

First Biennial Assessment of the National Water Initiative

A Submission by The Wilderness Society

February 2007



Gregory River, A "Wild River" of Northern Australia. Wayne Lawlor, Ecopix



Introduction

While many of our southern river systems in Australia are suffering from over-extraction and decades of abuse, the wild rivers of Northern Australia provide the opportunity to learn from our past mistakes and protect our remaining healthy ecological assets. The National Water Initiative (NWI), as a key-intergovernmental vehicle to ensuring the ongoing sustainable management and conservation of our river systems, is an excellent tool to ensuring this happens.

A major focus of The Wilderness Society is ensuring the protection of the globally important natural and cultural values of Northern Australia and its wild rivers. To achieve this we are applying our cutting-edge “WildCountry” approach to conservation planning. Developed alongside the world’s foremost conservation scientists, this approach recognises the large-scale and long-term ecological processes that make Northern Australia such a unique and healthy landscape.

This submission focuses on Northern Australia, an area we define as including Cape York Peninsula, Queensland’s Gulf Country, the Top End of the Northern Territory and the Kimberley region.

In the context of Northern Rivers, this submission outlines our key recommendations for the NWI assessment and our framework for the protection of the North’s wild rivers by:

- providing an overview of the conservation significance of Northern Rivers;
- proposing a new approach to river conservation and management based on cutting-edge conservation science;
- outlining the current threats to our Northern Rivers and summarising the roles of Commonwealth and State Governments in the protection of Northern Rivers;
- emphasising the importance of Indigenous rights and interests in water management and river conservation; and
- offering an intergovernmental approach to the protection of Northern Rivers.

Our major recommendations are summarised below.

Summary of The Wilderness Society’s Key Recommendations:

1. That relevant Governments recognise the immense conservation values of our Northern Rivers.
2. That relevant Governments recognise Northern Australia requires a fundamentally different approach to ongoing water management and river conservation.
3. That the Strategic Science Framework for the NWC incorporates key ecological principles identified by The Wilderness Society’s Science Council, in particular the role of hydro-ecology.
4. That relevant Governments urgently, and cooperatively develop a “Northern Australia River Protection Plan” based on the long-term conservation of our northern rivers.
5. That the Commonwealth Government develops a more rigorous State review system to monitor the consistency of NWI implementation.
6. That the Commonwealth Government develops a reward scheme for States that systematically protect rivers of high conservation value.
7. That relevant Governments institute a broad-based program of engagement with Indigenous people to develop a national plan for the conservation and management of Northern Rivers.
8. That relevant Governments work to define Indigenous cultural values within ecologically healthy river systems.
9. That relevant Governments apply a three-tiered approach to Indigenous entitlements.
10. That relevant Governments invest in Indigenous communities to facilitate Aboriginal conservation strategies, fee-for-service environmental protection, and sustainable enterprise opportunities.

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*The Wilderness Society's Submission
into the First Biennial Assessment of the National Water Initiative
February 2007*

The Wilderness Society (TWS) is a not for profit, non government conservation organisation whose organisational purpose is to 'protect, promote and restore wilderness and natural processes for the ongoing evolution of life on earth'. TWS has offices throughout the country and works on a variety of conservation issues and campaigns.

The Rivers of Northern Australia

The region from Broome to Cooktown includes more than 60 major river systems and hundreds of smaller streams. These rivers and streams carry nearly 2/3 of Australia's freshwater flows. During the wet season, floodwaters from these rivers and streams create Australia's largest and most extensive wetlands. The southern Gulf aggregation of wetlands in north western Queensland is Australia's largest wetland covering an area of 2 million hectares.

At a global level, the persistence and health of so many intact rivers within the tropics, when combined with the overall health of both the terrestrial and marine environments of Northern Australia, make the region of global conservation significance.

From a continental perspective, Northern Australia retains the largest expanses of intact and healthy rivers, estuaries and catchments in the continent and is a stronghold for wild and natural flowing rivers. Wild rivers have almost all of their natural values intact and demonstrate high ecological integrity at the catchment scale.

