



Hon Stephen Robertson MP
Member for Stretton

Ref N/05/01898 DY
CTS 03356/05

**Minister for Natural Resources
and Mines**

14 JUL 2005

Mr N J Laurie
The Clerk of the Parliament
Parliament House
Alice and George Streets
Brisbane Qld 4000

Dear Mr Laurie

I refer to your letter of 25 May 2005 enclosing a copy of E Petition No. 407-05 lodged in the Queensland Legislative Assembly.

The Petition draws to the attention of the House the need to ensure that the Wild Rivers Act, promised by Premier Beattie on 28 January 2004, ensures the long term protection of all of Queensland's wild rivers. Eight requests were included in the petition.

The first request calls for the protection of all wild and free flowing rivers that remain in Queensland. The Wild Rivers Bill 2005 (the Bill) was introduced to Parliament on 24 May 2005. The Bill ensures the long term preservation of the natural values of the State's wild rivers and is consistent with the State Government's election commitment to protect wild rivers for future generations. This Bill is the first of its type in Queensland and Australia and provides a process to declare a wild river. The Bill provides for extensive community consultation during the declaration process but does not prescribe quantitative criteria for selecting potential wild rivers thereby ensuring that all Queensland rivers can be considered on their merits.

The second request calls for the Bill to protect the three classes of river – wild and natural, regionally significant, and heritage. The Bill enables the preservation of rivers with all, or almost all, of their natural values intact which is consistent with the State Government's election commitment, and will ensure that wild rivers are protected.

The third request calls for a \$60 million fund to generate employment opportunities and to ensure a high level of protection for nominated wild rivers. While the Bill does not provide for funding, as this would normally occur through other processes, the State Government will provide sufficient funding once it becomes an Act. An example of this is that there will be officers located in regional areas to ensure consultation takes place with local communities.

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Request four asks for the creation of an expert panel to ensure ongoing protection of rivers. While the Bill does not propose to formally establish a panel, I have asked my Department to investigate the establishment of a non-statutory statewide panel to provide information regarding wild river declarations.

Protection of the native title interests in river management is the fifth request. The Bill does not make reference to native title, cultural and spiritual rights because these rights are managed through other existing legislation. The Bill does not provide for decisions that will affect these existing rights. For example, Indigenous people can currently undertake customary activities without the need for a permit and these activities will not be captured under the wild rivers provisions.

The sixth request has asked that a community nomination process and moratoria on new developments or resource use be ensured, once a river has been considered for protection. While the Bill does not include a public nomination process, I may consider informal requests for wild river nominations at any time. This will overcome the need to establish additional Government process and associated red tape.

A public nomination system would be considered to be inflexible in that rivers would need to be assessed in order of receipt regardless of merit. This system would therefore hamper the ability to address a river system that required urgent consideration. Other factors that make public nomination unsuitable include:

- insufficient data being provided on the nominated rivers to assess the natural values across the whole river system;
- insufficient data being provided on developments that would affect natural values; and
- the nominations may be based on individual interest to protect single sites with high conservation values rather than the whole river system.

The Bill provides that moratoria on certain activities will be imposed at the time of public nomination to reduce the risk of natural values being lost during the consultation process for the declaration proposal. These moratoria will apply to water resource development, vegetation clearing and mining activities in sensitive parts of the river system because they are likely to have significant impact on the wild river natural values.

Request seven calls for regular legislative review of the effectiveness of the proposed legislation. The Bill provides for a report regarding the effectiveness of a wild river declaration, at least once every five years. Reports will include a summary of the findings of any relevant research and monitoring that relates to the purpose of the legislation.

The final request calls for the inclusion of offence provisions with public enforcement rights in the proposed legislation. The Bill does not need enforcement and compliance provisions as all decisions are made under other existing legislation, which have their own enforcement and compliance provisions. Significantly, 11 of the 13 other Acts affected by the Bill already contain third party appeal rights. The two that do not are the *Mineral Resources Act 1989* and the *Forestry Act 1959*. I have asked that this issue be considered in the current review of the *Mineral Resources Act 1989*. However, I note that the public can already instigate an action against a miner for not complying with the conditions of its environmental authority under the *Environmental Protection Act 1994* for a mining activity.

The State Government is reticent to amend the *Forestry Act 1959* at this stage to include public enforcement rights just for wild river issues as it will require substantial changes given the age and structure of the Act. It would be more suitable to undertake this type of amendment at a time when the whole Act is reviewed.
Thank you for bringing this matter to my attention.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Robertson', with a long horizontal flourish extending to the right.

STEPHEN ROBERTSON MP