the Nunda area there is a lot of brackish pasture as a result of extensive clearing and has one of the biggest infestations of sicklepod in Cape York. This does not constitute a pristine landscape.

The terms used in the Act and the Code are: *to preserve the natural values of rivers that have all, or almost all, of their natural values intact* and in fact sheets provided reference is made to *the river is flowing freely and is well connected to associated floodplains etc*".

Most rivers in Cape York run dry for 6 to 9 months of every year so how are these pristine, free flowing rivers? We also question the statement made by the Wilderness Society about only 1 % of the land being cleared. Perhaps it is time for the Wilderness Society, other conservation groups and even the Minister visit Cape York for an on ground tour so that the facts are presented?

Another concern is the supporting material re Natural Values. This material is sparse, misquoted and often invalid connections are made. It is our belief that the nomination/declaration of wild rivers should be based on an independent and scientifically disciplined assessment of the Natural Values and not based on the hysteria from minority ill-informed groups from outside Cape York Peninsula.

Therefore we strongly urge that any declaration should be postponed until these matters have been addressed and that any proposed amendments have been accepted by the landholders and the traditional owners of Cape York Peninsula.

The consultation process

While we understand that consultation was been undertaken during 2008, it is generally thought that this process could have been done in a more appropriate manner. Generally the consultation that was undertaken with some groups at various times when an "all inclusive" approach may have been better. This leads to a lack of trust of government officials by CYP residents as it is perceived that they have something to hide in the process. It has also been said that some traditional owners consulted may not have been the correct ones to talk to. An "all inclusive" approach would have meant that all people get the same message at the same time



and some of the resulting confusion may not have occurred.

Research has shown how enormous funds and time have been put into the development and dissemination of information by governments, but two critical factors are missing when trying to reach and engage the community:

1. Material is not provided in an appropriate language for the audience.
2. The social motivators are not known.

These same two critical factors have evidently been missing in the Wild Rivers Consultation process and this has led to enormous discontent, particularly within the

grazing community of the region. ***The standard NRW presentation discussing the concept of Wild Rivers does not induce alarm from our community, the discontent lies with the language and perceived intent of the codes – the material was not provided in an appropriate language for the audience.*** During the development of the consultation report if group responses could be divided by those that had previously read the codes and those who have only seen the standard presentation we are sure that one would draw out strong differences in opinion and reaction.

With respect to peoples lifestyles studies show that the land managers in Cape York follow the 'seachange' values. These values are time with family, sense of place (where a land owner will feel a belonging and emotional attachment to their country), connection to community, and a simple life (not with the rush and complexities of other lifestyles). ***Thus when consulting with land holders in Cape York, one must recognize a culture of family connection and country connection, and that these are powerful motivators. For many, these core values are perceived to be under threat by the Wild Rivers declaration and codes.***

A preferred method of consultation to ensure cooperative effort, with a minority and isolated group, in preserving natural values would have been one of active participation as defined in Engaging Queenslanders: An introduction to community engagement. Active participation of all stakeholders that hold value in the Archer, Stewart and Lockhart Basins would have had opportunity to include how they value country, how they set management goals, ability to negotiate trade-offs between conflicting uses or goals, and finally ensured that the costs and benefits of these decisions are equitably shared. By this type of active participation the balance of ethical and moral concerns, social and economic goals, and the capacities of natural systems would have been better addressed with greater chance of achieving the desired outcomes.

Legislation already in place

Cape York Sustainable Futures believes that there is already enough legislation in Cape York to govern what people can and cannot do with their land. Given the population of Cape York, there is too much legislation in place for not enough people on the ground. There is little chance of any major development happening in Cape



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York with all the legislation that is in place and also due to the fact that only 1% of land in Cape York is freehold land.

This array of legislation gives the government all of the power and the landholder has none and leads to an imbalance in legalities leaving the landholder little right of appeal if regulations are enforced.

Cape York Sustainable Futures believes that there is already sufficient legislation in place to protect Cape York Peninsula's important conservation and environmental values without the Wild Rivers Act and recommends that there be no wild rivers in Cape York.

Future sustainability of CYP is at stake

The primary motivation of land managers in our region (white and Indigenous) has been shown to be family and lifestyle. Both of these elements link the land manager closely to their country to the point that people use the term 'connection'. The main motivation of land managers is to hand over a healthy property to their children in future years so that their children will care and love the same values they hold today.

Motivation for many land managers is profit. Without profit land owners can not satisfactorily fulfil their values of providing for family and caring for country (many use the language of 'developing' their property, but this is in reference to introducing management to wet season spell, reduce grazing impact on degraded or 'special' places, improve water access and control of stock watering etc. - not high rise buildings).

The community of Cape York Peninsula is not convinced that the Government has a plan to support economic development in the region. Cape York Sustainable Futures believes that future development of Cape York must encompass sustainable economic, social, cultural and environmental development for the Cape York region.

CYSF would like to see an economic futures plan on how to utilise the wilderness values put forward to support the Cape York community to ensure that these values will be protected. Cape York Sustainable Futures agrees that future generations of the Peninsula should be involved in the future management of Cape York Peninsula and that adequate allowance for the future sustainable development of CYP be undertaken.

