



Wild Rivers Act 2005

Reprinted as in force on 7 December 2006

Reprint No. 1B revised edition

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 7 December 2006. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.



Queensland

Wild Rivers Act 2005

Contents

		Page
Part 1	Preliminary	
Division 1	Introduction and purpose of Act	
1	Short title	5
2	Commencement	5
3	Purpose of Act	5
4	Act binds all persons	6
Division 2	Interpretation	
5	Definitions	6
6	Meaning of nominated waterway	7
Part 2	Wild river areas	
Division 1	Declaring wild river areas	
7	Minister may declare wild river areas	8
8	Public notice of intention to declare wild river area	8
9	Moratorium period	9
10	Application of moratorium	9
11	Public notice about declaration proposal	10
12	Content of declaration proposal	11
13	Matters Minister must consider	13
14	Content of wild river declaration	13
15	Deciding whether to make declaration	14
16	Approval of wild river declaration	15
17	Effect of declaration on activities and taking natural resources	15
17A	Code for IDAS	16
18	Applications received but not decided	16
Division 2	Amending wild river declarations	
19	Amending a wild river declaration	16
20	Public notice of intention to amend wild river declaration	17

21	Moratorium period	17
22	Application of moratorium.	18
23	Public notice about amendment proposal	18
24	Content of amendment proposal	19
25	Matters Minister must consider	19
26	Content of wild river amendment declaration	20
27	Deciding whether to make amendment declaration	20
28	Approval of wild river amendment declaration	21
29	Effect of amendment declaration on activities and taking natural resources	21
30	Applications received but not decided	22
31	Minor amendments of wild river declaration.	22
Division 3	Revoking wild river declarations	
32	Revoking a wild river declaration	23
33	Deciding whether to revoke declaration	24
34	Approval of revocation of wild river declaration	24
35	Effect of revocation on activities and taking natural resources.	25
36	Effect of revocation on applications received but not decided	25
Division 4	Miscellaneous	
37	Relationship with water resource plans	25
38	Minister must prepare report on consultation process	26
39	Copies of documents to be available for public inspection	26
40	Report by Minister on wild river declarations	27
Part 3	Activities and taking natural resources in wild river areas	
41	Classification of wild river area into high preservation area and preservation area	28
42	Effect of classification on particular development applications.	29
43	Effect of declaration on particular development applications	29
44	Relationship with other Acts.	30
Part 4	Exemption of particular projects from application of Act	
45	Exemption of projects from application of this Act	30
46	Meaning of Aurukun project	31
47	Meaning of PNG pipeline project	31
Part 5	Miscellaneous	
48	Meaning of specified works	32
49	Delegation by Minister	33
50	Delegation by chief executive	33

51	Regulation-making power	33
Schedule	Dictionary	34
 Endnotes		
1	Index to endnotes	40
2	Date to which amendments incorporated	40
3	Key	40
4	Table of reprints	41
5	List of legislation	41
6	List of annotations	41

Wild Rivers Act 2005

[as amended by all amendments that commenced on or before 7 December 2006]

An Act to provide for the preservation of the natural values of wild rivers, and for related purposes

Part 1 Preliminary

Division 1 Introduction and purpose of Act

1 Short title

This Act may be cited as the *Wild Rivers Act 2005*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Purpose of Act

- (1) The purpose of this Act is to preserve the natural values of rivers that have all, or almost all, of their natural values intact.
- (2) The purpose is to be achieved mainly by establishing a framework that includes the declaration of wild river areas that will or may include the following—
 - (a) high preservation areas;
 - (b) preservation areas;
 - (c) floodplain management areas;
 - (d) subartesian management areas.

- (3) Through the framework mentioned in subsection (2), this Act and other Acts achieve the purpose mentioned in subsection (1) by—
- (a) providing for the regulation of particular activities and taking of natural resources in a wild river and its catchment to preserve the wild river's natural values; and
 - (b) having a precautionary approach to minimise adverse effects on known natural values and reduce the possibility of adversely affecting poorly understood ecological functions; and
 - (c) treating a wild river and its catchment as a single entity, linking the condition of the river to the health of the catchment; and
 - (d) considering the effect of individual activities and taking of natural resources on a wild river's natural values; and
 - (e) considering the cumulative effect of activities and taking of natural resources affecting a wild river area when further activities or taking are proposed; and
 - (f) if a wild river crosses a State border—working with the other State to encourage preservation of the wild river's natural values in the other State.

4 Act binds all persons

- (1) This Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.
- (2) However, the Commonwealth or a State can not be prosecuted for an offence against this Act.

Division 2 Interpretation

5 Definitions

The dictionary in the schedule defines particular words used in this Act.

6 Meaning of *nominated waterway*

- (1) A *nominated waterway*, for a wild river declaration, is the part of a drainage channel in the preservation area that—
- (a) is between the upstream and downstream limits, described in the wild river declaration, of the drainage channel; and
 - (b) extends laterally to the outer banks of the drainage channel.

- (2) In this section—

depositional feature means a deposit of clay, sand or silt that is carried in suspension during high flows and deposited in areas where there is a slow flow of water.

Examples—

- mud deposited in cracks in rocks
- sand deposits behind rocks

drainage channel means a passageway or depression that can contain flowing water, whether flowing continuously or periodically.

floodplain means an area of relatively flat land—

- (a) next to a drainage channel; and
- (b) covered by water when water overflows from the drainage channel.

outer bank, of a drainage channel, means—

- (a) if there is a floodplain next to the drainage channel—the place where the top of the bank of the drainage channel meets the floodplain; or
- (b) if there is not a floodplain next to the drainage channel—the place on the bank of the drainage channel marked by a scour mark or depositional feature.

scour mark means—

- (a) a mark made on a bank of a drainage channel by the sweeping action of suspended sediments in water during high flows; or

- (b) a mark that can be identified by weathering stains, or the absence of lichens, on erosion-resistant surfaces of a bank of a drainage channel.

