

Sarah Partosh

From: Buchanan Scott [Scott.Buchanan@nrw.qld.gov.au]
Sent: Monday, 6 April 2009 2:44 PM
To: Nicholas Lindsay
Subject: FW: Economic Development Opportunities in Wild River Areas.doc
Attachments: Economic Development Opportunities in Wild River Areas.doc

Further stuff

From: Buchanan Scott
Sent: Monday, 6 April 2009 12:28 PM
To: Best Debbie
Cc: Liekens Ann
Subject: Economic Development Opportunities in Wild River Areas.doc

Debbie,
Changes as requested.

Regards

Scott

Queensland celebrates its 150th anniversary in 2009. Check out what's on today at <http://www.q150.qld.gov.au>

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RTI RELEASE SE

Economic Development Opportunities in Wild River Areas

Economic development can continue to occur in wild river areas. Activities that are not affected by a wild river declaration include stock grazing, taking water for stock or domestic purposes, weed and pest management and improving pasture.

Although certain types of development are prohibited, the following developments are permitted in a high preservation area:

- tourism such as fishing charters, tours, facilities such as accommodation and camping grounds
- outstations
- residential and commercial developments
- specified works such as roads, railways, powerlines
- low impact exploration for mining
- vegetation clearing for necessary infrastructure
- small scale fuel storage.

In the preservation area which represents the vast majority of the wild river area, all developments, in addition to those listed above, can continue to occur including:

- agriculture such as cropping
- animal husbandry e.g. feedlots
- instream dams and weirs
- environmentally relevant activities
- aquaculture, e.g. grow out ponds, fish farms
- surface mining and petroleum activities.

The following activities are prohibited in a high preservation area:

- instream dams and weirs
- stream realignment and de-snagging (except for safety) [also prohibited in the preservation area]
- surface mining and exploration (except limited hand sampling)
- intensive agriculture (significant soil disturbance, large scale irrigation, large fertiliser and pesticide inputs)
- animal husbandry and aquaculture
- environmentally relevant activities (some exemptions)
- native veg clearing (except for specified exemptions)
- instream quarry material extraction if there is no existing quarry material allocation

Furthermore, a wild river declaration includes a specific reserve of water to help Indigenous communities to meet their social and economic aspirations. Indigenous communities can use this water to undertake economic development on their lands.

Sarah Partosh

From: Nicholas Lindsay
Sent: Monday, 6 April 2009 3:00 PM
To: Barbara Jones
Subject: RE: For charter letters

Looks OK to me. Have added some suggested words on World Heritage and a comma in the Cape York ones.

From: Barbara Jones
Sent: Monday, 6 April 2009 2:47 PM
To: Kelly Kohut; Chris Videroni; Nicholas Lindsay; Grahame Byron
Subject: For charter letters

Thank you all for your suggestions. Have only modified a little. Any last minute changes before I move forward from here?

Barb

Minister Jones

This Part Out of Scope of Application

- Cape York - During the State Election campaign the Government re-affirmed its commitment to protecting the environmental and cultural values of Cape York, including the declaration of Cape York wild rivers, delivering 100 wild river rangers and progressing World Heritage nomination in partnership with the Commonwealth. As a key member of the Cape York Tenure Resolution Implementation Group, you will need to play an active role in encouraging effective stakeholder engagement in delivering the Government commitments. Key to moving forward will be greater collaboration with the Commonwealth Government, including integrated delivery of programs and funding for Cape York.

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Minister Robertson

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Barbara Jones
Director, Environment and Resources Policy
Department of the Premier and Cabinet
Phone: (07) 3235 4879
Mobile: Contrary to P
Fax: (07) 3405 6203
Email: barbara.jones@premier.qld.gov.au

Please consider the environment before printing this email

Sarah Partosh

From: Buchanan Scott [Scott.Buchanan@nrw.qld.gov.au]
Sent: Monday, 6 April 2009 3:40 PM
To: Adrian Jeffreys
Cc: Best Debbie; Hinrichsen Lyall; Nicholas Lindsay; Barbara Jones
Subject: RE: Dot points response to Australian Article 4 April 2009.doc

Adrian,
We do not have anything written, I understand it was an agreement between Noel and Ross Rolfe.

