



Speech by

**Ray Hopper**

**MEMBER FOR DARLING DOWNS**

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## **WILD RIVERS AND OTHER LEGISLATION AMENDMENT BILL**

**Mr HOPPER** (Darling Downs—NPA) (2.30 pm): It gives me great pleasure to speak on the Wild Rivers and Other Legislation Amendment Bill today. As we know, it was introduced last year and then another bill pertaining to regulations on what was to happen was brought into parliament and now we have the naming of the six river systems. Those six river systems are the Staaten, the Gregory, Mornington Inlet, the Settlement, Hinchinbrook and Fraser Island. I thank the minister for the briefing that I received. During that briefing, I asked the minister's staff how many rivers were intended to be in wild rivers and the answer was 19. Eventually, when there are 19 rivers of the north involved, it will take up a massive amount of north Queensland because the tributaries of those river systems are also involved.

This has filled the property owners of the far-north with great angst. These people have been there for a number of generations and they have fought hard in a wilderness area. They are totally isolated. They fly in and out in the wet and they struggle against the elements. We in the opposition see this legislation as being another impost upon them. It is an impost that they must get used to, because there is no doubt this legislation will be made law today because of the numbers the government has in this House.

This legislation goes back to a deal with the Wilderness Society and the Greens. That is exactly what this whole bill is about. There are members in this place and a lot of people elsewhere who would like to see north Queensland turned into another Yellowstone National Park from the United States of America. They have great resources up there, so we have to look at the actual impost this will have on the people who live there, on the extraction industries and on the Aboriginal society. This will totally tie up the north and we simply do not accept this.

**Mr O'Brien:** You voted for it.

**Mr HOPPER:** It is too hard for them. Only last week I went to Georgetown and met with the property owners up there. I met with the Keoghs, the McDonalds, the Bethels, the Hughes. These are people who have lived there all their life.

**Mr O'Brien:** Did you tell them you voted for it?

**Mr HOPPER:** I hear the arrogance of the members opposite with their interjections. They should take the time to go north and meet these people and see in detail the effects this legislation will have on them, but the fact is that they are simply too gutless to do such a thing.

**Mr DEPUTY SPEAKER** (Mr English): Order! That language is unparliamentary and I ask you to withdraw it.

**Mr HOPPER:** I withdraw that, but I do note that the minister for transport used those exact words yesterday in this House. This legislation will have a huge impost on these people. Members opposite, including the minister, should go to Georgetown and meet with these people and talk to them in depth about the effects this will have on them. They should fly over the rivers and look at the green beside the rivers. That green beside the rivers is where most of the feed is grown for the cattle, and that is where most of the production comes from in these areas. What we will see with this bill is one kilometre each side of the river and the tributaries locked up. That is exactly what this legislation will do. This will lock up the best part of their land; the rest is just mongrel country.

The naming of these river systems will deter any further development. This will put pressure on those people to make a living out of the limited resources that they have, because their hands are now tied. They have just been through the Vegetation Management Act under this government. Their hands are being tied and what has been proposed for them today in this legislation is simply unacceptable. It is unacceptable because members on the other side of the House have done a deal with the Wilderness Society and the Greens at the expense of the people who live in the north. Has anyone ever done the sums and calculated what the beef industry and the mining industry in the north pull out of the cape? It is simply amazing that we have to stand here and debate this bill.

I will not support this bill today, and I am proud to take that position. I call the people of north Queensland the forgotten people. The week before last, I was in Cairns to listen to the issues of the forgotten people up there. These issues will all tie in with the wild rivers. To me, they bear this name as the new pioneers of our nation. These are the people based in our beautifully pristine north who are forging new territory and suffering the tyranny of distance for the sake of opening up our northern regions. Here we have wounds being forced upon them by this crippling legislation. They are forgotten because, unfortunately, these landowners, farmers, small business people, Indigenous people and families of the area are only being represented by this side of the House; they are only being represented by the opposition. They have been forgotten by the government. They are pawns in a huge game of politics that they cannot control. As I said before, the government has done a deal with the Wilderness Society and the Greens.

I have visited these people in the last fortnight to talk with them, to listen to their issues and to sit down and discuss their hopes and aspirations but also their fears and concerns about living in north Queensland. They are a hardy bunch up there and they do not scare easily as a result. They are good, tough, hardworking Queenslanders. They put up with massive floods, the tyranny of distance, crocodiles, weeds and disease-spreading feral animals. But the one thing they fear above all is the impact of the Wild Rivers Act on their very survival in this beautiful paradise.

