# A CHRONOLOGY OF THE PROTECTION AND MANAGEMENT OF THE WET TROPICS OF QUEENSLAND WORLD HERITAGE AREA (WTQWHA) January 2007

#### WET TROPICS OF QUEENSLAND: WORLD HERITAGE LISTING

The significant events surrounding the listing of the WTQWHA are summarised below. A detailed list of events can be found at Appendix A.

The Wet Tropics occupied a central position in national environmental politics throughout the 1980s. The events surrounding the World Heritage listing of the Wet Tropics were beset by controversy, characterised by protest campaigns for and against rainforest logging, including a political battle between the Queensland and Australian governments. There was conflict between the then Queensland Government (led by the Bjelke-Petersen National Party), which supported logging of the rainforests, and the Commonwealth Government (led by the Hawke Labor Party) which proposed to nominate the Wet Tropics for the World Heritage List. Rainforest Aboriginal people also held concerns over the listing.

New scientific research and literature, and events such as the 2<sup>nd</sup> World Wilderness Congress held in Cairns in 1980, drew national and international attention to the significance of the rainforests in the region and the threats to them. In the early 1980s strong pressure was being mounted by conservation lobby groups to protect the rainforests from logging operations. The primary focus of early campaigns was on the greater Daintree region, including Cape Tribulation, Roaring Meg/Alexandra Creek catchments, Daintree River catchment, Mount Windsor Tableland, Mount Spurgeon, Mossman Gorge, Mount Lewis, and the Cedar Bay and Walker Bay areas.

In 1982 the Wet Tropics was included on The World Conservation Union's (IUCN) list of places deserving World Heritage protection. This provided the impetus for World Heritage listing of the Wet Tropics.

A significant event in the campaign for rainforest protection came in November 1983 when Mr George Quaid, supported by the Queensland Government, attempted to create a new road through the lower Daintree rainforests (the Cape Tribulation – Bloomfield Road). This resulted in a blockade by protestors, many of whom were willing to risk their lives for rainforest protection. The blockade, although unsuccessful in stopping the development of the road, continued through until August 1984 and drew significant national and international attention to the area.

In 1984 the Federal Government was not prepared to nominate the rainforests of the Wet Tropics for the World Heritage listing of natural properties in the absence of sufficient evidence that the area was of genuine World Heritage significance. In response, the Australian Heritage Commission engaged the Rainforest Conservation Society of Queensland to evaluate and report on the international conservation significance of the area between Townsville and Cooktown. The Commission subsequently recommended to the Australian Government that the tropical rainforests of North-East Queensland be nominated for the World Heritage list. The report stated that 'from the information compiled in this study, we conclude that the Wet Tropics region of North-East Queensland is one of the most significant regional ecosystems in the world. It is of outstanding scientific importance and natural beauty and adequately fulfils all four of the criteria defined by the World Heritage Convention for inclusion in the World Heritage List' (Rainforest Conservation Society of Queensland, 1984). With regard to Rainforest Aboriginal people's interests in the area, the report states that 'the oral pre-history of this surviving Aboriginal rainforest culture is the oldest known for any non-literate indigenous people. Archaeological studies in Jiyer Cave in the remote Russell River valley have yielded valuable information to date, and are believed to hold records, as yet unexcavated, dating back more than 10,000 years'.

Despite the scientific evidence contained in the report, the Federal Government was still not prepared to nominate the area for World Heritage listing without the support of the Queensland Government, which strongly opposed the listing. Doyle (2000) suggests the Labor Government was fearful of a political backlash during the upcoming 1984 Federal Election. "After losing all support in Tasmania after its anti-Dam stance since 1983, the Hawke Ministry was anxious that a similar scenario might occur in a number of North Queensland marginal seats" (Doyle, 2000). Doyle also states that 'a second reason for refusing to attempt to list the area without the support of the Queensland Government consent relates to...the make-up of the High Court...'. Given the composition of the High Court at the time, the Federal Government did not feel confident of a High Court decision in its favour.