Our preliminary advice is that walking tracks are specified works, therefore there will be no impediments. To put this beyond any doubt, I will be advising that it be included in the Wild Rivers Regulation as per section 48 of the Wild Rivers Act.

Regards

Scott

From: Adrian Jeffreys [mailto:adrian.jeffreys@premiers.qld.gov.au]
Sent: Monday, 6 April 2009 3:09 PM
To: Buchanan Scott
Cc: Best Debbie; Hinrichsen Lyall; Nicholas Lindsay; Barbara Jones
Subject: RE: Dot points response to Australian Article 4 April 2009.doc

Scott,
Thanks for this.

Do you know if there is anything written which backs up the dot point 6?

Also, the Great Walk has been mentioned in the media. Do the Decs have any consequence for it?

AJ

From: Buchanan Scott [mailto:Scott.Buchanan@nrw.qld.gov.au]
Sent: Monday, 6 April 2009 1:45 PM
To: Adrian Jeffreys
Cc: Best Debbie; Hinrichsen Lyall; Nicholas Lindsay
Subject: Dot points response to Australian Article 4 April 2009.doc

Adrian,
As discussed here are some dot points to assist in the drafting of a letter in response to media comments.

Regards

Scott

Queensland celebrates its 150th anniversary in 2009. Check out what's on today at <http://www.q150.qld.gov.au>

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RTI RELEASE

Sarah Partosh

From: Barbara Jones
Sent: Tuesday, 7 April 2009 11:50 AM
To: Nicholas Lindsay
Subject: Re: Wild Rivers - CYLC

Thanks can u check with pauline peel's area-do they still need it and pass on. Also FYI letter to Noel being drafted. Will forward email

----- Original Message -----
From: Nicholas Lindsay
To: Barbara Jones
Sent: Tue Apr 07 10:29:39 2009
Subject: Wild Rivers - CYLC

Barbara

The latest 3 WRs (Stewart, Lockhart and Archer) went to Governor in Council on 2 April 2009.

Sch. 3-3

RTI RELEASE

Let me know if you need more detail than this.

Nick

-----Original Message-----

From: Barbara Jones
Sent: Monday, 6 April 2009 9:55 AM
To: Nicholas Lindsay
Subject: FW: Wild rivers

Hi Nick.

Could you please liaise with Scott about this. He may have something already prepared that he could share with us. What we need is a short summary of CYLC concerns (rather than drawing on media reports) and the govt response to these. Just dot points. Also need to know when the rivers went to Executive Council.

Could you provide dots to me in first instance pls.

Thanks, Barb

-----Original Message-----

From: Adrian Jeffreys
Sent: Monday, 6 April 2009 7:55 AM
To: Barbara Jones
Subject: Wild rivers

Barbara

Can you provide Pauline Peel and Tim Reldell with info on cylc etc objections to wild rivers please. They have meeting this week and need govt response.

RTI RELEASE

Sarah Partosh

From: Barbara Jones
Sent: Tuesday, 7 April 2009 11:53 AM
To: Nicholas Lindsay
Subject: Fw: Noel Pearson Letter
Attachments: letter re wild rivers.doc

----- Original Message -----

From: Adrian Jeffreys
To: 'Debbie.Best@nrm.qld.gov.au' <Debbie.Best@nrm.qld.gov.au>
Cc: Barbara Jones
Sent: Tue Apr 07 09:01:18 2009
Subject: Fw: Noel Pearson Letter

Debbie

Contrary to Public In Barbara will be our contact AJ

----- Original Message -----

From: Alex Beavers
To: Adrian Jeffreys; 'Best Debbie' <Debbie.Best@nrm.qld.gov.au>
Cc: Ken Smith
Sent: Mon Apr 06 18:29:53 2009
Subject: Noel Pearson Letter

Adrian/Debbie

Pls see attached a slightly reworked version of the Noel Pearson letter. My understanding is that it is the current intent for Minister Robertson to sign it, but lets get it to a final state first. Would you pls first thing tomorrow morning do a final pass through and include the missing information. The missing information includes being able to specifically state what accomodations we made during the process as a result of the representations that were made by CYLC and others (eg. Jetties, HPA - i.e. the consultation process works!).

