



Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

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WILD RIVERS AND OTHER LEGISLATION AMENDMENT BILL

Mr CRIPPS (Hinchinbrook—NPA) (3.36 pm): I rise to speak to the Wild Rivers and Other Legislation Amendment Bill 2006. This bill seeks to amend the Wild Rivers Act 2005, the Water Act 2000, the Building Act 1975 and the Valuation of Land Act 1944. I will be reflecting on the parts of the bill that propose amendments to the Wild Rivers Act 2005.

Mr Lucas: You are not going to talk about Gilroy Santa Maria College again, are you?

Mr CRIPPS: No, I am not, Minister. Following the proclamation of the Wild Rivers Act 2005 the government moved to nominate six areas for declaration as wild river areas. Amongst the proposed declarations was Hinchinbrook Island in my electorate. I intend to speak about that particular declaration later.

During the consultation process there were considerable concerns expressed in rural and regional Queensland in relation to the six proposed wild river declarations from a variety of stakeholder groups. The then minister for natural resources said in his second reading speech that the government, in acting on the concerns brought forward by the stakeholder groups, had drafted amendments to address these concerns. Amongst other things the amendments provide an exemption for the construction of residential complexes in high-preservation areas; allow new fodder crops to be established in preservation areas without wild river requirements; allow vegetation regrowth within existing agricultural areas in high-preservation areas to be cleared; allow secondary tributaries in preservation areas to be nominated for wild river purposes; allow essential urban infrastructure to be developed in high-preservation areas; allow low-impact mineral exploration within high-preservation areas; allow mining to occur beneath high-preservation areas and nominated waterways; allow mining to occur within nominated waterways in certain circumstances; allow new riverine quarry material allocations to be granted; and allow new riverine quarry material operations to be established. It does an extensive range of things.

I acknowledge that these amendments will marginally improve the severe impact that the Wild Rivers Act has had on rural areas of Queensland where it has increased uncertainty and diminished the property rights of landowners in areas that have already been undermined by this government following the introduction of the Vegetation Management Act.

When the Wild Rivers Bill was introduced into this place last year the opposition tried to point out the defects of the legislation at that time. Very little consideration was given to how the legislation would affect communities and landowners in regional and rural areas. This is evident from the raft of amendments that we are now considering. I am encouraged that the Queensland Resources Council, AgForce and the Local Government Association of Queensland were consulted on the proposed legislative amendments and that the government appears to have taken on board some of their concerns—although no doubt not all of them.

I am pleased to see that the regulations associated with establishing fodder crops have been marginally improved, including the important proposal to allow pasture improvement in declared high-preservation areas when using species assessed as low risk as far as the impact on aquatic environments

is concerned. I note with interest that regrowth will also be able to be cleared in crop areas already existing in high-preservation areas at the time of declaration, although this activity will be subject to assessment.

Queensland currently enjoys the benefits of a strong mineral resources sector. When the Wild Rivers Bill was being debated in this place just over 12 months ago, the submission by the Queensland Resources Council asserted that the wild rivers legislation had the potential to seriously undermine Queensland's mining and associated industries, stating that future mineral resource deposits would be difficult to access.

Most damning of all was the observation that, if this legislation had been in place 10 years ago, a world-class mining operation such as Century Mine would not have been approved. The QRC criticised, amongst other things, the process laid down for the declaration of wild rivers, the excessive impost on low-impact activities such as prospecting and the credibility of the science being used to determine the size of the buffer zone preservation areas.

In particular, small mining operations have been especially hard hit. Native title legislation previously restricted their activity and viability in a significant way. The wild rivers legislation put added pressure on an already highly restricted sector of the mining industry. Clearly, when an industry body such as the QRC expressed significant concern about the wild rivers legislation, it was incumbent on the government to listen carefully due to the importance of the mining sector in terms of the amount of wealth it generates in regional economies and the jobs it sustains in those communities.

The government did not listen at that time and now, just over 12 months later, we have a bill with a range of amendments to correct the shortcomings of the original legislation. Low-impact exploration will now be allowed, although subject to assessment in high-preservation areas and not in waterways. In the event mineral exploration activities return positive results, mining operations in high-preservation areas will be allowed, subject to an environmental impact statement.

Outside of high-preservation areas, limited mining activities will be allowed in selected watercourses called 'nominated waterways', although approval for these activities will be subject to an environmental impact statement. There will, however, be several other ways of obtaining an exemption: if the Premier will approve the proposed mining operation as a project of state significance—and I wonder how one gets on the good side of the Premier; if the value of the resource justifies the mining project going ahead, despite it being in a sensitive area; if the resource cannot be accessed by underground mining; or if the activity will not adversely affect the natural values of the waterway in question.

With regard to quarrying, these amendments will allow the establishment of quarries in wild rivers within non-tidal areas of the watercourse, provided the material is subsequently utilised to build specific projects nearby and that no other reasonable alternative source of the material is available. These changes will also apply to offstream pits within the high-preservation area of a wild river, although subject to assessment.

I am also pleased to note that whereas the current wild rivers legislation provides for amendments to be made to existing declarations without a public consultation process, the amendments in this bill will require at least some consultation with landowners before it occurs. Much of the failings of the current wild rivers legislation is a direct result of the government not listening to the opposition and the stakeholders involved, which is why so many amendments are now required.

The government went to great lengths to point out the fact that it has consulted stakeholder groups such as the QRC, the LGAQ and AgForce in the development of these amendments. That is true and I acknowledged that earlier. However, if one asked them if they would prefer the act to be amended or repealed, I am confident they would ask for it to be scrapped altogether. This gives me an opportunity to talk about the need for further amendments to this legislation that could provide an acceptable level of security and flexibility to landowners and industries in regional areas.