During 1985 the Federal Government developed the National Rainforest Conservation Program for the long-term protection of North-Queensland rainforests. The program ear-marked \$22.24 million of Commonwealth funds for a review of the rainforest timber industry, acquisition of rainforest on private lands, preservation of virgin rainforest, and establishment of a national rainforest research institute. The Queensland Government rejected the program and refused to participate.

It was not until the 1987 Federal Election that the Federal Government announced its commitment to the World Heritage listing of the rainforests of North-East Queensland. In the meantime, conservation groups had continued to push the Queensland Government to support the nomination of the area, and continued to strengthen its campaign. By 1987, '...the environment movement became totally immersed in the Federal Election' (Doyle, 2000). Whilst the State and Commonwealth governments were still at odds over rainforest logging, the Commonwealth Government went to the polls with a policy to nominate the wet tropical rainforests as a World Heritage Site.

The Hawke Labor Government won the 1987 Federal Election and announced on World Environment Day, 5 June 1987, its intentions to proceed with World Heritage nomination.

In August 1987 the Queensland Government established the Northern Rainforests Management Agency (NORMA) to "...enhance the co-ordination of management strategies for the northern rainforests area and to assist in protecting the rights of individuals adversely affected by the nomination proposal" (Queensland Government, 1987). One of the primary functions of NORMA was to investigate an option that would allow selective logging of the area for sustained yield.

NORMA openly objected to the intent of the Federal Government to proceed with World Heritage nomination. This was represented in the statement of objection by the Queensland Government concerning the World Heritage listing proposal (Queensland Government, 1987). The following elements were highlighted in the Statement as the main grounds for objection:

- Inadequate consultation
- Inadequate scientific and technical data to support the nomination
- Inadequate regard to State rainforest management arrangements
- Social and economic dislocation
- Abuse of constitutional powers.

In its objection the Queensland Government claimed that the imposition of Commonwealth control over the Area was an abuse of the Commonwealth's constitutional powers. "The Commonwealth has no explicit legislative powers over conservation and the environment but is relying on other powers to enter into an area of State responsibility" (QLD Government, 1987). To this effect the Queensland Government began proceedings in the High Court of Australia in December 1987.

Despite objections from the Queensland Government the Federal Government announced on 11 December 1987 that it would proceed with the nomination. On 23 December 1987 the nomination for the World Heritage listing of the Wet Tropical Rainforests of North-East Queensland, prepared by the Department of the Arts, Sport, the Environment, Tourism and Territories (DASETT, 1987), was presented by the Commonwealth Government to the Bureau of the World Heritage Committee based on the proposal prepared by the Rainforest Conservation Society.

In January 1988 the Commonwealth Government decided that commercial logging was incompatible with the protection of the World Heritage values of the proposed area submitted for listing. A regulation was enacted under the *World Heritage Properties Conservation Act 1983* to ban all commercial logging in the proposed Wet Tropical Rainforests of North-East Queensland World Heritage Area. In April 1988, the Commonwealth again enacted the *World Heritage Properties Conservation Act 1983* to regulate against activities associated with opening the Southedge Road in the area covered by the nomination.

In January 1988 the Commonwealth Environment Minister, Graham Richardson, assured Rainforest Aboriginal people that, as far as the Federal Government was concerned, activities such as hunting and gathering would not be stopped in the Wet Tropics as a result of World Heritage listing, providing world heritage values were not unduly compromised.

All shire councils in the area also opposed the World Heritage listing and in April 1988 made a submission against the listing to the World Heritage Committee.

In April 1988 the Commonwealth Government announced the \$75.3 million Wet Tropics of Queensland Structural Adjustment Package (SAP) for job creation, labour adjustment and assistance and business compensation to offset the impacts of the cessation of logging in the area. The Package contained the following elements:

- Compensation of business directly related to and dependant on the logging industry
- Payment of a dislocation allowance to retrenched timber workers
- Payment of early retirement assistance to eligible retrenched workers
- Employment and training assistance
- Local council projects to develop infrastructure in the area
- Tree planting projects
- Grants and subsidies to businesses to employ retrenched timber workers
- Community initiatives.

On April 26 1988, 1250000ha of the Wet Tropical Forests of North Queensland was listed on the Register of National Estate under the *Australian Heritage Commission Act 1975*. This area included the proposed Wet Tropical Rainforests of North-East Australia World Heritage Area.