The biodiversity value of Northern Australia's wild rivers is significant. Although Australia is not noted for its diversity of freshwater fish species at a global scale, the freshwater fish diversity of wild rivers on Cape York compare internationally with tropical catchments of similar size. The Wenlock River is believed to have the richest known freshwater fish fauna in Australia (48 different species), with the Jardine not far behind.

The protection of wild rivers provides a wealth of sustainable economic opportunities. As healthy river systems, they provide a source of scientific research and development. They support commercially important Northern fisheries (e.g. The Gulf Country prawn, mackerel and barramundi fisheries generate \$100 million per year) and recreational opportunities (In 2000/1, \$320 million was generated through recreational fishing).

The unique character of these northern rivers, combined with their outstanding conservation values, requires a radically different approach to ongoing river management and conservation than has been applied elsewhere in Australia. The priority focus of ongoing river management in Northern Australia should be based upon conservation rather than allocation and exploitation.

Recommendation 1: That the relevant Governments to the National Water Initiative who have water management responsibility for the rivers of Northern Australia (Commonwealth, Queensland, Northern Territory and Western Australia) must recognise that at a global and national scale, the wild and natural rivers, and associated features such as extensive wetlands, of Northern Australia are of outstanding conservation value.

1 The Science of Northern Rivers

Understanding the role of connectivity in the Northern Australian landscape is fundamental to promoting the long term conservation of the North's vast biodiversity and ecological assets.

In 2002 The Wilderness Society convened a Science Council to enrich conservation planning in Australia with cutting edge science. Composed of the world's foremost conservation scientists including Professor Michael Soulé, Professor Henry Nix, Professor Hugh Possingham and Professor Brendan Mackey, the Science Council is revolutionising the way we approach the management and protection of our natural assets. Rather than focussing primarily on the protection of single species and habitats, as has tended to be the approach in conservation planning, they have identified large-scale and long-term ecological processes that sustain a

healthy environment (Soulé et al 2004), which forms the basis of The Wilderness Society's "WildCountry" approach to conservation planning.

Northern Australia is one of the most intact and healthy landscapes remaining on Earth, as a consequence of minimal amounts of land clearing, a sparse population and a general lack of intensive land use such as large-scale irrigated agriculture. Three whole-of-landscape ecological processes are particularly important to maintaining the Northern environment: Hydro-ecology, Fire Regimes and Long distance biological movements. Highly inter-related, they dominate the unique way Northern Australia works as a set of interconnected landscapes.

As providing the most recognised and detailed intergovernmental plan to reform the way we manage our water resources in Australia, the NWI provides a good opportunity to protect, in particular, one of these three key processes in Northern Australia: Hydro-ecology.

Hydro-ecology essentially refers to the links between water, vegetation and animals. In the Northern environment, this means the interconnections between highly variable flows and species survival.

Northern rivers systems are defined by a highly monsoonal climate with extreme variability between the short wet season with high rainfalls and the significantly longer dry season (8-9 months) in which little rainfall is recorded. As a result of these wildly fluctuating rainfall patterns, the overwhelming majority of these rivers are ephemeral, often running dry by the late dry season.

This extreme variability in rainfall shapes the ecology, distribution and abundance of most plant and animal species throughout the Northern River catchments. During the dry season the average monthly rate of evaporation greatly exceeds monthly rainfall. This creates a major water deficit.

Furthermore, the persistence of many plant and animal species during the dry season depends on the availability of surface water in permanent water holes, groundwater discharge areas, and groundwater fed streams. The distribution of key vegetation types and associated fauna is closely associated with the distribution of surface and near surface water.

As distinct from degraded landscapes such as the Murray-Darling Basin, most of these hydro-ecological processes in Northern Australia are still intact, playing a principle role in the health of the environment.

In order to ensure the protection of the hydro-ecology of Northern Australia, we need a robust scientific framework to guide the NWI. Protecting these river systems will also mean the continuation of other crucial, landscape functions identified by The Wilderness Society's Science Council (Soulé et al 2004), such as land/coastal zone fluxes (maintaining natural flows to coastal zones) and refuges (maintaining riparian habitat), as all landscape processes are tightly interconnected.