Example of an erosion-resistant surface—

rock

Part 2 Wild river areas

Division 1 Declaring wild river areas

7 Minister may declare wild river areas

The Minister may declare a part of the State to be a wild river area.

Note—

See section 16 for when a declaration has effect.

8 Public notice of intention to declare wild river area

- (1) If the Minister intends to declare a part of the State to be a wild river area, the Minister must publish a notice of the Minister's intention (a *notice of intent*).
- (2) The notice of intent must state—
- (a) the reasons for the proposed declaration; and
 - (b) the name of the proposed wild river; and
 - (c) the area proposed to be declared a wild river area; and
 - (d) the areas proposed to be declared the high preservation area and the preservation area; and
 - (e) a description of the moratorium that will have effect under section 10 during the moratorium period; and
 - (f) where further information about the proposed declaration may be obtained.

- (3) The notice of intent may propose to declare more than 1 river in the proposed wild river area to be a wild river.

9 Moratorium period

- (1) For a notice of intent, the moratorium period is the following period—
- (a) from the later of the following—
 - (i) the day stated in the notice as the start of the moratorium;
 - (ii) the day the notice is published;
 - (b) until the earliest of the following—
 - (i) the day the wild river declaration for the proposed wild river area has effect;
 - (ii) the day the Minister decides under section 15 not to make a declaration;
 - (iii) the day that is 12 months after the later of the days mentioned in paragraph (a) (the **12 month period**) or, if the Minister has extended the 12 month period, the day to which the period has been extended.
- (2) The Minister may, before the 12 month period expires, extend the period by not more than 12 months by publishing a notice (a ***moratorium extension notice***).

10 Application of moratorium

- (1) During the moratorium period, a moratorium has effect in the way stated in subsections (2) to (4) in the proposed wild river area.
- (2) For the *Water Act 2000*, the notice of intent is taken to be a moratorium notice and, to the extent stated in the notice—
- (a) an application for the grant of a water entitlement for taking water in a watercourse, lake or spring or interfering with the flow of water, or taking overland flow water or subartesian water, in the proposed wild river area, will not be accepted or, if received before the

- moratorium period and not decided, will not be decided if granting the application would have 1 or more of the effects mentioned in that Act, section 26(2)(a) to (f); and
- (b) new works must not be started and completed works must not be raised, enlarged, deepened or changed if the works would have an effect mentioned in that Act, section 26(5)(a) to (d).
- (3) For the *Vegetation Management Act 1999*, section 22A(2A) the proposed high preservation area is taken to be a high preservation area.
 - (4) For the *Mineral Resources Act 1989*, part 10A, other than section 386A—
 - (a) the proposed wild river area is taken to be a wild river area; and
 - (b) the proposed high preservation area is taken to be a high preservation area; and
 - (c) the proposed preservation area is taken to be a preservation area.

11 Public notice about declaration proposal

- (1) As soon as practicable after publishing the notice of intent, the Minister must—
 - (a) prepare a proposal (a *declaration proposal*) for the proposed wild river area; and
 - (b) publish a notice about the declaration proposal (a *declaration proposal notice*).
- (2) The declaration proposal notice must state—
 - (a) the proposed wild river area to which the declaration proposal notice relates; and
 - (b) where copies of the declaration proposal are available for inspection and purchase; and
 - (c) that written submissions may be made by any entity about the declaration proposal; and

- (d) the day by which submissions must be made, and the person to whom, and the place where, the submissions must be made.
- (3) The day stated under subsection (2)(d) must not be earlier than 20 business days after the day the declaration proposal notice is published.
- (4) If the Minister has prepared the declaration proposal before publishing the notice of intent for the proposed wild river area, the matters mentioned in subsection (2) may be included in the notice of intent.

12 Content of declaration proposal

- (1) The declaration proposal may include, but is not limited to, the following information—
 - (a) a description of the proposed wild river and wild river area;
 - (b) the natural values the proposed wild river declaration is intended to preserve;
 - (c) details of any special features of the proposed wild river area;
 - (d) the location of the proposed high preservation area and preservation area;
 - (e) the location of any proposed floodplain management area;
 - (f) the location of any proposed subartesian management area;
 - (g) details of the major tributaries of the proposed wild river;
 - (h) the location of any proposed nominated waterway in the wild river area;
 - (i) the location of any designated urban area;
 - (j) the way in which the moratorium has effect for the proposed wild river area;

- (k) any carrying out of activities or taking of natural resources proposed to be prohibited or regulated in the proposed wild river area;
 - (l) the matters that must be considered in deciding whether to allow the carrying out of an activity or the taking of a natural resource in the proposed wild river area;
 - (m) the types of works for taking overland flow water in the proposed wild river area that are intended to be assessable or self-assessable development under the *Integrated Planning Act 1997*;
 - (n) the types of works for interfering with overland flow water in any floodplain management area in the proposed wild river area that are intended to be assessable or self-assessable development under the *Integrated Planning Act 1997*;
 - (o) the types of works for taking subartesian water in any subartesian management area in the proposed wild river area that are intended to be assessable or self-assessable development under the *Integrated Planning Act 1997*;
 - (p) the proposed threshold limits and a reference to any codes, including codes for IDAS, for carrying out activities and taking natural resources in the proposed wild river area;
 - (q) a process for granting, reserving or otherwise dealing with unallocated water in the proposed wild river area;
 - (r) details of the community consultation that will take place on the declaration proposal;
 - (s) where a detailed map of the proposed wild river area, showing the proposed wild river and the information mentioned in paragraphs (c) to (g), may be obtained;
 - (t) where further information about the proposed declaration may be obtained.
- (2) The declaration proposal may propose to declare more than 1 river in the proposed wild river area to be a wild river.