Following the nomination the Queensland Government continued to attempt to block the listing and in June 1988 sent an anti-delegation team to Paris and Brasilia to argue its case against the Federal nomination of the listing to the World Heritage Bureau. The anti-delegation team consisted of Geoffrey Muntz (the then Queensland Minister for Environment), two Aboriginal representatives (including Eric Deeral who later became a Wet Tropics Board member from 1998-2002), and sixteen other delegates.

In June 1988 the Chairman of Yarrabah Aboriginal Council, Peter Noble, wrote to the Commonwealth Minister, opposing the listing of Aboriginal land in the World Heritage nomination. "This potential interference with our rights to self management and self determination could not receive our agreement if there were no tangible benefits to be received by the community. If there be no tangible benefits and such interference with our land rights, we would have no option but to continue strenuous opposition to our lands being included in the listing…" (in Brennan, 1992).

At its meeting in Paris in June 1988 the World Heritage Bureau recommended the nominated Wet Tropical Rainforests of North-East Australia area be inscribed as a World Heritage area but requested the Commonwealth to provide clarification and further information on several points, particularly in relation to future management arrangements involving the State and Federal governments, and a revision of the proposed boundaries to exclude areas which did not contribute significant values. The Bureau, in considering the World Heritage nomination, also reacted to the apparent Aboriginal opposition to World Heritage listing and were not happy at the idea of including Aboriginal land unless the owners were involved in and fully endorsed the terms of the World Heritage Convention in their area.

<sup>&</sup>lt;sup>1</sup> In this chronology of events, the term Aboriginal lands refers to Deed of Grant in Trust (DOGIT) lands within the boundaries of the nominated WHA, primarily those areas of the Yarrabah Council and the Wujal Wujal Community Council.

The Commonwealth Government developed a special review team which prepared a report to the World Heritage Committee Secretariat (September 1988) addressing the recommendations of the Bureau. The report primarily addressed boundary concerns, but also clarified a number of other issues as requested by the Bureau. Additionally, the report suggested a more appropriate name for the nominated area should be the "Wet Tropics of Queensland" to better reflect the mosaic of habitats which make up the property. In dealing with questions about Aboriginal opposition to inclusion of their land, the report stated that for Aboriginal communities which have DOGIT land within the nominated area, the Government has no intention of restricting traditional non-commercial activities, and that the proposed management arrangements are designed to ensure that Aboriginal communities play an important role in the future management of the nominated area (IUCN, 1988).

The Commonwealth resubmitted the World Heritage nomination to the World Heritage Committee in October 1988.

In November 1988 the Chairperson of the Yarrabah Aboriginal Council again wrote to the Commonwealth Environment Minister in response to the Commonwealth's position on the inclusion of Aboriginal land in the nomination. "Basically you have offered us nothing but the assurance we will still be able to use our land as we do presently, if all goes well...If listed, it will be without our consent" (in Brennan, 1992).

At the 12<sup>th</sup> Session of the World Heritage Committee meeting in Brasilia, Brazil from 5-9 December 1988, the World Heritage Committee formally accepted the Commonwealth nomination and the Area was officially inscribed on the World Heritage list on 9 December 1988.

The State Government's legal challenge to the constitutional validity of the listing was rejected by the High Court on 30 June 1989. Through the act of nomination of the Wet Tropics, the Commonwealth assumed responsibility under the World Heritage Convention to protect the outstanding universal values of the region. Successive High Court decisions confirmed that the "external affairs power" in the Australian Constitution supports Federal laws that give effect to obligations contained in international treaties to which Australia is a party. To the extent that a law of an Australian State is inconsistent with such a Federal law, the State law would be invalid.

In December 1989 the conservative State Government lost office to a Labor government which immediately withdrew the challenge in the Commonwealth Court that selective logging did not detract from the region's World Heritage values.

In 1990 the Queensland and Commonwealth Governments agreed to jointly fund and manage the WTQWHA, with the Queensland Premier Wayne Goss and the Australian Prime Minister Bob Hawke signing an agreement which established the Wet Tropics Management Scheme, and setting out an organisational structure for the Area's management. A revised version was signed by Commonwealth and State Ministers in December 1995.

