

WILD RIVERS ACT 2005 AND WILD RIVERS REGULATION 2007.

**A SUBMISSION PREPARED AND SUBMITTED BY MARINE QUEENSLAND.
IN CONJUNCTION WITH:**

The Coral Sea Access Alliance.

The Cairns Professional Game Fishing Association.

INTRODUCTION:

The Wild Rivers act of 2005 and Wild rivers regulation of 2007 in the Cape York region is likely to impact the recreational and light commercial Marine industry and as such we offer this submission for consideration.

The Coral Sea Access Alliance is a Division of Marine Queensland. **Marine Queensland** is the peak industry association that represents the interests of the marine industry in Queensland. Its membership spans all facets of the recreation and light commercial marine industry including:

- Marine Brokers;
- Marine Dealers and retailers;
- Boat Manufacturers;
- Boat syndicators;
- Charter and Marine Tourism Operators;
- Marine Surveyors;
- The Queensland Small Craft Council (Recreational Boat Clubs);
- Marina Operators and Developers;
- Boat licensing trainers and educators;
- Marine infrastructure providers;
- Marine Insurers and Financiers.

The recreational and light commercial marine industry in Queensland is a significant contributor to regional and the State economy. The industry compares in size to air transport (passenger and freight) and telecommunications industries in the State. It employs 12,000 employees directly and up to 31,000 indirectly within the State.

SUMMARY:

- The submission of the Coral Sea Access Alliance goes to the following core issues:
- An evidence based approach to environmental assessment;
- Risk based management regimes for environmental management;
- Balanced management regimes that equally considers environmental considerations, economic considerations and social considerations;
- Fair community engagement processes.

Evidence Based Approach to Environmental Assessment:

Much of the scientific evidence being used to substantiate the Wild Rivers decisions is being provided and/or either partially or fully funded by environmental organizations, many with their origins outside Australia. While we acknowledge the right of all groups to lobby Government for their preferred outcome in many environmental issues there appears to be a disproportionately high level of credence provided to these groups. This has recently been demonstrate with the Coral Sea conservation zone proclamation by the federal Government and also with the Great Barrier Reef Marine Park re zoning in 2004. Both of these issues have significantly impacted the relatively sparsely populated areas of North Queensland.

The use of the precautionary principle in the declaration of some Wild Rivers (Lockhart, Stewart and Archer rivers) is a common procedure used when either little or inconvenient scientific evidence is available to justify a decision. This is not the intent of the precautionary principle, a description of which is provided below from WIKIPEDIA:

*“The **precautionary principle** states that if an action or policy has a suspected risk of causing harm to the public or to the environment, in the absence of scientific consensus that the action or policy is not harmful, the burden of proof that it is not harmful **falls on those who advocate taking the action.**”*

*This principle allows policy makers to make discretionary decisions in situations where there is evidence of potential harm in the absence of **complete** scientific proof. The principle implies that there is a social responsibility to protect the public from exposure to harm, when scientific investigation has found a plausible risk. These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will result."*

With several concerns expressed on the availability of adequate scientific evidence being provided it would seem to be reasonable to deduce that the available science is anywhere near complete. This would bring in to question the validity of the use of the precautionary principle until considerably more scientific evidence is available.

On the 20th April 2009 The Natural resources Minister at that time, Minister Stephen Robertson confirmed in an interview with ABC news the lack of anything approaching complete science as per the extract from that interview below:

"But Natural Resources Minister Stephen Robertson says the Government has used the best research available and a precautionary approach in declaring Wild Rivers.

"Wild Rivers science is to some extent an emerging science," he said.

"A lot of work hasn't been done in relation to assessing the environmental health of the waterways in Cape York, but that's why in terms of using the science that we have at our disposal now, we're taking a precautionary approach to limit developmental impact on the Wild Rivers."

From Minister Robertson's statement to the ABC it is apparent that the use of the precautionary principle is not justified in this instance and in fact contradicts the very intent of the principle.

Risk Based Environmental Management Regimes:

Environmental management regimes need to be able to demonstrate sufficient sophistication to provide protection to environments consistent with the levels of risk applicable to those environments.

It has been an alarming trend in recent years to adopt management regimes that seek closures of significant areas in the name of environmental protection. However, it can be demonstrated that closures rarely provide the levels of sophisticated protection necessary. Similarly, large areas of closure provide no opportunity to minimize economic or social impact on regional communities.