13 Matters Minister must consider

- (1) In preparing a wild river declaration, the matters the Minister must consider include—
 - (a) the results of community consultation on the declaration proposal; and
 - (b) all properly made submissions about the declaration proposal; and
 - (c) any water resource plan or resource operations plan that applies to all or part of the proposed wild river area.
- (2) To the extent a water resource plan or a resource operations plan applies to all or part of the proposed wild river area, the wild river declaration must not be inconsistent with the water resource plan or the resource operations plan other than in relation to the matters mentioned in section 14(1)(j) to (o) and (2).
- (3) Subsection (1) does not limit the matters the Minister may consider.

14 Content of wild river declaration

- (1) A wild river declaration must include, but is not limited to, the following information—
 - (a) a description of the wild river and wild river area;
 - (b) details of any special features of the area;
 - (c) the location of the high preservation area and preservation area;
 - (d) the location of any floodplain management area;
 - (e) the location of any subartesian management area;
 - (f) the location of any designated urban area;
 - (g) the major tributaries of the wild river;
 - (h) the location of any nominated waterway;
 - (i) any carrying out of activities or taking of natural resources that are prohibited or regulated in the wild river area;

- (j) the matters that must be considered in deciding whether to allow the carrying out of an activity or the taking of a natural resource in the wild river area;
 - (k) the types of works for taking overland flow water in the wild river area that are assessable or self-assessable development under the *Integrated Planning Act 1997*;
 - (l) if there is a floodplain management area in the wild river area—the types of works for interfering with overland flow water in the floodplain management area that are assessable or self-assessable development under the *Integrated Planning Act 1997*;
 - (m) if there is a subartesian management area in the wild river area—the types of works for taking subartesian water in the subartesian management area that are assessable or self-assessable development under the *Integrated Planning Act 1997*;
 - (n) information about water available for future consumptive purposes and the priorities for use or reservation of the water;
 - (o) the threshold limits and a reference to any codes, including codes for IDAS, for carrying out activities or taking natural resources in the wild river area;
 - (p) where a detailed map of the wild river area, showing the wild river and the areas mentioned in paragraphs (b) to (h), may be obtained.
- (2) A wild river declaration may include a process for granting, reserving or otherwise dealing with unallocated water in the wild river area.
 - (3) A wild river declaration may include more than 1 wild river in the wild river area.

15 Deciding whether to make declaration

- (1) After considering the matters mentioned in section 13 and any other matters the Minister considers appropriate, the Minister may—
 - (a) declare the area to be a wild river area; or

- (b) decide not to proceed with declaration of the wild river area.
- (2) If the Minister decides not to proceed with the declaration, the Minister must publish a notice advising the decision and the reasons for the decision.

16 Approval of wild river declaration

- (1) The Governor in Council may, by gazette notice, approve the declaration of a wild river area.
- (2) The declaration has effect when—
 - (a) the declaration is approved by the Governor in Council; and
 - (b) the approval is notified in the gazette.
- (3) The Minister must table a copy of the declaration in the Legislative Assembly within 14 sitting days after the declaration is approved.

17 Effect of declaration on activities and taking natural resources

- (1) This section applies if, immediately before a wild river declaration for a wild river area takes effect, a person is—
 - (a) carrying out an activity or taking a natural resource in the area under another Act or law (an *authorisation*); or
 - (b) authorised by either of the following (also an *authorisation*) to carry out an activity or take a natural resource in the area—
 - (i) a licence, permit or other approval document held by the person under another Act or law;
 - (ii) a special agreement Act; or
 - (c) carrying out an agricultural activity or animal husbandry activity in the area.
- (2) Subsection (3) applies despite—
 - (a) any other provision of this Act; or

- (b) any provision of another Act to the extent it regulates or prohibits the carrying out of an activity or the taking of a natural resource because of a declaration or a moratorium under this Act.
- (3) The person may continue, or start and continue, to carry out the activity or take the natural resource under the authorisation as if the declaration had not been made.

17A Code for IDAS

If a wild river declaration includes a reference to a code for IDAS, the code is a code for IDAS.

18 Applications received but not decided

- (1) This section applies to an application under any Act, in relation to the carrying out of an activity or the taking of a natural resource in a wild river area, received but not decided before a wild river declaration for the area takes effect, other than an application to which a moratorium under section 10(2) or (4) applies.
- (2) Subsection (3) applies despite—
 - (a) any other provision of this Act; or
 - (b) any provision of another Act to the extent it regulates or prohibits the carrying out of an activity or the taking of a natural resource because of a declaration or a moratorium under this Act.
- (3) The application must be decided as if the declaration had not been made.

Division 2 Amending wild river declarations

19 Amending a wild river declaration

- (1) The Minister may amend a wild river declaration.
- (2) Without limiting subsection (1), the Minister must amend the declaration if the Minister is satisfied the purpose of this Act

is not being met in the wild river area to which the declaration relates.

Note—

See section 28 for when an amendment of a declaration has effect.

20 Public notice of intention to amend wild river declaration

- (1) If the Minister intends to amend a wild river declaration, the Minister must publish a notice of the Minister's intention (a *notice of intent*).
- (2) The notice of intent must state—
 - (a) the wild river declaration to which the notice relates; and
 - (b) the reasons for, and details of, the proposed amendment; and
 - (c) a description of the moratorium that will have effect under section 22 during the moratorium period; and
 - (d) where further information about the proposed amendment may be obtained.