Currently, the Strategic Science Framework for the National Water Commission is the primary tool to translate science into policy practice for the NWI. With relation to the science of northern rivers, the Framework says:

"Australia does not have a national policy framework or register for identifying and protecting surface water and groundwater ecosystems of high conservation value although work is starting under the auspices of the Natural Resource Management Ministerial Council to do this under the auspices of a high conservation value ecosystem task force.

In northern Australia the key need is to define what assets exist where and to develop water management strategies that prevent the kind of mistakes that have been made in the south.” (p.22)

However there has been little work from the High Conservation Value Ecosystem Task Force and their goals and strategies are undefined in the public sphere. Any Federal task force should have a prominent role both within Government and publicly to help promote the importance of protecting our northern river systems.

The Framework needs to move beyond identifying “assets” and instead recognise and protect the key ecological processes identified by The Wilderness Society’s Science Council. The identification of ecological assets is, only half the answer. Conservation measures focused on particular species, habitats or ecosystems may not sufficiently recognise their ecological context and the influence of species or processes in adjacent environments.

The Framework is also scant on addressing the major challenge of climate change. It should provide more guidance on how climate change will affect these river systems and how to adapt to these changes.

Northern Australia and the management of its river systems provide a unique opportunity to translate the cutting-edge science of The Wilderness Society’s Science Council into sensible and robust policy. With the ever prevalent threat of climate change and the increasing modification of Australia’s natural habitats, such a whole-of-landscape approach is critical to maintaining Northern Australia’s biodiversity.

Recommendation 2: That the relevant Governments to the National Water Initiative who have water management responsibility for the rivers of Northern Australia (Commonwealth, Queensland, Northern Territory and Western Australia) must recognise that the monsoonal climate of Northern Australia, particularly the extreme variability of rainfall, requires a fundamentally different approach to the ongoing management and protection of Northern Rivers than that practiced in southern Australia. In Northern Australian river systems the primary guiding management approach should be river conservation.

Recommendation 3: That the Strategic Science Framework for the NWC recognise key ecological processes identified by The Wilderness Society’s Science Council, in particular the role of hydro-ecology in the North environment and the imperative to address the challenges of climate change.

2 Threats to Northern Rivers

The ongoing ecological health of our Northern River systems is threatened by proposals to develop large scale water infrastructure (dams, weirs and off stream storages) and associated changes to land and water use through the expansion of irrigated and intensive agriculture.

The range of negative environmental impacts of water infrastructure, particularly dams and weirs, upon Northern Rivers is outlined in the table below:

Negative Impacts upon Biodiversity	Destruction of riparian vegetation/wildlife corridors through landclearing and inundation; reduction of flows to wetlands, estuaries and groundwater resources and associated impacts upon biodiversity; reduced movement of aquatic animals upstream and downstream, including fish migration; reduced water flows and reduced deposition of nutrients into marine environments; changes in water temperatures and associated
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	impacts upon the reproductive cycles of aquatic wildlife; reduced water flows and associated reduction of peak flows which radically alter habitat requirements of aquatic biodiversity
Reduced Water Quality	Reduced and changed water flows; heightened levels of erosion; increased release of pesticide and pollutants into the system; sedimentation and siltation of permanent water holes
Negative Impacts upon Marine Environments	Reduced movement of aquatic animals upstream and downstream; reduced water flows and reduced deposition of nutrients into marine environments

Sources: Bunn & Arthington 1997, Cullen 2002

These environmental impacts associated with water infrastructure development and irrigated agriculture has been well documented throughout Australia and must be avoided in the largely wild and natural river catchments of Northern Australia.

Proposals to build water infrastructure and to develop associated irrigation projects have increased over the past decade. The table below outlines the range of development proposals in a select group of Northern Rivers.