The only way to adequately address these issues is to adopt a proper risk based assessment of the areas where protection interventions are proposed. Through this methodology appropriate resources and interventions can be determined to provide appropriate protection measures.

CONSULTATION:

The consultation period offered to both the public and the industry on The Wild Rivers Act has been and continues to be entirely insufficient for an issue as legislatively complex as this. Meetings have been poorly promoted and advertised resulting in little feedback, community involvement or engagement.

Because of the complexity of the Act, clear concise and easily understood information has not been readily available. This has resulted in a lack of understanding of the implications and ramifications of this document by most sectors of the community and impacted industries.

The dissatisfaction with the consultation process is clearly demonstrable by the opinions

expressed at two public meetings in Cairns on the 29th April 2009 and on the 9th December 2009 that in total attracted over one thousand five hundred people. The attendance of such a broad cross section of the community, including indigenous, recreational and commercial users' eagerly seeking information and a forum to express their views confirms the inadequacy of the consultation process.

The short period of time between the last State election and the announcement of the initiative has raised community concerns as to how much of the process is driven by a political requirement rather than an environmental necessity.

PRISTINE CONDITION:

The condition of some of the rivers that have been declared as "Wild Rivers" has raised concerns in the community that their current condition does not qualify them for listing under the present Wild Rivers description.

Both the Wenlock and Stewart Rivers do not meet the minimum requirements laid down for the declaration of a Wild River and fail the accepted scoring method for Wild river classification as provided in the process. In spite of this the Stewart has already been listed and the Wenlock is currently being assessed for listing.

ACCESS AND RESTRICTRICTIONS ON USE:

Basic citizen's rights of access.

Transfer of fuels.

Tourism development. Especially Indigenous opportunity for low impact tourism ventures.

The perception of accessibility and its impact on industry

- ❖ Tourism

- ❖ Charter boat industry – (Link to already impacted by the CSCZ)

- ❖ Caravan and marine industry.

- ❖ Indigenous tourism initiatives

THE FAIRNESS OF THE LAW MAKING PROCESS:

The use of the Proclamation process in the Wild Rivers decisions, as with many similar environmental decisions including the recently proclaimed Coral Sea Conservation Zone by the Federal Government is use of a power that circumvents the normally accepted Parliamentary process which the public have a right to expect. The dangers of the inappropriate use of such authority are commented on by the document attached from Professor Ratnapala.

The concentration of Authority in the Minister and his delegates brought about by the proclamation process leaves little scope for successful appeal against alleged infringements. As this process puts the onus of proof of innocence onto those charged.

WORLD HERITAGE LISTING OF CAPE YORK:

The pending listing of Cape York as a World Heritage listed area (Nominated place I.D. Number 105968 – Place file # 4/06/270/0073) has raised concerns over the motives behind the Wild Rivers Listing. The recently announced Coral Sea Conservation zone also done by proclamation coupled with the proclamation process being undertaken on Wild Rivers and the pending World Heritage listing of Cape York once again casts doubts on the requirement for the level of protection that has recently become so vital for this area.

The intense lobbying of the environmental groups, the lack of adequate scientific evidence and the reckless use of the precautionary principle raises concerns that much of this process may be driven for a primary motive other than responsible environmental management.

THE INFLUENCE OF INTERNATIONAL ENVIRONMENTAL ORGANISATIONS:

Australian Governments at all levels seem to be unduly influenced by environmental organizations, many of them of overseas origin. The abrogation of responsibilities to these organizations brings the validity of these initiatives into question.

A recent request (29th October) for the extension period for preparation of a submission by one of the most severely impacted groups to Minister Wallace and member for Cook, Jason O'Brien resulted in referral to the Wilderness Society for approval. The resulting approach to that organization resulted in the requested extension being refused.

Australian Governments are elected by Australians to properly and fairly manage and run the country. The abrogation of responsibilities to environmentalists can hardly be considered to be a good, fair or reasonable discharge of the duties of Government.

PREFERRED ACTIONS:

- The completion of adequate scientific study to determine the best outcome prior to decisions being made.
- The independent peer review of the science used to support the decision.
- A proper and open consultative process undertaken with emphasis on the areas and communities that are potentially directly affected.