21 Moratorium period

- (1) For a notice of intent, the moratorium period is the following period—
 - (a) from the later of the following—
 - (i) the day stated in the notice as the start of the moratorium;
 - (ii) the day the notice is published;
 - (b) until the earliest of the following—
 - (i) the day the wild river amendment declaration has effect;
 - (ii) the day the Minister decides under section 27 not to make an amendment declaration;
 - (iii) the day that is 12 months after the later of the days mentioned in paragraph (a) (the *12 month period*) or, if the Minister has extended the 12 month

period, the day to which the period has been extended.

- (2) The Minister may, before the 12 month period expires, extend the period by not more than 12 months by publishing a notice (a *moratorium extension notice*).

22 Application of moratorium

During the moratorium period, a moratorium has effect in the wild river area, and any area proposed to be included in the wild river area, in the way stated in section 10(2) to (4) but only to the extent stated in the notice of intent.

23 Public notice about amendment proposal

- (1) As soon as practicable after publishing the notice of intent, the Minister must—
 - (a) prepare a proposal (an *amendment proposal*) for the wild river declaration; and
 - (b) publish a notice about the amendment proposal (an *amendment proposal notice*).
- (2) The amendment proposal notice must state—
 - (a) the wild river declaration to which the amendment proposal notice relates; and
 - (b) where copies of the amendment proposal are available for inspection and purchase; and
 - (c) that written submissions may be made by any entity about the amendment proposal; and
 - (d) the day by which submissions must be made, and the person to whom, and the place where, the submissions must be made.
- (3) The day stated under subsection (2)(d) must not be earlier than 20 business days after the day the amendment proposal notice is published.
- (4) If the Minister has prepared the amendment proposal before publishing the notice of intent for the proposed amendment,

the matters mentioned in subsection (2) may be included in the notice of intent.

24 Content of amendment proposal

The amendment proposal may include, but is not limited to, the following information—

- (a) the wild river declaration to which the amendment proposal relates;
- (b) the reasons for the proposed amendment;
- (c) details of the proposed amendment including—
 - (i) any changes to the existing boundaries of the parts of the wild river area; or
 - (ii) any addition of an area to, or removal of an area from, the wild river area; or
 - (iii) any amalgamation of the wild river area with another wild river area or part of an area;
- (d) any carrying out of activities or taking of natural resources that will be affected by the proposed amendment and how they will be affected;
- (e) if a moratorium has effect in the wild river area—the way in which it has effect;
- (f) details of the community consultation that will take place on the amendment proposal;
- (g) where further information about the proposed amendment may be obtained.

25 Matters Minister must consider

- (1) In preparing a wild river amendment declaration, the matters the Minister must consider include—
 - (a) the results of community consultation on the amendment proposal; and
 - (b) all properly made submissions about the amendment proposal; and

- (c) any water resource plan or resource operations plan that applies to all or part of the wild river area.
- (2) To the extent a water resource plan or a resource operations plan applies to all or part of the wild river area, the amendment declaration must not be inconsistent with the water resource plan or the resource operations plan other than in relation to the matters mentioned in section 14(1)(j) to (o) and (2).
- (3) Subsection (1) does not limit the matters the Minister may consider.

26 Content of wild river amendment declaration

A wild river amendment declaration must include, but is not limited to, the following information—

- (a) the wild river declaration to which the amendment relates;
- (b) details of the amendment to the declaration including—
 - (i) any changes to the existing boundaries of the parts of the wild river area; or
 - (ii) any addition of an area to, or removal of an area from, the wild river area; or
 - (iii) any amalgamation of the wild river area with another wild river area or part of an area.

27 Deciding whether to make amendment declaration

- (1) After considering the matters mentioned in section 25 and any other matters the Minister considers appropriate, the Minister may—
 - (a) declare an amendment to the wild river declaration; or
 - (b) decide not to proceed with declaration of the amendment.
- (2) If the Minister decides not to proceed with the declaration, the Minister must publish a notice advising the decision and the reasons for the decision.

28 Approval of wild river amendment declaration

- (1) The Governor in Council may, by gazette notice, approve the amendment of a wild river declaration.
- (2) The amendment has effect when—
 - (a) the amendment is approved by the Governor in Council; and
 - (b) the approval is notified in the gazette.
- (3) The Minister must table a copy of the amendment declaration in the Legislative Assembly within 14 sitting days after the declaration is approved.

29 Effect of amendment declaration on activities and taking natural resources

- (1) This section applies if, immediately before an amendment of a wild river declaration for a wild river area takes effect, a person is—
 - (a) carrying out an activity or taking a natural resource in the area under another Act or law (an *authorisation*); or
 - (b) authorised by either of the following (also an *authorisation*) to carry out an activity or take a natural resource in the area—
 - (i) a licence, permit or other approval document held by the person under another Act or law;
 - (ii) a special agreement Act.
- (2) Subsection (3) applies despite—
 - (a) any other provision of this Act; or
 - (b) any provision of another Act to the extent it regulates or prohibits the carrying out of an activity or the taking of a natural resource because of a declaration or a moratorium under this Act.
- (3) The person may continue, or start and continue, to carry out the activity or take the natural resource under the authorisation as if the amendment of the declaration had not been made.

30 Applications received but not decided

- (1) This section applies to an application under any Act, in relation to the carrying out of an activity or the taking of a natural resource in a wild river area, received but not decided before an amendment of the wild river declaration for the area takes effect, other than an application to which a moratorium under section 22 in relation to the *Water Act 2000* or the *Mineral Resources Act 1989*, applies.
- (2) Subsection (3) applies despite—
 - (a) any other provision of this Act; or
 - (b) any provision of another Act to the extent it regulates or prohibits the carrying out of an activity or the taking of a natural resource because of a declaration or a moratorium under this Act.
- (3) The application must be decided as if the amendment of the declaration had not been made.