I stand in this House today as a voice for these forgotten people. I stand today in this parliament willing to have my say on their behalf to try to stop the regulatory tool that they fear the most. It may be at cost to me and the team that stands with me, but it is a cost we are willing to pay for the sake of these noble Queenslanders whose only crime is to live on an island or next to a river.

The Wild Rivers Act 2005 is a planning instrument. It is an instrument that allows a person with a map and a pen in a far off place to determine the fate of the economic future of a region and the landowners who live in that region. It is a planning tool that determines the economic future of the Indigenous people of this area. It is a planning tool that determines the fate of the communities in the region. It is also a planning tool that determines the fate of industry in that region.

This is a discriminatory planning instrument too, in that it does not apply to all Queenslanders. Instead, it applies only to those who live in a remote or isolated region where the declaration of a wild river is made. It also discriminates between those Queenslanders who have looked after the natural habitat of the area and those who have not. Unfortunately, though, those who have cared for the environment are the ones who will be punished. In saying that, we have property managers and property owners up there who treat that environment as something that provides for them. They and their families have been there for 200 years. If they were the rapists of the environment that they are made out to be, they simply would not be able to make the living that they do, they would not be able to employ the people they employ, and they would not look after their land as they do.

Landowners are being punished because they have not raped and pillaged the area and, as such, have allowed the pristine nature of the habitat to be upheld. They then suffer the wrath of being stuck in a time warp because of their care and attention to the environment. These are the people who have not cleared the land. They could have had dozers and chains in there for years, but they have not done that. They have not destroyed the country by development or poor management. Instead, what they have done—as this legislation admits—is kept the land and the rivers in a pristine condition.

If they had not then these areas would not be considered for declaration. I refer to the Department of Natural Resources and Water publication *Wild Rivers Field Guide for Graziers*, where it defines the key terms and especially the wild rivers area as—

The area, usually the river catchment or drainage basin, as mapped in the declaration. Generally, these areas are relatively undisturbed, have little development or have been managed sustainably.

It is the last two words of that definition that really hit home in relation to the management of these wild rivers areas. The reason they are being declared is because they have been managed sustainably. Wild rivers legislation has not brought about sustainable management of the area, it is sustainable management that has brought about the declaration of the wild river. This is not achieved overnight.

This sustainable management has been carried on for generations by the people in this region. Whether they are the Australian Indigenous people or European descendants in the area, their management of this country has been so magnificent that they stand before us faced with the threat of this

disgusting wild rivers legislation. Why is this legislation a threat to them? It is because the magnificent management of the area now ends and the restrictions on using and working this land begin. That is exactly what is about to happen through the passing of this legislation today.

These forgotten Queenslanders live in a region that the Commonwealth has recently earmarked as a potential growth area for industry. What has it been saying? Australia should move its high water-using industry from the dry south to the wet north. This is a logical premise. We are a nation suffering from the effects of changed climate patterns. We are told that the rainfall is at its lowest on the coast. This is in complete contrast to the rainfall that is plentiful in the north-west of our state. Unfortunately though, the wild rivers legislation that we debate today traps a very wet and potentially productive north-west into a time warp, a time warp that forces infrastructure to stay at 2005 levels. This can never fulfil the logical argument that industry should move to the water rather than the water being moved to industry.

Members may ask about the time warp I keep mentioning and how the Wild Rivers Code will keep this area in a time warp. This is the reality of the legislation that holds these rivers to that fate. Under the wild rivers legislation an area is condemned by having any new development stop. The problem arises when we look at the code that has been tabled with the bill for information purposes. The reason I say it is for information purposes is because comment on the code is still underway. We are not seeing the final draft of the code and yet this current form will be the last time we can make any comment on it.

This code is not subordinate legislation so it is not subject to the scrutiny of the parliament. The code is subject to change at the whim of the minister without any requirement for consultation with producer groups. This is an unacceptable situation because, as the Scrutiny of Legislation Committee has pointed out, it is arguable that this could potentially affect rights and liberties or impose obligations retrospectively. The Scrutiny of Legislation Committee makes further comments on the process of approving amendments to the code, namely questioning whether the process for approval sufficiently subjects the amendments to the scrutiny of the Legislative Assembly.

The opposition objects to this legislation. This code is long winded and it is complex. It puts the onus of compliance with a complex and long-winded document on the landholder. Therefore, it forces landholders to seek outside advice in making simple property management decisions. What is being put forward in this House today is totally unacceptable to the landholder who will be subjected to the low-level bureaucracy that has been created by today's decision. This legislation will replace the many generations of self management that have allowed the rivers to be kept in the pristine condition that they are in order to be considered for declaration. Place on top of this compliance with the vegetation management codes, water act codes and in some cases even World Heritage listing codes and the process will make it impossible for a landholder to progress any development, no matter how small.