Given the likelihood that the letter could be public at some point, also need to address his issue that the legislation is denying a whole host of economic development opportunities. Accordingly, can we pls also make the point that there are very few economic activities/opportunities that are subject to restrictions - went to great lengths to strike the right balance etc. etc.

<<letter re wild rivers.doc>>

P Please consider the environment before printing this email

Mr Noel Pearson

...
...

Dear Noel

I refer to concerns you have raised regarding the recent declaration of three Wild Rivers in Cape York Peninsula. I would like to take this opportunity to address these concerns.

As you are aware, the declaration of 19 Wild River basins, including 13 on Cape York Peninsula, was a 2004 election commitment.

Significant work has been undertaken since 2004 to ensure that Wild Rivers legislation as far as possible recognises the concerns of key stakeholders. In particular, you will recall that negotiations leading up to the passing of the *Cape York Peninsula Heritage Act 2007* accommodated specific concerns which you raised at the time. These included the designation of community use areas in which clearing of native vegetation may occur, explicit recognition of Native Title rights in the Wild Rivers Act and a requirement that a wild river declaration must reserve water for the purpose of assisting Indigenous communities to meet their social and economic aspirations.

At the time this legislation was jointly announced by the Premier, yourself and other stakeholders, it was understood this cleared the way for key programs, including the Wild Rivers election commitments, to proceed.

I now turn to specific issues you have raised with the declaration of the first three Wild Rivers in Cape York.

The State Government went to significant lengths to ensure that there was adequate consultation following the nomination of these rivers. In all, there were over 100 meetings held with more than 300 people. I note in particular, comments by Traditional Owners that this was a "commendable effort by the State to provide information to Traditional Owners".

You will also be aware that last year the Department signed a contract with Balkanu to assist in identifying the Traditional Owners in the three proposed declaration areas and to assist with the consultation process.

The Department then implemented an extensive consultation program to consult with all affected parties to provide opportunities to discuss the declarations.

[DNRW: address specific concerns raised including jetties, Great Walk, development in HPA here]

The Government reaffirmed its commitment to the Wild Rivers declarations as part of the recent State election. The Government will honour the commitment and ongoing nominations will continue in accordance with the timetable set out in the Premier's letter of 3 April 2008 to members of the Cape York Peninsula Tenure Resolution Implementation Group.

Nonetheless, as always I would welcome any feedback or suggestions on ways in which the declaration process can be improved.

Yours sincerely

Stephen Robertson MP
Minister for Natural Resources, Mines and Energy

RTI RELEASE

For reply please quote: ERP/NL – TF/09/4096 – DOC/09/36016
Your reference: NPMK

Mr Waubin Richard Aken
Chairperson
Balkanu Cape York Development Corporation
Mr Michael Ross
Chairperson
Cape York Land Council
PO Box 7573
CAIRNS QLD 4870

Dear Mr Aken and Mr Ross

Thank you for your letters of 27 January and 9 February 2009 from you and Mr Gerhardt Pearson concerning matters related to Wild Rivers, Mungkan Kandju National Park and the *Aboriginal Land Act 1991*.

My Government remains committed to the Wild Rivers program, including timely delivery of decisions in relation to the Archer, Lockhart and Stewart Wild River nominations. Consultation on these wild river proposals has been extensive, and issues raised by Traditional Owners have been accommodated as far as possible.

B/C The Honourable the Minister for Climate Change and Sustainability.

The Honourable the Minister for Natural Resources, Mines and Energy and Minister for Trade.

**By direction. For your information and direct reply please.
Copy of inwards correspondence is attached.**

**Nick Williams
Senior Policy Advisor**

I reiterate my commitment to work closely with Traditional Owners and other stakeholders in the declaration and implementation of current and future wild river proposals. You will recall that in my letter to you of 12 February 2008, I set out a clear timetable to finalise the declaration of all Cape York river basins, identified in the 2004 election commitment, by the end of 2010. I intend to hold to that timetable. However, I am prepared to consider a revised program, within that timeframe, if concurrent assessment will facilitate consultation on common issues. Your advice on this would be appreciated.