Landholders on CYP are the best people to be managing the land on CYP not outsiders

Cape York Sustainable Futures suggests that no one is in a better position than the people of Cape York Peninsula to determine what is best for their region as they have been looking after their country and managing their land in some cases, for



thousands of years.

We believe that in its present form, the Wild Rivers legislation is unworkable and the condition of current National Parks is a witness to this. Closing off areas of land as we have already witnessed will only degrade the landscape and the values and will not protect the land for future generations.

The landholders have to date ensured that no development is happening on these rivers now and in fact there is very few rivers where any form of major development could take place. We are concerned as to what the Government is trying to protect and suggest that it is nothing other than bowing to the green minority groups from outside of Cape York Peninsula.

Whilst we believe that there should be no declaration of Wild Rivers in Cape York should this be enforced, the proposed areas within the wild river area are all too large and that if the rivers are to be protected, the size of the proposed, high preservation area, the preservation area, the floodplain management area and the subartesian area should all be decreased.

With reference the HP area, surely there is only a need to preserve the immediate bank on either side of the river rather than the 1km that is being proposed. The same can be said for all other areas. What is the need to protect dry river beds and creeks?

Recommendation: Reduce the size of all areas within the Wild River area.

Archer River Roadhouse

The wild rivers act contains legislation that, if enacted to the fullest extent, has the potential to cripple sustainable tourism and any other industry caught in its catchment area.

A prime example is the Archer River Roadhouse and campground. We have had discussions with Brad, Hugh and Modena at Archer River and based on correspondence they have received to date, and from what they understand, they will cease to be an effective business within 5 years. They are the only freehold parcel of land - 260 acres - in that part of the Peninsula. Interestingly tenures exempt from Wild Rivers legislation are:

- a mine,
- a quarry,
- a township and an
- Indigenous Community.

Every other type of tenure is not exempt from provisions of the wild rivers act. Places



deemed as essential services are also exempt.

Given that Archer River is a main stop along the Peninsula Development Road and has good potential to develop further in future as a major tourist attraction, this legislation deems any further development unviable due to the high costs that will be incurred in order to meet all regulations.

Recommendation: We argue that Archer River Roadhouse freehold tenure should be designated as an urban area and should be exempt from this legislation so that future tourism development can take place. If this does not occur then at the very least the HP area should be reduced to the river banks only on both sides of the river.

Funds should be provided to landholders and indigenous

Cape York Sustainable Futures believe that stewardship and ecosystem services concepts be recognised and funds promptly provided to wild rivers landholders by the State of Queensland to assist landholders achieve the desired outcomes.

Incentives for positive improvements in land management should also be made available.

Funding should also be available to aid in researching and implementing economic activities compatible with Wild River values to assist in delivering sustainable land management and regional prosperity.

Wild River Rangers Program

The Wild Rivers codes sets out desired outcomes and potential solutions to ensure or maintain those outcomes. They are a guideline to accessing future development to achieve or maintain the desired outcomes. Additional to development impacting on the desired outcome, other insidious impacts can occur that will severely degrade the environmental values that the policy wishes to protect. The most obvious is weeds and feral pigs. Land managers manage these pests as best as is practical as these pests also incur production losses. However the public environmental values and desired standard of maintenance of these Wild Rivers is greater than that that can be reasonably expected of a land manager to aspire towards. Thus assistance from the public will be required to manage and maintain those values. That assistance is needed at the on-ground level, not at a regulatory or information support level.

The community of Cape York is concerned about the sustainability of the Wild River Rangers program and question the Governments intentions on the longevity of this program. The Indigenous rangers who are employed by the program would like to see this program provide for long term employment and not just to achieve short



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term government outcomes. They are gainfully employed in maintaining the “preserved” areas as far more people are necessary in order to keep weeds and ferals at bay.

Cape York Sustainable Futures supports Indigenous Groups on the ground who are currently delivering under this program and other NRM activities and urges Governments to commit to providing real employment for these rangers in order to give these a sustainable livelihood for generations to come.

Recommendation: *Should full declarations proceed, a suitable long term program needs to be developed in order to address these issues.*

CONCLUSION

We ask the Government to ensure that significant negotiations occur with representatives of the Cape York communities to allow for **full and adequate** consultation and recognition of the special needs and issues so that the broad range Cape York has a future which includes the economic aspirations of its people.

The declarations of these proposed wild rivers and any subsequent declarations have potential impact on many of the stakeholder groups and members represented by CYSF. In particular tourist developments, aquaculture, water supply and sustainable development opportunities for all groups may be adversely affected in the longer term without adequate allowance for the future development of Cape York Peninsula.

CYSF is committed to the sustainable future of CYP which requires good land management which has been ably demonstrated over the last 100 years. We do not believe that the wild rivers proposal provides for future sustainability of CYP for all its residents.

Previous legislation proves that the regulations will just grow more once they become enforced and we note that the Great Barrier Reef Marine Park legislation shows us this.

Recommendation: *Government must not proceed with any compulsory declarations of wild rivers. Declarations should only occur where there is the general support of the relevant Indigenous and non-indigenous land holders and we invite the Minister to visit Cape York to debate the issue and the needs of Capes environment with the people and organisations who live and work here.*