31 Minor amendments of wild river declaration

- (1) The Governor in Council may approve an amending wild river declaration without sections 20 to 26 applying if the amendment is only to—
 - (a) correct a minor error in the wild river declaration; or
 - (b) make another change in the declaration that is not a change of substance; or
 - (c) make a minor change to the existing boundary of any of the following areas in the wild river area—
 - (i) the high preservation area;
 - (ii) the preservation area;
 - (iii) a floodplain management area;
 - (iv) a subartesian management area;
 - (v) a designated urban area; or

Example of a minor change—

the boundary of the high preservation area after the amendment of the declaration is within 100m of the boundary of the area before the amendment

- (d) make a minor change to the extent of a nominated waterway in the wild river area; or
 - (e) change a reference in the declaration to a code for carrying out activities or taking natural resources in the wild river area.
- (2) However, for subsection (1)(c) and (d), the Minister must, before declaring an amendment of the wild river declaration or deciding not to proceed with declaration of the amendment, consult with each owner of land, and each holder of an exploration permit or mining claim, in the wild river area whose land or interests may be affected by the proposed amendment.
- (3) In this section—
- exploration permit* see the *Mineral Resources Act 1989*, schedule.
- mining claim* see the *Mineral Resources Act 1989*, schedule.
- owner*, of land, see the *Water Act 2000*, schedule 4.

Division 3 Revoking wild river declarations

32 Revoking a wild river declaration

- (1) If the Minister proposes to revoke a wild river declaration, the Minister must publish a notice about the proposed revocation (a *revocation proposal notice*).
- (2) The revocation proposal notice must state—
- (a) the wild river and wild river area to which the notice relates; and
 - (b) the reasons for the proposed revocation; and
 - (c) any carrying out of activities or taking of natural resources that will be affected by the proposed revocation and how they will be affected; and
 - (d) that written submissions may be made by any entity about the proposed revocation; and

- (e) the day by which submissions must be made, and the person to whom, and the place where, the submissions must be made; and
 - (f) where further information about the proposed revocation may be obtained.
- (3) The day stated in subsection (2)(e) must not be earlier than 20 business days after the day the notice is published.
 - (4) The Minister must consider all properly made submissions about the proposed revocation.

33 Deciding whether to revoke declaration

- (1) After considering all properly made submissions about a proposed revocation and any other matters the Minister considers appropriate, the Minister may—
 - (a) revoke the wild river declaration; or
 - (b) decide not to proceed with revocation of the wild river declaration.
- (2) If the Minister decides not to proceed with the revocation, the Minister must publish a notice advising the decision and the reasons for the decision.

34 Approval of revocation of wild river declaration

- (1) The Governor in Council may, by gazette notice, approve the revocation of a wild river declaration.
- (2) The Governor in Council may approve the revocation only if the Legislative Assembly has, on a motion of which at least 28 days notice has been given, passed a resolution requesting the Governor in Council to approve the revocation.
- (3) The revocation has effect when—
 - (a) the revocation is approved by the Governor in Council; and
 - (b) the approval is notified in the gazette.
- (4) The Minister must table a copy of the revocation in the Legislative Assembly within 14 sitting days after the revocation is approved.

35 Effect of revocation on activities and taking natural resources

- (1) This section applies if, immediately before the revocation of a wild river declaration for a wild river area takes effect, a person is—
 - (a) carrying out an activity or taking a natural resource in the area under another Act or law (an *authorisation*); or
 - (b) authorised by a licence, permit or other approval document held by the person under another Act or law to carry out an activity or take a natural resource in the area (also an *authorisation*).
- (2) On the revocation of the wild river declaration, the authorisation is no longer subject to any conditions or requirements that applied to it because of the declaration.

36 Effect of revocation on applications received but not decided

- (1) This section applies to an application under any Act, in relation to the carrying out of an activity or the taking of a natural resource in a wild river area, received but not decided before the revocation of the wild river declaration for the area takes effect.
- (2) On the revocation of the declaration, the application—
 - (a) to the extent it relates to the carrying out of an activity or the taking of a natural resource that is no longer subject to any conditions or requirements that applied to it because of the declaration, lapses; and
 - (b) to the extent it relates to other matters, continues.

Division 4 Miscellaneous**37 Relationship with water resource plans**

- (1) To the extent the matters mentioned in section 14(1)(j) to (o) and (2) in a wild river declaration are inconsistent with an existing water resource plan or a resource operations plan for

all or part of the wild river area, the wild river declaration prevails.

- (2) Otherwise, to the extent a wild river declaration is inconsistent in any other way, the water resource plan or resource operations plan prevails.

38 Minister must prepare report on consultation process

- (1) Within 30 business days after a wild river declaration is approved, amended or revoked, the Minister must prepare a report about the consultation process for the approval, amendment or revocation (a *consultation report*).
- (2) The consultation report must include a summary of issues raised during the consultation process and how the issues have been dealt with.

39 Copies of documents to be available for public inspection

- (1) This section applies to each of the following (a *wild river document*)—
 - (a) a notice of intent;
 - (b) a declaration proposal;
 - (c) a declaration proposal notice;
 - (d) a moratorium extension notice;
 - (e) a wild river declaration approved under section 16;
 - (f) a consultation report;
 - (g) a notice of a decision not to declare a wild river area;
 - (h) an amendment proposal;
 - (i) an amendment proposal notice;
 - (j) a wild river amendment declaration approved under section 28;
 - (k) a notice of a decision not to amend a wild river declaration;
 - (l) a revocation proposal notice;

- (m) a revocation of a wild river declaration approved under section 34;
 - (n) a notice of a decision not to revoke a wild river declaration;
 - (o) a wild river report.
- (2) As soon as practicable after a wild river document is prepared—
- (a) the Minister must send a copy of the wild river document to each local government whose local government area includes all or part of a proposed wild river area, a wild river area or the area to which a revocation relates; and
 - (b) a local government receiving a copy of a wild river document must make the copy available for inspection by the public.
- (3) The Minister may send a copy of a wild river document to any other entity the Minister considers appropriate.
- (4) The chief executive—
- (a) must keep a copy of each wild river document available for inspection by the public during office hours on business days—
 - (i) at the department’s head office; and
 - (ii) at the department’s regional office for the wild river area or proposed wild river area to which the document relates; and
 - (b) may also keep a copy of a wild river document available for inspection by the public at other places the chief executive considers appropriate.