I note your request for some of Mungkan Kanju National Park to be transferred to Aboriginal freehold land, and acknowledge the significant and sensitive historical issues around this matter. This proposal has merit.

Before coming to a position, I will be seeking the views of the Cape York Tenure Resolution Implementation Group (CYTRIG) on this matter. I have asked the Honourable Kate Jones MP, Minister for Climate Change and Sustainability, to bring the matter to the group for its consideration at the earliest opportunity.

While I acknowledge your continued concern about amendments to Section 78 of the *Aboriginal Land Act 1991*, it is difficult to envisage the circumstances under which inappropriate use of the power may occur. You will be aware for example, that purposes under the *State Development and Public Works Organisation Act 1971*, and the *Petroleum and Gas (Production and Safety) Act 2004* are not relevant purposes for compulsory acquisition on Indigenous lands.

The *Acquisition of Land Act 1967* was recently amended following a review of that Act and further amendments are not being considered at this time.

I am advised that the former Department of Natural Resources and Water (now part of the Department of Environment and Resource Management) has prepared and provided a draft set of guidelines for the use of acquisition powers to your organisations for comment. I encourage you to provide your comments.

Again, thank you for bringing these matters to my attention. I look forward to ongoing collaboration to achieve the best for Cape York Peninsula and its people.

Yours sincerely

ANNA BLIGH MP
PREMIER OF QUEENSLAND



Our Ref: NPMK

9 February 2009

Honourable Anna Bligh
Premier of Queensland
PO Box 15185
City East QLD 4002

Dear Ms Bligh,

RE: Mungkan Kandju National Park excisions

I write to you on behalf of traditional owners of the Mungkan Kandju National Park on a matter of great significance and sensitivity.

As you know the Environmental Protection Agency through the Cape York Tenure Resolution Taskforce has begun Indigenous Management Negotiations with traditional owners of the Mungkan Kandju National Park.

The history of the dedication of Mungkan Kandju National Park is a shameful matter for the Queensland government and a cause of considerable angst and shame for all Cape York Traditional Owners. Given this sorry history, the Queensland government should give special consideration to the grant of some land as Aboriginal freehold to Traditional Owners.

As you are aware, prior to the dedication of the area as National Park in 1977, the then Archer River Pastoral Holding was in the process of being acquired by the Commonwealth Aboriginal Land Fund Commission (CALFC) on behalf of the area's senior Traditional Owner, John Koowarta and on behalf of other Traditional Owners. CALFC made application in to the Queensland government's Minister for Lands for the transfer of the lease. The application was refused on the basis that the proposed transfer was for the use of Aboriginal people.

As a result of this considerable injustice, attempts were made by the Commissioner of Community Relations to conciliate the matter however the Queensland government refused to attend conciliation. Mr Koowarta then made a complaint to the Human Rights and Equal Opportunity Commission that the Queensland government, in refusing to transfer the lease, was acting in breach of the *Racial Discrimination Act, 1975 (Cth)*. The Commission upheld Mr Koowarta's complaint and Mr Koowarta sought a declaration from the Supreme Court of Queensland.

NPMK090209 ltr to Premier re excisions GP2

In response, the Queensland government made an application to the High Court of Australia to challenge the validity of the *Racial Discrimination Act 1975 (Cth)*.¹ The challenge was ultimately unsuccessful.

To the great disappointment of Traditional Owners, the legal action was to no avail - the Queensland government dedicated a National Park over the land.

For Cape York Traditional Owners, this is unfinished business.

The former Premier of Queensland, the Honourable Wayne Goss, MP, noted on 5 September 1991:

"Having won the High Court case, Mr Koowarta went on to win further legal battles in the Supreme Court of Queensland, further legitimising his right to purchase the Archer River Bend property. That right was ultimately denied to him by the Bjelke-Petersen Government, which in a sleight of hand declared the property a national park in 1977."