#### WORLD HERITAGE CONVENTION AND THE WORLD HERITAGE LIST

The Convention Concerning the Protection of the World Cultural and Natural Heritage (the World Heritage Convention) was adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in Paris in 1972. The World Heritage Convention came into force in December 1995 when the minimum requirement of 20 countries had ratified it. To date, more than 170 countries have adhered to the Convention, making it one of the most universal international legal instruments for the protection of cultural and natural heritage.

The Convention defines the kind of natural or cultural sites which can be considered for inscription on the World Heritage List, and sets out the obligations of State Parties in protecting and preserving them.

To be included on the World Heritage List of properties, sites must be considered to be of outstanding universal value. To do this they must satisfy one or more of the selection criteria. These criteria are revised regularly by the World Heritage Committee, and have evolved to match the evolution of the World Heritage concept itself. The Wet Tropics satisfied all four natural heritage criteria. The following summary adapted from the World Heritage Nomination IUCN Summary (1988) provides the justification for designation of the Wet Tropics as a World Heritage natural property:

## Represent major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features.

The Wet Tropics contains one of the most complete and diverse living records of the major stages in the evolution of land plants, from the very first land plants to higher plants (Gymnosperms and Angiosperms), as well as one of the most important living records of the history of marsupials and songbirds.

Represent significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals.

Levels of species diversity and endemism in the Wet Tropics are exceptionally high, reflecting long-isolated ancient biota of the Australian Wet Tropics.

### Contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance.

The Wet Tropics contains one of the most significant regional ecosystems in the world, with outstanding features of natural beauty and magnificent sweeping landscapes. Exceptional is the coastline scenery, which contains tropical rainforest, white sandy beaches and fringing reefs just offshore.

Contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.

The Wet Tropics provides the only habitat for numerous rare or threatened species of plants and animals.

#### **CULTURAL HERITAGE**

Whilst the area wasn't listed for its cultural heritage values, the Australian Government included in its statement of significance the following assertion: "The wet tropics of North-east Australia preserves the only recognised extant Aboriginal rainforest culture and is therefore a major component of the cultural record of an Aboriginal society which has a long continuous history in the nominated area for at least 40 000 years" (DASETT, 1987).

The Wet Tropics Board has given support to the renomination of the Area for cultural values. In order to be listed as a cultural heritage place, the area must be nominated by the Commonwealth Government to the World Heritage Committee, and must satisfy one or more cultural heritage criteria. Research is being undertaken into the Aboriginal cultural heritage significance of the Wet Tropics region. The knowledge gained from this research will be used to strengthen the case for cultural renomination of the area.

#### WTQWHA BOUNDARIES

The boundary provided in the original World Heritage nomination for the Wet Tropical Rainforests of North-East Australia was determined by a systematic analysis undertaken by the Commonwealth. It was defined by 'meets and bounds' using the 1:100000 cadastral map series published by the Queensland Department of Mapping and Surveying. Descriptions were current only to the drawn and published date of the corresponding map. The original boundary was proclaimed in the Commonwealth of Australia Gazette on 19 January 1988.

The original boundary contains a total area of about 9200 sq. km and corresponds to the remaining tropical forest cover and contains a diversity of tropical forest habitats. It takes into account a six month public review that was undertaken in 1987 which resulted in the elimination of a number of elements that did not significantly contribute to the overall values of the site, including some freehold land, recently cleared land, some eucalypt forests and areas with exotic plantations. Nevertheless, there were still concerns over the boundary in terms of protection and management as provided in the original nomination. These are outlined in the IUCN Technical Evaluation of the nomination (1988) and include:

- The boundary to area ratio is high with a sinuous configuration that is some 2600 km in length. The nature of the remaining forest blocks and patches as well as land tenure and cadastral boundaries are the main reasons for this, making overall management of the unit complicated.
- There are at least a dozen small isolates and outliers that are not connected to the main body of the unit, in addition to various narrow 'fingers' that stick out from the main core. It is a general principle in conservation biology that there is a minimum critical size if a reserve is to retain its biological diversity, and that small areas isolated by modified habitats will behave like islands and gradually lose some of their original species. Extra effort would have to be devoted to these isolates if they are to remain viable.
- The boundary includes previously logged forest. Certainly extractive forestry operations within the nominated area have occurred and have resulted in some diminution in natural values. Previously logged areas still retain important values but it is important to recognise that much of the area is not pristine and will take a long period to recover.
- The boundary includes various forest types that are not strictly rainforests, particularly the narrow band of sclerophyll forest along portions of the western boundary. These areas represent the drier end of the rainforest spectrum and because of the influence of fire, act as transition between rainforest and non-rainforest vegetation. Such zones are dynamic and important in terms of long-term management, climatic change, and for certain rainforest fauna that use sclerophyll on a seasonal basis. The precise width and configuration of this western strip is affected by certain administrative boundary lines constraints. These ecotones are important not only for their intrinsic interest but as additional insurance of integrity under fluctuating climates.

These concerns made it appropriate to pay further attention to the boundary before the precise extent of the property was finalised and this was requested by the World Heritage Bureau at its meeting in Paris in June 1988. A boundary review was then carried out over the June-September period by DASETT and a report outlining the amended boundary was submitted to the World Heritage Committee Secretariat in September 1988. This review essentially confirmed that from the scientific point of view, the previous boundaries were basically correct and only minor trimming resulted. Two major areas considered for excision under the review (Mount Windsor and Paluma) were not eliminated as both these areas contribute substantially to the nomination. A total of 67 smaller areas were studied in depth with the conclusion that 31 of these were excised, 8 were added and 28 were retained.

The finalised boundary for the Wet Tropics of Queensland World Heritage Area was produced from transparencies made by the Australian Surveying and Land Information Group of the 1:100000 cadastral map series. It contains an area of about 8990 sq. km, and was proclaimed in the Commonwealth of Australia Gazette on 15 December 1988.

The Wet Tropics Management Authority developed a more detailed description of the final boundary on newly created 1:50000 scale plans in 1991-92, referred to as WTQs. These plans do not alter the alignment of the gazetted boundary - they merely provide a more detailed and clearer description of the boundary. They were formally approved by the Wet Tropics Ministerial Council, and accepted by both Commonwealth and State governments on 14 October 1992. They were then lodged with UNESCO in Paris. Whilst the final boundary for the Wet Tropics of Queensland World Heritage Area was proclaimed as about 8990 sq. km, or about 899000 ha, a more precise figure of 894420ha has since been determined from the WTQ's. This figure is used in official WTMA documentation.

WTQ's were used as a basis to form zone boundaries and maps developed for the Wet Tropics Management Plan. These were produced in May 1998 and do not affect the description or definition of the Wet Tropics of Queensland World Heritage Area boundary.

#### PROTECTION AND MANAGEMENT OF THE WTQWHA

### World Heritage Properties Conservation Act 1983 (C'wealth) (WHPC Act)

The WHPC Act provided protection for Australian sites which were being considered for nomination or were already listed on the World Heritage List. The Act explains the properties to which the Act applies, unlawful acts against those properties, certain lawful acts, enforcement, and compensation issues.

Two regulations were made under the Act for the nominated area covered by the Wet Tropical Rainforests of North-east Queensland prior its listing as a World Heritage site. The first was made on 19 January 1988 to prohibit commercial forestry operations in the proposed area. The second Regulation was made on 28 April 1988 to prohibit further construction of the Southedge Road.

These Regulations were amended on 16 December 1988 such that the prohibitions on commercial forestry operations and further construction of the Southedge Road were applied to the newly described Wet Tropics of Queensland World Heritage Area.

A third regulation was made under the Act on 15 November 1994 to prohibit the clearing of an area adjacent the Tully-Mission Beach Road within the Wet Tropics of Queensland World Heritage Area.

The Environmental Reform (Consequential Provisions) Act 1999, developed as a consequence of the new Environment Protection and Biodiversity Act 1999 (refer section on EPBC Act), effectively repeals the WHPC Act, but provides that it continues to apply in relation to properties and sites that were declared under the WHPC Act immediately before its repeal.