40 Report by Minister on wild river declarations

- (1) The Minister must prepare regular reports on each wild river declaration (each a *wild river report*).
- (2) The first report for a wild river declaration must be prepared within 5 years after the declaration is approved.

- (3) Each subsequent report must be for a period of not more than 5 years and, for the period—
- (a) must include—
 - (i) particulars of any changes made to the declaration; and
 - (ii) a summary of the findings of research and monitoring, undertaken in the department, that relates to the purpose of this Act in the wild river area to which the declaration relates; and
 - (b) may include a summary of the findings of research and monitoring, undertaken in another department, that relates to the purpose of this Act in the wild river area to which the declaration relates.
- (4) A report under this section may relate to more than 1 wild river declaration.

Part 3

Activities and taking natural resources in wild river areas

41 Classification of wild river area into high preservation area and preservation area

- (1) The following parts of a wild river area are included in the high preservation area—
- (a) the wild river;
 - (b) the major tributaries of the wild river;
 - (c) any special features in the wild river area;
 - (d) the area, stated in the wild river declaration for the wild river area, of up to 1km either side of the wild river, its major tributaries and any special features.
- (2) The remainder of the wild river area is the preservation area.
- (3) A floodplain management area, a subartesian management area or a designated urban area may be over all or part of the high preservation area or the preservation area.

42 Effect of classification on particular development applications

- (1) This section applies to a development application for—
 - (a) a material change of use of premises for agricultural or animal husbandry activities mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 2, item 11; or
 - (b) operational work for agricultural or animal husbandry activities mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 10.
- (2) Subsection (3) applies if any part of the application relates to—
 - (a) development in the high preservation area in a wild river area; or
 - (b) development in the preservation area of a wild river area in relation to the production of a high risk species.
- (3) Despite the *Integrated Planning Act 1997*, section 3.2.1—
 - (a) the application is taken not to be a properly made application for that Act; and
 - (b) the assessment manager must refuse to receive the application.
- (4) Subsection (5) applies—
 - (a) to an application not refused under subsection (3); and
 - (b) to the extent the application relates to development in the preservation area in a wild river area; and
 - (c) despite the *Integrated Planning Act 1997*, chapter 3, part 3, division 4 and sections 3.5.4, 3.5.5, 3.5.13 and 3.5.14.
- (5) For the application, the assessment manager's and any concurrence agency's decision must comply with the applicable code mentioned in the wild river declaration for the area.

43 Effect of declaration on particular development applications

- (1) Subsection (2) applies—

- (a) to a development application for a material change of use of premises, reconfiguring a lot or operational work; and
 - (b) to the extent—
 - (i) the application relates to a wild river area; and
 - (ii) the application is in relation to residential, commercial or industrial development; and
 - (iii) the proposed development is made assessable under—
 - (A) a local government planning scheme; or
 - (B) the *Integrated Planning Act 1997*, schedule 8, part 1, table 3, item 1 or table 4, item 2; and
 - (c) despite the *Integrated Planning Act 1997*, sections 3.5.4, 3.5.5, 3.5.13 and 3.5.14.
- (2) For the application, the assessment manager's decision must comply with the applicable code mentioned in the wild river declaration for the area.
- (3) This section does not apply to residential, commercial or industrial development in a designated urban area.

44 Relationship with other Acts

Other than as mentioned in sections 42 and 43, the prohibition and regulation in a wild river area of carrying out activities and taking natural resources are dealt with in the Acts that prohibit or regulate the activities or taking.

Part 4 Exemption of particular projects from application of Act

45 Exemption of projects from application of this Act

- (1) This Act does not apply to the following projects—

- (a) the Aurukun project;
 - (b) the PNG pipeline project.
- (2) Also, to the extent another Act regulates or prohibits the carrying out of an activity or the taking of a natural resource because of a declaration or a moratorium under this Act, the other Act does not apply to a project mentioned in subsection (1).

46 Meaning of *Aurukun project*

- (1) The *Aurukun project* means the project for the extraction, transportation and processing of bauxite on land that is more or less the land described as ‘restricted area 315’ (RA315) under this Act.
- (2) The project includes the construction and operation of works, for example mining equipment, electricity generation plants and related distribution infrastructure, pipelines, telecommunications infrastructure, water storage and distribution infrastructure, buildings, conveyors, roads or railways on land near Aurukun and Weipa.

47 Meaning of *PNG pipeline project*

- (1) The *PNG pipeline project* means the proposed project that involves the construction and operation of 1 or more pipelines—
- (a) to transport gas from the Southern Highlands of Papua New Guinea, across Torres Strait and Cape York Peninsula to parts of the State including Weipa, Townsville, Mount Isa, Gladstone and Brisbane; and
 - (b) to link to pipelines servicing other States.
- (2) The project includes ancillary works, for example access roads, constructions camps and compressor and other stations, to enable the construction and the ongoing operation of the pipeline or pipelines.