It makes it especially difficult for the landholder to make definite plans when under mandatory requirements the table headings are 'required outcomes' and 'probable solution'. 'Probable solution' does not add clarity to the mandatory requirements; it adds grey areas that will make it impossible for landholders to comply without fear of prosecution. It will be impossible for land managers in the area to comply. The question is how will noncompliance be policed. The vast areas of land that this legislation covers will make policing compliance to the code impossible. I do not know if any members have actually been to the cape and know the vastness of it, but it is simply amazing. How many officers will the regulatory department require to police noncompliance with the act in an area where people do not talk in acres or hectares but in thousands of square miles or square kilometres?

I take the example of weed management in the cape. Weed management in these areas is not done by a weed wand, a little hand sprayer or a four-wheel motorbike; it is done by aerial spraying. The massive amount of country is incomprehensible. What these people have to do to try to develop the land is unbelievable.

This code attached to the bill is not the answer. If I was the minister, the solution to land management in that area would not be a restrictive code but would be a formalised, independent property plan process that was superior to the code. An independent property plan assessed by an agency would provide certainty and clarity to the land manager in making property based decisions. We have not chosen to amend on this basis because it would be deemed contrary to the bill, and so we cannot support the bill without the suitable provision formalising independent property plans. I note the amendment that the minister has put forward and I shall speak about that in the consideration stage. Despite this, I call on the minister to formalise independent property plans to override the code. This problem is not the only issue that the Queensland coalition has with this legislation, but it will go a long way to improve it.

I will now discuss the areas themselves and the issues that the Queensland coalition has with them. The biggest issue that our one team has with the declarations themselves is the inaccuracy of the mapping of these areas. I refer to the inclusion of Vanrook Creek in the Staaten wild river area. I need the minister to listen to this because the spatial data used for the Staaten catchment is totally unreliable and has led to incorrect designation of the Staaten catchment and some high-preservation areas. I flew over the exact area that we are talking about. Our information obtained by visiting landowners and land management

groups in the Georgetown region is that finer scale data available from the Department of Defence to the EPA and Northern Gulf Resource Management Group, which is being used in property planning activities, has confirmed that Vanrook Creek is part of the Gilbert River catchment, which is consistent with the ongoing understanding of locals in the area.

What we have here is legislation drawn up stating that certain things will happen but it is wrong because the maps are wrong. How does the minister think property owners feel having this forced upon them when the boundaries are not even right? Yet legislation is being put in place that is going to constrict their ongoing production on these properties. The first thing someone has to have is faith in the planners who are putting a plan in place that will put so much emphasis on the running of their property. When a planner cannot even get the maps right it is very, very disappointing. It must be of concern to the minister that the mapping of this area is inaccurate when declarations are being made.

I have been told that the departmental mapping is at a scale of one to 250,000 whereas the landowners through their voluntary independent property plans are using mapping that ranges in scales of one to 10,000 to one to 25,000. This difference in accuracy has put a tributary of the Gilbert River in the Staaten River catchment when it does not even join the Staaten River. Surely given this one example it must throw into question the mapping process undertaken by this department in this region.

I also question the validity of the declarations of certain areas being made in this bill that are already covered by World Heritage listings, in particular the inclusion of Fraser Island and Hinchinbrook Island. Surely World Heritage listing of an island would be the ultimate in protection. Why do we need to attach another restriction that is redundant before it is even considered? This questionable decision to add Fraser Island and Hinchinbrook Island surely casts even more doubt on the credibility of areas to be declared as wild rivers. It is also important to point out that Hinchinbrook Island and Fraser Island are actually islands and are not rivers so their declaration as wild rivers seems an oddity unto itself. I know the member for Hinchinbrook will expand on this in his speech.

I would like to look at the attitude that industry groups have towards this legislation. Let us look at the attitude of the rural industry towards the wild river legislation declarations. There has been a lot written in the media about the position of AgForce with regard to wild rivers. A lot of the story given to the media has been untrue. I table for the information of the House the following documents: a copy of an article in the *Cairns Post* titled 'AgForce does not back wild rivers' and an AgForce wild rivers update dated 15 February 2007 on the meetings AgForce has held with members and the changes that have occurred.

*Tabled paper:* Copy of an article from the Cairns Post, dated 19 February 2007, titled 'AgForce does not back "wild rivers"'.  
*Tabled paper:* Document titled 'WR Update 15.02.07'.

I note the final line on the second page says—

After significant complaints regarding continued poor consultation, AgForce has met with the Premier's Department to complain again about the Wild Rivers process.