#### The Wet Tropics Management Scheme (Intergovernmental Agreement)

The Queensland and Commonwealth governments agreed in 1990 to jointly fund and coordinate management of the WTQWHA, signing an agreement that established the Wet Tropics Management Scheme. The agreement is scheduled to the *Wet Tropics World Heritage Protection and Management Act 1993* (QLD) and given effect by s.3 of the *Wet Tropics of Queensland World Heritage Conservation Act 1994* (C'wealth). A revised version of the agreement was signed by Commonwealth and State Ministers in December 1995.

The Agreement outlines the broad structural and funding arrangements for the management scheme, including:

- Ministerial Council Comprising two Commonwealth and two State Ministers, and chaired by the Queensland Minister for Environment, the Ministerial Council was to be the government policy and decision co-ordination body, with its primary function to coordinate policy and funding for the Area.
- Wet Tropics Management Authority The Agreement originally set up two separate bodies, the Wet Tropics Management Authority, and the Wet Tropics Management Agency, which were later merged upon proclamation of the Wet Tropics World Heritage Protection and Management Act 1993 to become the present Authority. The original Authority consisted of five private citizens who were to report directly to the Ministerial Council and was intended to provide an independent voice for the Area.
- Wet Tropics Management Agency The Management Agency as set out in the Agreement comprised public servants who were to be responsible to the Authority for a wide range of functions, including development, coordination, implementation and monitoring of policies, plans and programs to meet the primary goal.
- Community Consultative Committee The Agreement establishes a Community Consultative Committee, made up of representatives of local groups with an interest in management of the WTQWHA. The main function of the Committee is to advise and report to the Management Authority on matters relating to the management of the WTQWHA from the viewpoint of the representative groups and the community at large.

• **Scientific Advisory Committee** - A Scientific Advisory Committee was set up under the Agreement to provide specialist advice to the Management Authority with respect to scientific research and monitoring priorities and information for the Area.

The Intergovernmental Agreement was the precursor to both the *Wet Tropics World Heritage Protection and Management Act 1993* and the statutory *Wet Tropics Management Plan 1988*. It set in place the framework around which the Act was subsequently constructed and the administrative arrangements which dominated the Authority's operations. Of central importance to the Management Scheme was "its articulation of the "Primary Goal" for the management of the Area, with its five elements of protection, conservation, presentation, rehabilitation and transmission to future generations." (Pattemore, 2000).

### Wet Tropics World Heritage Protection and Management Act 1993 (QLD) (WTWHPM Act)

The WTWHPM Act is the State legislation that provides for the protection and management of the WTQWHA. The structural elements of the Management Scheme set up under the Intergovernmental Agreement are all broadly represented in the Act.

#### Administration

The WTWHPM Act provides for the establishment, functions and powers of the Wet Tropics Management Authority and its Board. The functions of the Authority set out in s.10 of the Act loosely amalgamate the functions of the former Authority and the Agency from the Intergovernmental Agreement. These functions include:

- Develop and implement policies and programs
- Make recommendations to the Ministerial Council in relation to management of the WTQWHA
- Prepare and implement management plans
- Administer funding arrangements
- Enter into cooperative management arrangements
- Enter into arrangements for the provision of rehabilitation and restoration works
- Develop public and community education programs
- Monitor the state of the Wet Tropics area

Section 10 of the Act also provides that in performing its functions, the Authority must, as far as practicable, have regard to the Aboriginal tradition of Aboriginal people, and liaise and cooperate with Aboriginal particularly concerned with land in the Wet Tropics area.

The role of the Board as set out in the Act include deciding the objectives, strategies and policies to be followed by the Authority, and ensuring the Authority performs its functions in a proper, effective and efficient way. Under the Act the Board is comprised of the executive director of the Authority, 1 person nominated by the Ministerial Council, 2 persons nominated by the Commonwealth, and 2 persons nominated by the State. The Queensland Governor in Council is responsible for appointing nominated Board members.

Section 40 of the Act retains the two committees created under the Intergovernmental Agreement, namely the Community Consultative Committee and the Scientific Advisory Committee. Section 40(1b) of the Act also allows for the establishment of other advisory committees.