Part 5 **Miscellaneous**

48 **Meaning of *specified works***

- (1) The object of this provision is to provide a definition of *specified works* for a provision of any other Act that refers to specified works in relation to regulating or prohibiting the carrying out of an activity or the taking of a natural resource because of a declaration or a moratorium under this Act.
- (2) *Specified works* means—
 - (a) infrastructure and works prescribed under a regulation to be necessary for disaster management; or
 - (b) desnagging that is the minimum necessary to allow safe navigation of a marked navigable channel; or
 - (c) the following infrastructure and works—
 - (i) roads;
 - (ii) railways;
 - (iii) jetties and boat ramps for use by the public;
 - (iv) works for the rehabilitation of land, including, for example, rehabilitation of abandoned mines;
 - (v) infrastructure for the transmission or distribution of electricity;
 - (vi) pipelines;
 - (vii) conveyor belts;
 - (viii) cables;
 - (ix) other infrastructure, prescribed under a regulation, that relates to the transportation, movement, transmission or flow of anything through a wild river area including, for example, goods, materials, substances, matter, particles with or without charge, light, energy, information and anything generated or produced.

49 Delegation by Minister

The Minister may delegate the Minister's powers under this Act to an appropriately qualified public service officer or employee.

50 Delegation by chief executive

The chief executive may delegate the chief executive's powers under this Act to an appropriately qualified public service officer or employee.

51 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) Without limiting subsection (1), a regulation may fix fees and charges payable under this Act including, for example, for the purchase of a copy of a wild river document.

Schedule Dictionary

section 5

activity, in relation to carrying out an activity in a wild river area, includes the construction of works.

agricultural activities—

- 1 *Agricultural activities* means—
 - (a) cultivating soil; or
 - (b) planting, gathering or harvesting a crop, including a food or fibre crop; or
 - (c) disturbing the soil to establish non-indigenous grasses, legumes or forage cultivars; or
 - (d) using the land for horticulture or viticulture.
- 2 The term does not include—
 - (a) producing agricultural products for the domestic needs of the occupants of the land if the maximum area of the land on which the products are produced is the following—
 - (i) for fewer than 10 occupants of the land—0.25ha;
 - (ii) for 10 or more but fewer than 50 occupants of the land—2ha;
 - (iii) for 50 or more but fewer than 100 occupants of the land—4ha;
 - (iv) for 100 or more occupants of the land—6ha; or
 - (b) baling or cutting pasture; or
 - (c) broadcasting seed to establish an improved pasture; or
 - (d) planting, gathering or harvesting a crop of pasture or grain species if the pasture or grain species is—
 - (i) only for animal feed; and

Schedule (continued)

- (ii) neither a high risk species nor a moderate risk species for the wild river preservation area; or
- (e) improving pasture using low impact soil disturbance if the pasture species is neither a high risk species nor a moderate risk species for the wild river area; or
- (f) forestry activities.

amendment proposal see section 23.

amendment proposal notice see section 23.

animal husbandry activities—

1 *Animal husbandry activities* means—

- (a) breeding, keeping, raising or caring for animals, for commercial purposes, that—
 - (i) rely on prepared, packaged or manufactured feed or irrigated or ponded pastures; and
 - (ii) are kept in a pen, yard, enclosure, pond, cage, shed, stables or other confined area or structure; or
- (b) establishing a feedlot, piggery or dairy.

2 The term does not include—

- (a) grazing; or
- (b) raising livestock for the domestic needs of the occupants of the land; or
- (c) keeping livestock, for example horses, necessary for working the land; or
- (d) giving livestock supplementary feed, including, for example, by using roller drums, blocks, licks or protein meals—
 - (i) to maintain the livestock's survival; or
 - (ii) to improve the livestock's fertility; or

Schedule (continued)

- (iii) for an activity associated with an activity mentioned in item 1; or

Example—

weaning

- (iv) if the livestock is predominantly reliant on native or improved pasture for feed—to prepare the livestock for sale; or

(e) aquaculture; or

(f) environmentally relevant activities.

applicable code see the *Integrated Planning Act 1997*, schedule 10.

appropriately qualified, for a person to whom a power under this Act may be delegated, includes having the qualifications, experience or standing appropriate to exercise the power.

Example of standing—

a person's classification level in the public service

assessment manager see the *Integrated Planning Act 1997*, section 3.1.7.

Aurukun project see section 46.

catchment includes a sub-catchment.

consultation report see section 38.

declaration proposal see section 11.

declaration proposal notice see section 11.

designated urban area means an area described in a wild river declaration as a designated urban area.

development application see the *Integrated Planning Act 1997*, schedule 10.

disaster management see the *Disaster Management Act 2003*, section 14.

environmentally relevant activity see the *Environmental Protection Act 1994*, section 18.

Schedule (continued)

floodplain management area means an area described in a wild river declaration as a floodplain management area.

forestry activities means the growing, managing or harvesting of timber for commercial purposes.

high preservation area means the part of a wild river area described as the high preservation area in the wild river declaration for the area.

high risk species, for a wild river area, means a pasture or grain species for the area, prescribed under a regulation, that has a high risk of becoming a pest.

IDAS see the *Integrated Planning Act 1997*, section 3.1.1.

low impact soil disturbance, for a pasture, means a method that does not disturb—

- (a) soil in the pasture to a depth greater than 5cm; and
- (b) more than 40% of the area of the pasture being improved.

major tributary, of a wild river, means a major tributary mentioned in the wild river declaration for the wild river area that includes the wild river.

mining tenement means a prospecting permit, mining claim, exploration permit, mineral development licence or mining lease under the *Mineral Resources Act 1989*.

moderate risk species, for a wild river area, means a pasture or grain species for the area, prescribed under a regulation, that has a moderate risk of becoming a pest.

moratorium extension notice—

- (a) about a proposed wild river declaration—see section 9; or
- (b) about a proposed amendment of a wild river declaration—see section 21.

moratorium period—

- (a) for the declaration of a wild river area—see section 9; and

Schedule (continued)

- (b) for the amendment of a wild river declaration—see section 21.

natural resource includes water, minerals, quarry material and native vegetation.

nominated waterway see section 6.

notice of intent—

- (a) for the declaration of a wild river area—see section 8; and
- (b) for the amendment of a wild river declaration—see section 20.