Traditional Owners of the area wish to fulfil their long-held aspiration of land ownership and to overturn the shameful decisions of the past.

We seek your commitment to the return of parts of this land to its rightful owners. Traditional owners ask that, in addition to the transfer of the majority of the area as National Park (Cape York Peninsula Aboriginal land) under a joint management arrangement, an area of land including Langi Lagoon, Rokeby, Archer Bend be removed from the National Park and returned to traditional owners as unencumbered Aboriginal freehold land.

This course of action would rectify, at least in part, the historical injustice suffered by traditional owners by the continued existence of the National Park at the hands of the Queensland government.

I look forward to hearing from you

Yours faithfully
BALKANINIC

GERHARDT PEARSON
EXECUTIVE DIRECTOR

CAPE YORK LAND COUNCIL

Michael Ross
MICHAEL ROSS
CHAIRPERSON

cc:

Honourable Desley Boyle
Minister for Tourism, Regional
Development and Industry
GPO Box 1141
Brisbane QLD 4001

Honourable Craig Wallace
Minister for Natural
Resources and Water
PO Box 15456
City East QLD 4002

Honourable Andrew McNamara
Minister for Sustainability, Climate
Change and Innovation
PO Box 15155
City East QLD 4002

¹ *Koowarta v Bjelke-Petersen* (1982) 39 ALR 417

RIGHT TO INFORMATION

REMOVAL OF PAGES

The entire folio 51 has been withheld from release.

This folio is exempt under Schedule 3(3) the
Right to Information Act 2009 (Qld).

For reply please quote: ERP/NL – TF/08/20305 – DOC/09/6997

Dr Tim Seelig
State Campaign Manager
The Wilderness Society (Qld)
PO Box 5427
WEST END QLD 4101

Dear Dr Seelig

Thank you for your letter of 18 December 2008 concerning the Cape York Peninsula Regional Advisory Committee (CYPRAC) and consultations on Wild Rivers.

I remain committed to ensuring the environmental and cultural values of Cape York are protected, including the timely declaration of the Areas of International Conservation Significance (AICS) and Wild Rivers.

CYPRAC's role in advising the Government on AICS declarations under the *Cape York Peninsula Heritage Act 2007* is certainly an important one. I note your concerns about cancellation of the CYPRAC meeting late last year and your suggestions for improving the process in future.

The matter of allowing proxies is one for the responsible ministers having regard for legal requirements and the efficient operation of the committee. However, it is my clear preference that all efforts are made for appointed members to attend meetings.

I acknowledge your concerns regarding the Wild Rivers consultation process. Certainly, my Government is seeking to ensure balanced stakeholder involvement and continues to monitor and review its consultation arrangements in relation to Traditional Owners.

Again, thank you for bringing these matters to my attention.

Yours sincerely

ANNA BLIGH MP
PREMIER OF QUEENSLAND

For reply please quote: ERP/NL – TF/09/8468 – DOC/09/41534

Dr Tim Seelig
State Campaign Manager
The Wilderness Society Queensland
PO Box 5427
WEST END QLD 4101

Dear Dr Seelig

I was delighted to receive your correspondence expressing your congratulations and good wishes on my election as Premier of Queensland. I appreciate your support and I look forward to continuing to work with The Wilderness Society to address the significant issues which face our State.

My Government has not wasted any time in delivering on the election commitments you mention, including the recent declaration of the Archer, Lockhart and Stewart Wild Rivers, and a recently announced moratorium on the clearing of endangered re-growth vegetation.

You will be aware that I have been seeking a greater level of collaboration from the Commonwealth Government in securing a sustainable future for Cape York Peninsula. The State has allotted significant funding over the years to the acquisition of land to meet conservation and Indigenous community needs including over \$15 million since 2006. I believe that it is time for the Commonwealth to increase its contribution and I have written to the Honourable Peter Garrett AM MP, Minister for the Environment, Heritage and the Arts on this subject.

Again, thank you for taking the time to write to me.

Yours sincerely

**ANNA BLIGH MP
PREMIER OF QUEENSLAND**