Fitzroy River (Kimberley Region)	Large scale landclearing, dams, canal diversion, cotton
Daly River (Northern Territory)	Large scale landclearing, irrigated pastures, cotton sorghum, maize, tropical fruits
Flinders River (Gulf Country)	Dams, cotton, irrigated pastures & fodder production
Normanby River (Cape York)	Dams, landclearing, cotton, sugarcane

To add to this pressure on our northern rivers, in January 2007, The Prime Minister announced the establishment of a taskforce chaired by Senator Bill Heffernan to examine the potential for further land and water development in northern Australia.

Given the nature of public comments made by Senator Heffernan in support of large scale irrigated development in Northern Australia since the announcement of the taskforce, it is likely that this taskforce will support a range of unsustainable water infrastructure and irrigation projects.

Similarly, in February this year, the Beattie Government in Queensland announced plans to resurrect the notorious "Bradfield Scheme", which seeks to divert vast amounts of water from northern river systems to southern regions.

In response, The Wilderness Society supports the creation of an alternative policy framework based upon the long term conservation of the Northern Rivers.

Recommendation 4: That the relevant Governments to the National Water Initiative who have water management responsibility for the rivers of Northern Australia (Commonwealth, Queensland, Northern Territory and Western Australia) urgently develop a "Northern Australian Rivers Protection Plan" based on the long-term conservation and protection of the health of these rivers.

3 Protecting Northern Rivers

The wild rivers of Northern Australia are immense ecological and economic assets. Both the Commonwealth and State Government have crucial roles to play in ensuring these river systems are protected for future generations.

3.1 The Commonwealth Government

The Commonwealth Government, as the overseers of the NWI, have a clear responsibility to ensure national coordination of river protection.

In 1993, the Commonwealth Government, through the Australian Heritage Commission, commenced the Wild Rivers project. The project was overseen by the Wild Rivers Committee. The committee included representatives from the Commonwealth, State and territory Government agencies, local governments, landowners, conservation groups, Indigenous people and members of the scientific community. In 1998 the Committee released the report, "*Conservation Guidelines for Management of Wild River Values*". The report was then circulated to State and Territory agencies for consideration and implementation.

The development of national framework for the identification and protection of rivers of high conservation value has also been recognised as an important component of the National Water Initiative and the National Water Commission. Relevant elements of the NWI that relate to the ongoing protection of rivers of high conservation value include:

- S 25 x) Identify and acknowledge surface and groundwater systems of high conservation value, and manage these systems to protect and enhance those values
- S 79 f) Identify any special requirements needed for the environmental values and water management arrangements necessary to sustain high conservation value rivers, reaches and groundwater areas

Despite this, there is limited legislative protection of our Northern River systems. There is some capacity under the *Environmental Protection and Biodiversity Conservation Act 1999* to protect the natural and heritage values of rivers, the Act does not recognise geomorphological or hydrological values, or any other important interconnected processes highlighted Part 2 of this submission.

In Australia we currently have an overarching strategy to protect wetlands (Ramsar), but not rivers of high conservation value. It should be a priority of the Commonwealth Government to rapidly establish such a strategy, based on the "*Wild Rivers Conservation Management Guidelines*".

Recommendation 5: That the relevant Governments to the National Water Initiative who have water management responsibility for the rivers of Northern Australia (Commonwealth, Queensland, Northern Territory and Western Australia) adopt "*Conservation Guidelines for Management of Wild River Values*" into the development of a national policy framework to protect high conservation value surface and groundwater ecosystems.

3.2 State Government's

3.2.1 Queensland

Queensland's approach to protecting northern rivers has been both progressive and regressive, depending on the catchment area.

Whilst the Government has introduced the nations first stand - alone Wild Rivers legislation to protect free-flowing rivers, many other catchments have suffered from a politically driven Water Resource Planning (WRP) process and are sure to be further degraded as a result.

The recently released draft WRP's for the Burdekin and Gulf plan areas demonstrate Queensland's "regressive" approach to managing Northern Rivers.