PNG pipeline project see section 47.

preservation area means the part of a wild river area described as the preservation area in the wild river declaration for the area.

properly made submission means a submission that—

- (a) is in writing and is signed by each entity who made the submission; and
- (b) is received on or before the last day for the making of the submission; and
- (c) states the name and address of each entity who made the submission; and
- (d) states the grounds of the submission and the facts and circumstances relied on in support of the grounds; and
- (e) is received by the person stated in the notice inviting the submission.

proposed wild river area means a part of the State mentioned in a notice of intent as a proposed wild river area.

publish, for a notice, means publish the notice—

- (a) in a newspaper circulating generally throughout the State; and
- (b) in a newspaper circulating, or by announcement over a radio broadcasting, generally throughout—

Schedule (continued)

- (i) for a notice about a proposed wild river declaration—the proposed wild river area to which the declaration relates; or
- (ii) for a notice about a proposed amendment or revocation of a wild river declaration—the wild river area to which the declaration relates.

quarry material see the *Water Act 2000*, schedule 4.

resource operations plan see the *Water Act 2000*, schedule 4.

special agreement Act see the *Environmental Protection Act 1994*, section 614(2).

special feature, of a wild river area, means a special feature mentioned in the wild river declaration for the area.

specified works see section 48.

subartesian management area means an area described in a wild river declaration as a subartesian management area.

threshold limit, in relation to an activity or a natural resource, means the extent to which the activity may be carried out or the natural resource taken, for example—

- (a) the extent to which a structure may be increased; or
- (b) the amount of water that may be taken.

water resource plan see the *Water Act 2000*, schedule 4.

wild river means a river described as a wild river in a wild river declaration.

wild river area means an area declared under part 2 as a wild river area.

wild river declaration means a declaration approved under part 2.

wild river document see section 39.

wild river report see section 40.

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	40
3 Key	40
4 Table of reprints	41
5 List of legislation	41
6 List of annotations	41

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 7 December 2006. Future amendments of the Wild Rivers Act 2005 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

5 List of legislation

Wild Rivers Act 2005 No. 42

date of assent 14 October 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 2 December 2005 (2005 SL No. 287)

amending legislation—

Mineral Resources and Other Legislation Amendment Act 2006 No. 31 s 1, pt 7

date of assent 1 June 2006

commenced on date of assent

Wild Rivers and Other Legislation Amendment Act 2006 No. 59 pts 1–2, s 85 sch

date of assent 7 December 2006

commenced on date of assent

6 List of annotations

Division 1—Introduction and purpose of Act

div hdg ins 2006 No. 59 s 3

Purpose of Act

s 3 (prev s 5) renum 2006 No. 59 s 6
amd 2006 No. 59 s 85 sch

Act binds all persons

s 4 prev s 4 om 2006 No. 59 s 5
pres s 4 (prev s 6) renum 2006 No. 59 s 6

Division 2—Interpretation

div hdg ins 2006 No. 59 s 7

Definitions

s 5 (prev s 3) renum 2006 No. 59 s 4
(prev s 6A) renum 2006 No. 59 s 6
amd 2006 No. 59 s 85 sch

Meaning of “nominated waterway”

s 6 ins 2006 No. 59 s 8

Application of moratorium

s 10 amd 2006 No. 59 ss 9, 85 sch

Content of declaration proposal

s 12 amd 2006 No. 59 s 10

Matters Minister must consider

s 13 amd 2006 No. 59 s 85 sch

Content of wild river declaration

s 14 amd 2006 No. 59 s 11

Effect of declaration on activities and taking natural resources

s 17 amd 2006 No. 59 s 12

Code for IDAS

s 17A ins 2006 No. 59 s 13

Application of moratorium

s 22 amd 2006 No. 59 s 85 sch

Matters Minister must consider

s 25 amd 2006 No. 59 s 85 sch

Minor amendments of wild river declaration

s 31 amd 2006 No. 59 s 14

Relationship with water resource plans

s 37 amd 2006 No. 59 s 85 sch

Classification of wild river area into high preservation area and preservation area

s 41 amd 2006 No. 59 s 15

Effect of classification on particular development applications

s 42 amd 2006 No. 59 s 16

Effect of declaration on particular development applications

s 43 amd 2006 No. 59 s 17

Meaning of “Aurukun project”

s 46 amd 2006 No. 31 s 23

Meaning of “specified works”

s 48 amd 2006 No. 59 s 18

PART 6—AMENDMENT OF OTHER ACTS

pt 6 (s 52) om R1 (see RA ss 7(1)(k) and 40)

SCHEDULE—DICTIONARY

(prev sch 2) renum 2006 No. 59 s 19(5)

amd 2006 No. 59 s 85 sch

def “**agricultural activities**” amd 2006 No. 59 s 19(2)–(3)def “**animal husbandry activities**” amd 2006 No. 59 s 19(4)def “**designated urban area**” ins 2006 No. 59 s 19(1)def “**high risk species**” ins 2006 No. 59 s 19(1)def “**low impact soil disturbance**” ins 2006 No. 59 s 19(1)def “**moderate risk species**” ins 2006 No. 59 s 19(1)def “**nominated waterway**” ins 2006 No. 59 s 19(1)

**SCHEDULE 1—CONSEQUENTIAL AND MINOR AMENDMENTS OF OTHER
ACTS**

om R1 (see RA s 40)