Yet we saw members of this government out there saying that AgForce supported this process. AgForce was tearing its hair out trying to get the amendments that are being introduced today brought in. It never supported this legislation. It is obvious that the rural industry does not support the wild rivers legislation. It does not support these declarations. It is a shame that it has been incorrectly linked as a supporter of this legislation when so clearly it is not.

AgForce, like the Queensland coalition, has a huge problem with the loss of public control of the declaration process, amendments to the code and the burden placed on landholders by these declarations. These declarations are totally unnecessary. I say that because vegetation management has stopped mass land clearing in Queensland. It has designated areas that are remnant vegetation. It has also stipulated the distance from rivers in which development can take place. Is this not enough? Why is 200 metres not enough for a well managed river? Why is there inconsistency in these declarations of one kilometre? It is simply ridiculous.

The Queensland coalition cannot support this legislation. There are a few reasons for that. There are major concerns about the inaccuracy of the mapping processes. One of the creeks may not even flow into the river to be declared. The legislation is redundant because of other legislation that covers the same areas in a more stringent way such as World Heritage listing, vegetation management and the Water Act to name a few.

The code that accompanies the bill is heavy-handed, not fully developed and has several grey areas even though compliance is on the head of the applicant. The process of the amendment to this code is given to the minister and so can be changed at a whim and not necessarily with consultation. That puts the minister in a very powerful position. This worries me.

The legislation, according to both the explanatory notes and also the Scrutiny of Legislation Committee, imposes potentially adverse effects on the rights and liberties of individuals and imposes obligations retrospectively. It is also questionable whether these processes are subject to sufficient scrutiny by the Legislative Assembly. The Queensland coalition would like to see land management in the hands of land managers and not bureaucrats.

It is not wild rivers legislation that has made these rivers pristine. These rivers are pristine because of the management of landowners. That is why they find their way to the list. Our team would rather see the introduction of independent property plans that are assessable and see the wild rivers legislation in use overridden instead of this heavy-handed approach that the state government is taking.

Finally, AgForce, the peak body of rural industry in Queensland, does not support this legislation. That merely backs up our position that this legislation is still unworkable. I said at the outset of speaking to this bill that I represent the forgotten people out there who are directly affected by this legislation. It is my role and the role of our one team to at least stand up for these people who will be the ones to live with a future stuck in an economic time warp.

Recently whilst I was in north Queensland I heard complaints from people that they have members of parliament in government, members of parliament in cabinet, and look what is happening to them. Look at the Burdekin Dam and the massive amount of water flowing over that wall and going into the ocean. We must put stage 2 of that project in place. We must look at the highways up north. We must look at the forgotten people. We must not impose legislation like this upon them.

We are in favour of the amendments before the House. We will support the amendments because they weaken the legislation further. But it is still going to put pressure on farmers. They have to come up with a property management plan. I note in the amendments that there is a cost to this. I would like to know what that will be. The legislation is very flawed with regard to mapping. We are very concerned about this. The bureaucrats can sit in their offices down here and wield their big stick, but they have got to get it right because it affects a lot of people who are hurting.

The amendments formalise the property plans. This is a better situation. I thank AgForce and others for the work they did to get the department to understand this. Property plans will be the key to amending each declaration area—and this is a good thing—as long as the minister and his people who will be providing advice are not as restrictive as this code. If they are as restrictive as this code it will only tie nooses around their necks.

There seems to be a discrepancy in the amendments concerning where property plans will be subject to public consultation. That is not the case concerning amendments to the code. That can be done by the minister without consultation. It puts the minister in a very powerful position. We are very concerned that by some chance—I am not saying you are not across it—if you were not across it—

**Mr DEPUTY SPEAKER** (Mr Moorhead): Order! You should direct your comments through the chair.

**Mr HOPPER:** Not a problem. The amendments will relate to 10 years of development on properties. That locks property owners into a time warp of economic growth for that property for 10 years.

As mentioned, the Queensland coalition will be supporting these amendments because they further weaken the legislation. I must stress my disappointment with this wild rivers legislation. I believe it is another gimmick by the Beattie government. 'Wild rivers' is not a great name. When people think about wild rivers they think of something like the Mississippi or the Murray-Darling. The Murray-Darling should be flowing all of the time. The Murray-Darling would not have any water in it if it were not for the locks and weirs and man-made dams in it. It is a simple as that.

The wild rivers legislation is a perception. It is a perception to go along with the dirty deals that have been done with the Wilderness Society and the greens to try to capture the votes and look after the seats of those very few members who do nothing for north Queensland.