The Draft Burdekin WRP – which geographically includes diverse river systems and a strong connection to the Great Barrier Reef – includes a substantial increase in water reserves of 540 000 ML and a mega-dam on the Broken River. The mega-dam – Urannah Dam – will seriously degrade the Broken River. Queensland Government reports prepared for the WRP refer to the Broken River as one of the “highest value reaches encountered across Queensland coastal rivers” (DNRMW: pviii). Yet the flow scenario assessments on this river strongly indicate the Urannah Dam would cause a “more severe distortion of flow regime seasonality than has occurred in most of Queensland’s east coast rivers” (DNRMW 2006: p.viii), as well as severely distort fish passage and threaten the rare *Elseya irwinii* (Irwin’s Turtle).

Similarly, the Draft Gulf WRP (the water plan area spanning the vast catchments of the Gulf of Carpentaria), released in November last year for public comment, features a major increase in water available for irrigation. On the Flinders River, for instance, the Queensland Government is proposing a 430% increase in water reserves with an new amount of 102 000 ML to be set aside, mostly for the expansion of irrigated agriculture in the Richmond and Flinders Shire areas. Currently only 40% of water entitlements are actually used so it is difficult to understand the rationale behind such a large increase in water reserves.

Importantly, the Flinders River is typical of most northern tropical rivers. It is still wild and free flowing, as yet spared the overdevelopment of the south. Its natural flows are the heartbeat of many ecosystems. It is completely unsuitable for irrigated agriculture, with highly variable wet/dry extremes, saline floodplain soils and extreme evaporation rates (as acknowledged by Queensland Government reports prepared for the WRP). The water earmarked for extraction from the Flinders and other rivers in the draft Gulf WRP area could ruin these wild rivers and leave the north with the same intractable ecological problems as the Murray-Darling Basin.

Conversely, Queensland has the most advanced river conservation initiative in operation in Australia – through the *Wild Rivers Act 2005*. Only the third legislation of its type in the world, the purpose of the legislation is to “preserve the natural values of rivers that have all, or almost all, of their natural values intact.” This is achieved by regulating development within a declared Wild River and catchment area, in particular excluding key river health threats such as dams, weirs and large-scale irrigated agriculture.

The Queensland Government considers the value of protecting wild rivers to include;

- The protection of hydrological processes (including rainfall & runoff) that transmit water from source to sea via stream and aquifer networks without impediment;
- The protection of geomorphic functions (including erosion & transport and deposition of sediment to coastal landscapes, floodplains and terminal wetlands) which maintain the physical integrity of the river system and the ecology of the system;
- The protection of the health of the riparian function of the river system (including through bank stabilisation, habitat protection and natural filtering of pollutants);
- The protection of the physical and chemical quality of the river which in turn sustains aquatic and terrestrial flora and fauna; and
- The protection of the wildlife corridor functions of the river.

The protection of wild rivers in Queensland is achieved through a “wild river declaration”. This includes the creation of a zoning system that in turn creates a hierarchy of uses and protection, restrictions on the allocation of water for non environmental purposes, and finally a ban on the construction of large scale water infrastructure such as dams, weirs and levee’s.

Six rivers in Queensland are due for official protection in February 2007 under the *Wild Rivers Act 2005*¹, with another 13 on Cape York Peninsula now proposed for protection. Wild River protection for these catchments will also bring the added benefit of local employment opportunities through programs like the Aboriginal Wild River Rangers initiative, with up to 100 positions in Northern Queensland to carry out the management of Wild River catchments.

Through the *Wild Rivers Act 2005*, the Queensland Government is clearly fulfilling its role to protect river systems of high conservation value in certain catchments (particularly in Northern Australia), as required by Section 25 x of the NWI. The National Water Commission should strongly encourage the Queensland Government to continue its Wild Rivers program and ensure *all* rivers of high conservation value are protected under the legislation, not just a select few.

3.2.2 Northern Territory

Since 2005, the Northern Territory Government has been developing a conservation based water management policy called “Living Rivers”.

A key component of this policy is a commitment to protect and manage so called “icon” rivers by providing statutory based protection. Legislation to implement this policy framework is currently being drafted by the Northern Territory Department of Natural Resources and Environment.

The Northern Territory’s Living Rivers initiative has also involved considerable engagement with Daly River traditional owners.