The government has made much of its support for the Aurukun and Papua New Guinea pipeline projects, and the wild rivers legislation that was introduced last year exempted these initiatives from being impeded by the act. While this was an important and positive move, these exemptions did two things. Firstly, they recognised the importance of these projects to the economic development of far-north Queensland and, secondly, they demonstrated the fact that the wild rivers legislation will create great difficulties for any further development of significance on Cape York Peninsula.

These two exemptions confirmed that the concerns of the QRC, the Cook Shire Council, the Cape York Land Council, AgForce and the opposition were legitimate when the original bill was debated and that the wild rivers legislation remains flawed, despite the amendments that are before the parliament today.

The opposition supports sensible efforts to conserve areas of environmental importance. The opposition supports common-sense conservation and there is no reason these goals cannot be achieved in conjunction with sustainable economic development. For this reason, the opposition will support these amendments in this bill to try to give rural industries and rural communities a chance to overcome some of the difficulties this legislation has inflicted on them since it was introduced.

However, there are more issues that could reasonably be examined by the government if it were serious about making this legislation less punitive on the bush. The minister ought to seriously consider the issue of arbitrary water caps in high-flow areas where there is little if any impact on the river from landowners drawing from these waterways. Indeed, the minister would do well to examine the necessity for the water moratorium put in place throughout Cape York Peninsula, which unnecessarily places impediments in the way of developments in that area.

I would certainly like to ask the minister to consider increasing the flexibility of arrangements that will govern the application of buffer zone distances from waterways. I understand that there are inconsistencies in the way that some stakeholders have had this process explained to them and how the department will interpret and apply the provisions of the act in this regard. If this aspect of the legislation can be applied with an understanding of the circumstances of the industries and the landowners involved, the government could reduce the concern of some stakeholders with respect to the impact that the buffer zones will have.

I would like to reflect on the impact that the wild rivers legislation has had on my electorate with reference to the declaration of Hinchinbrook Island as a wild river. Hinchinbrook Island extends down the coast, with its northern most point adjacent to the township of Cardwell and its southern most point adjacent to the township of Lucinda. Hinchinbrook Island is 39.3 square kilometres in size and, as such, is Australia's largest island national park. The island has been separated from the mainland by the deep, narrow, mangrove-fringed Hinchinbrook Channel for about 100,000 years and has remained in relatively uninhabited, pristine condition. It is this unique pristine condition that has resulted in state and federal governments choosing to make a range of conservation declarations on and around the island to preserve its natural values. The environmental value of Hinchinbrook Island was recognised early and the island itself was declared a national park in 1932.

While I wholeheartedly support the ongoing preservation and conservation of Hinchinbrook Island, one has to wonder if the declaration of the island as a national park, its subsequent World Heritage listing and the fact that it is bounded by the Great Barrier Reef Marine Park would be more than an adequate protection for the environment in that area without the island being declared for the purposes of the Wild Rivers Act, which further restricts the range of activities on and around the island. North Queensland and far-north Queensland—particularly the coastal areas, including the coastal areas of my electorate of Hinchinbrook—are sensitive environments. This has been long recognised, both in the community and in the form of extensive legislation governing activities that take place in these areas. This also means that it is difficult to create new opportunities in these regional areas, and this is particularly true of my electorate of Hinchinbrook.

For a period of time now, the government has encouraged rural communities to diversify their economic base. The government has pointed to tourism to contribute to this diversification, but in my electorate of Hinchinbrook this government has placed serious restrictions on people involved in the tourism industry who are pursuing reasonable initiatives to establish themselves.

At Tully Heads, a short distance north of Hinchinbrook Island, a rock wall is required to protect several properties on the foreshore. One property in particular, a caravan park, has made several applications to have a rock wall constructed to protect its business, which was a very popular destination for a large number of regular holiday-makers. I say 'was' because the fate of this small business in a rural area of Queensland was sealed by the very worst examples of bloody-mindedness on the part of this government. In March this year Cyclone Larry struck and wiped out this business.

Mr O'BRIEN: Mr Deputy Speaker, I rise on a point of order relating to standing order 236, relevance. This has nothing to do with wild rivers.

Mr Hopper interjected.

Mr DEPUTY SPEAKER (Mr Hoolihan): Order! There is no point of order. I remind the speaker to confine his comments to the bill.

Mr CRIPPS: The point I am trying to make is that legislation like the wild rivers legislation restricts the opportunities for further economic development in places like my electorate. It is on that basis that I make these remarks. The hard-fought compromises that have been achieved to get this rock wall were not implemented in time to save the assets of that family or the livelihood of that family. Their circumstances are now very serious indeed.

At Forrest Beach, a short distance south of Hinchinbrook Island, a wild rivers declaration area, a rock wall is required to help boat users safely launch their vessels from the boat ramp on the foreshore. Despite several approaches, this project cannot secure support from the government for what I can only understand to be the same bloody-mindedness.

An alternative launching site in the district is the Dungeness boat ramp, but people cannot always leave the Dungeness channel to get out into the open because of the build up of silt. The tides need to be favourable for this to occur. Access back into the channel is equally difficult. The proposal to dredge the channel in the interests of basic marine safety, which had been done for many years, has been blocked.

While the opposition will support these proposed amendments in the interests of delivering some relief to those who have been adversely affected by the legislation, I am not confident that the government has learnt its lesson about introducing poorly conceived legislation like the act that this bill amends. I believe it will continue with its punitive and unfair treatment of rural Queensland.