#### **Protection**

The Act provides two key statutory tools for protection of the Area and its World Heritage values. These are contained in Section 56 (Prohibited Acts), and in the provisions of Part 3 (Management Plans). Section 56 provides a blanket prohibition against the destruction of forest products throughout the Area and offers powerful statutory protection both directly and through the head of power to define additional prohibited acts in subordinate legislation. The Act also provides for exemptions to be created in subordinate legislation. The proclamation of Section 56 was delayed until 1988 when exemptions were available in the context of the Statutory Plan. This left a five-year period from the time the legislation was enacted until it could provide statutory protection against the destruction of forest products in the Area.

Section 56 applies only to forest products and specifically to their destruction. Part 3 of the Act, which provides a head of power for the preparation of statutory management plans, ultimately offers more farreaching protection. Management plans prepared under this Part can regulate a wide range of activities including use of land, access to the Wet Tropics area, and the presence and use of vehicles (Pattemore, 2000).

## Wet Tropics of Queensland World Heritage Conservation Act 1994 (C'wealth) (WTQWHC Act)

The WTQWHC Act was passed in 1994 to give effect to the Intergovernmental Agreement as set out in Schedule 1 of the WTWHPM Act, and to facilitate the implementation of Australia's international duty for the protection, conservation, presentation, rehabilitation and transmission to future generations of the WTQWHA.

The Act is also significant in that it recognises that Aboriginal people have occupied, used and enjoyed land in the Area since time immemorial, and that the Area is part of the cultural landscape of Rainforest Aboriginal peoples. The Act recognises the role of Aboriginal peoples in the management of land and waters in the Area.

Section 6 of the Act provides that one or more Aboriginal representatives must be appointed on the Authority's Board on the nomination of the Commonwealth. Section 8 provides that any advisory committee established by the Authority under the WTWHPM Act includes Aboriginal representatives among its members.

Other provisions outlined in the Act relate to the secondment of staff to the Authority, and the tabling of the annual report to the Authority.

### Wet Tropics Management Plan 1998 (QLD) (The Plan)

The Plan is subordinate legislation under the WTWHPM Act. It provides the legal framework for management of the Area and for regulation of potentially damaging activities.

Key components of the Plan include:

#### **Zoning System**

The Plan divides the Area into four management zones, based on a distance from disturbance model. Part 3 of the Plan describes those activities which are allowed, or subject to a permit, in the different zones. The zoning scheme also designates road classes and associated use within the Area. Activities regulated under the Plan include interference with earth and water courses, destruction of vegetation, building and maintaining roads and structures, and introduction of undesirable plants and animals. A summary of the zoning system is outlined in the Table below.

	Zone A	Zone B	Zone C	Zone D
Physical condition	Remote from disturbance and in a mostly natural state.	Not remote from disturbance but in a mostly natural state.	Land where there is existing community services infrastructure.	Land where there is, or proposed to be, significant developed visitor facilities.
Physical and social setting	Natural area remote from disturbances from modern technological society. Solitude visitor opportunities. No obvious management presence.	Natural area which may be undergoing recovery towards its natural state. Solitude visitor opportunities. Limited management presence.	Some disturbance by modern technological society. Low key visitor opportunities. Management presence.	Mostly natural area with visitor facilities in the landscape. Visitor opportunities to appreciate and enjoy a natural setting.  Management presence may be obvious.
Management intent	Protect land in its natural state.	Restore land to its natural state wherever practical.	Accommodate community services and ensure associated impacts are managed to minimise their effects on the Area.	Accommodate developed visitor facilities and ensure associated impacts are managed to minimise their effects on the Area.

#### **Permit System**

The Plan incorporates a permit system for consideration of applications for regulated activities. The most important consideration in assessing permit applications is the likely impact of the proposed activity on the Areas integrity.

#### **Permit Assessment Guidelines**

Section 62 of the Plan allows the Authority to prepare guidelines relevant to decision making and may include guidelines for flora and fauna conservation, scenic amenity, visitor management, seed collection and community consultation on permit applications. The Authority must have regard to the information in the guidelines when considering a permit application.

#### **Co-operative Management Agreements**

The Plan provides for the Authority to enter into co-operative management agreements (CMAs) where the agreement would contribute to achieving the Primary Goal. CMAs provide for variation of standard controls prescribed under the Plan.