3.2.3 Western Australia

The management and protection of the northern rivers of Western Australia is currently part of an extensive Western Australian Government review and reform of how that State manages its water resources.

Recommendation 6: That the Federal Government develops a more rigorous State review system to monitor the consistency of NWI implementation, with particular relation to environmental flows and protecting river systems of high conservation value in water plans.

Recommendation 7: That the Federal Government develop a rewards scheme for States that protect rivers of high conservation significance.

4 Indigenous Rights and Interests in Northern Rivers

The NWI commits the Government parties to provide for Indigenous people’s rights and interests in water. Under the terms of the agreement, Indigenous people are to be included in water planning processes, and water plans are to incorporate Indigenous social, spiritual and customary objectives.

An important characteristic of many northern rivers is that they flow through vast expanses of Aboriginal owned or controlled lands, and native title claim areas. The great majority of northern rivers are also free-flowing rivers that by virtue of their high natural values, guarantee the full function, or ready restoration, of traditional Indigenous cultural values.

¹ Settlement Creek, Gregory River, Morning Inlet, Staaten River, Fraser Island, Hinchinbrook Island

The NWI is the first time that Indigenous water rights and culture have been given consideration in Government planning and management. However, as yet there is not a negotiated and agreed national policy framework to provide and account for Indigenous water entitlements.

Indigenous water rights and interests remain contested in the public policy arena, and these matters will take some time to resolve. For Indigenous people to realise the benefit of their entitlements, a more facilitative and supportive set of governance arrangements is required.

4.1 The NWI and Indigenous water access and management

The key element NWI relating to indigenous water access and management is:

- S 25 ix) Recognise indigenous needs in relation to water access and management.

The requirements of the parties in relation to this are further spelt out in paragraphs 52 to 54 of the Agreement, with a call for “immediate” action.

While the intent of these provisions is good, it is highly questionable whether there is anything in them compelling Governments to deliver a fair and effective water regime for Indigenous people. For example, representation in planning processes does not necessarily lead to outcomes in favour of Indigenous traditional owners.

Native title is a case in point, as the Native Title Act 1993 (NTA) does not confer on native title holders full property rights in water commensurate with customary rights under traditional ownership. A key issue here is to clarify contemporary economic rights flowing from Indigenous property rights in land and resources.

Further, accounting for water allocations for cultural purposes requires an agreed and workable definition of “cultural allocations” – the very concept of which negates the notion of ecologically whole river systems and interconnected cultural landscapes, embodying the full suite of Indigenous environmental, social, economic and spiritual values.

4.2 Native Title

The Commonwealth Government, in its NWI implementation report, has said:

“the primary responsibility for land and water management lies with state and territory governments, most native title issues relating to the NWI will be the responsibility of the relevant department in the state or territory government”.

However, the Commonwealth administers the NTA and has a significant influence on the development and application of the law in respect to native title determinations. It also administers various programmes and public investments with direct outcomes or consequences for Indigenous people in relation to their lands and waters.

In the same document, the Commonwealth says that native title is “a bundle of rights that can be extinguished by inconsistent acts of government”. This statement provides little guidance on how Governments do, or intend to, deal with native title in relation to rivers and water. For example –

- Of the large sums of public money available for the NWI, what portion will be invested in Indigenous environmental sustainability?
- What native title rights and interests does the Government recognise in relation to rivers and water, and how will it accommodate them? What doesn't it accept?

- Under what circumstance does the Government consider extinguishing these, and what quantum and form of compensation does it consider appropriate?

The practical limits of the statutory native title regime are still being tested. The NWI provides a new set of opportunities and challenges to respond to this issue of fundamental importance to the future of Northern Australia.

The performance and initiatives of Commonwealth, State and Territory governments in the native title arena are varied. Of the three northern jurisdictions, only Queensland has finalised an implementation plan accredited by the National Water Commission.

The Queensland Government plan states that “native title rights to water have not been legally recognised” and consequently won’t make any specific legislative or Water Resource Planning provisions. It considers that “water allocated to protect ecosystem processes acts to protect traditional uses associated with water”.

This is a partial and therefore insufficient response to Indigenous rights in rivers and water. Other states illustrate that a different policy setting in Indigenous rights, if not yet outcomes, is possible. In South Australia for instance, a three tier arrangement is in place. The three main approaches cover:

1. Aboriginal Land where traditional cultural practices continue within an indigenous management framework - in SA is referred to as land *under native title*
2. Land where traditional or cultural ties remain but where Aboriginal people do not necessarily have full access or title to the land: such as pastoral properties; national parks; Indigenous Land Use Agreement (ILUA) areas, and coastal zones
3. Areas where traditional connections have been alienated but Aboriginal people retain an intrinsic interest

This approach has applicability to northern jurisdictions; especially points 1 and 2 owing to the prevalence of Aboriginal lands and continuous connection.

4.3 Specific measures

A coordinated intergovernmental approach to protecting Northern Rivers will require a more substantial and broad-based program of engagement with Indigenous organisations and communities. The NWI commits governments to recognising and considering Indigenous interests.

There is clearly a need for more participation and research, and for development of specific northern policies. However there is also a need for immediate and sustained initiatives to protect the rivers of the north and to ensure Indigenous people are not denied their place in sustainable development opportunities.

Recommendation 8: Institute a broad-based program of engagement with Indigenous organisations, communities and traditional owners to develop a national policy framework toward the conservation and ongoing management of Northern Rivers. This policy will provide and account for Indigenous water entitlements and cultural rights.

Recommendation 9: Research into and development of a definition of Indigenous cultural values within ecologically whole river systems throughout Northern Australia, recognising the full suite of Indigenous environmental, social, economic and spiritual interests

Recommendation 10: Application of a three-tiered approach to Indigenous legal entitlements, covering:

- 1. Aboriginal Land where traditional cultural practices continue within an indigenous management framework**
- 2. Land where traditional or cultural ties remain but where Aboriginal people coexistent rights and interests**
- 3. Areas where traditional connections have been alienated but Aboriginal people retain an intrinsic interest**

Recommendation 11: Commonwealth and State Government investment in Indigenous organisations, governance and capacity building, to facilitate Aboriginal conservation strategies, fee-for-service environmental protection, and sustainable enterprise opportunities

5 An Intergovernmental Approach to Protection of Northern Rivers

Over the past 6 months, the Commonwealth Government has demonstrated a renewed and direct interest in the future management of the wild and natural rivers of Northern Australia.

In September 2006, the Commonwealth Government announced that it was providing \$16 million to improve understanding of the ecology and development opportunities of Australia's tropical northern rivers and coastal environments between the tip of Cape York and Cape Lévesque in Western Australia.

In January 2007, the Commonwealth Government also announced its intention to establish a "taskforce" to assess the potential for water resource development in Northern Australia with a final report due in June 2012.

Whilst the commitment to further research is of merit, The Wilderness Society is of the view that the announcement of the taskforce to explore the possibility of water resource development across Northern Australia is both flawed and inconsistent with the prevailing policy approaches of relevant State and Territory Governments.

The Commonwealth Government should instead work closely with the States and Territory Governments to sustainably manage and protect our northern river systems. The recommendations outlined in this submission should provide the policy platform for such an intergovernmental approach to protecting northern rivers.

Our major policy points are as follows:

- Recognise the primacy of conservation as the guiding management approach for the rivers of Northern Australia through the development of a Northern Australia Rivers Protection Plan;
- Discourage economic development activities and water planning policies and processes that threaten the health and conservation of the rivers of Northern Australia;
- Facilitate cross border and cross jurisdictional conservation management of the rivers of Northern Australia;

- Support the policy approach of relevant State and Territory Governments to provide legislatively based protection of the rivers of Northern Australia;
- Ensure funding is available for State and Territory Governments towards the ongoing management and conservation of the rivers of Northern Australia;
- Support and recognise aspirations of Indigenous communities to manage and protect the conservation values of the rivers of Northern Australia; and
- Closely monitor the success of the State's and Territories progress on protecting rivers of high conservation value, providing funding opportunities

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