## Environment Protection and Biodiversity Conservation Act 1999 (C'wealth) (EPBC Act)

From July 2000, Australia's World Heritage Properties became protected under the EPBC Act. This Act replaces and significantly improves on the *World Heritage Properties Conservation Act 1983*. The WHPC Act enabled the Commonwealth to make regulations to protect Australia's World Heritage Properties from threatening actions identified in the regulations. The EPBC Act, however, provides automatic protection for World Heritage Properties and other matters of national environmental significance by ensuring that an environmental impact assessment process is undertaken for proposed actions that will, or are likely to, have a significant impact on the World Heritage values of a declared World Heritage Property. This process allows the Commonwealth Minister for the Environment and Heritage to grant or refuse approval to take an action, and to impose conditions on the taking of an action.

#### **BIBLIOGRAPHY**

Brennan, F. 1992 *Land Rights Queensland Style*. University of Queensland Press, St Lucia, Queensland.

DASETT, 1987 Nomination of Wet Tropical Rainforests of North-East Australia by the Government of Australia for inclusion in the World Heritage List.

Doyle, T. 2000 *The Campaign to Save the Wet Tropics* in G. McDonald & M. Lane (eds) *Securing the Wet Tropics*. The Federation Press, Sydney, pp.103-116.

IUCN, 1988 World Heritage Nomination – IUCN Summary: Wet Tropical Rainforests (North-East Australia).

IUCN, 1988 World Heritage Nomination – IUCN Technical Evaluation: Wet Tropical Rainforests of North-East Australia.

Pattemore, V. 2000 *Legislation in the Wet Tropics World Heritage Area – Tools for Protection* in G. McDonald & M. Lane (eds) *Securing the Wet Tropics*. The Federation Press, Sydney, pp.132-149.

Queensland Government, 1987 Statement of Objection by the QLD Government Concerning the Proposal by the Commonwealth Government for World Heritage Listing of the Wet Tropical Rainforests of Queensland October 1987.

Rainforest Conservation Society of Queensland, 1984 Study of the Conservation Significance of the Wet Tropics of North-East Queensland, prepared for the Australian Heritage Commission.

### **CHRONOLOGY**

Pre	Aboriginal people have occupied, used and enjoyed land in the Area prior to the arrival of
European	Europeans.
Settlement	
1791	Samples of Red Cedar were dispatched from Australia to London (November 1791) –
	Admiralty ordered that convict ships on their return journey to England should carry as
	much Red Cedar as possible.
1842	Special decree by Governor Gipps (colony of NSW) that no timber licences were to be
	granted in any rainforest north of Brisbane containing Bunya Pine (in recognition of its
	importance to Aboriginal people).
1859	Separation of the colony of Qld from NSW.
1860	First timber regulations proclaimed and licence system introduced in Queensland.
1873	Dalrymple explored coastal valleys & ranges between Cardwell and Cooktown assessing
	the potential of the land for development.
1874	Timber cutters commenced logging of red cedar & kauri pine.
1875	Government formed a Select Committee to report on forest conservancy in Queensland.
1876	Cairns established.
1877	Cedar of the Daintree and Mossman valleys reported as totally cut-out.
1881	
	Cedar cutters extended operations to western margin of Atherton Tableland.
1881	33 general timber licences issued at Herberton – by end of 1881a total of 9 million
1001	superfeet of cedar logged.
1881	Sugar cane farms established on coastal lowlands.
1882	Christy Palmerston, a prominent bushman and pathfinder, explored ranges between Port
	Douglas & Cairns, then a stock route between Herberton & Innisfail (parts of the
	Palmerston Highway, K-tree Road and West Palmerston Road)
1882	Rainforests of the Atherton Tablelands opened-up for selection – first dairying
	commenced on the Atherton Tableland to supply dairy products to miners on the
	goldfields (dairying accelerated rainforest selection & clearing).
1882	Export of red cedar through Port Douglas ends as all trees near streams had been
	removed.
1882	Carl Lumholtz (naturalist explorer) explored the Herbert River district.
1883	Palmerston discovered gold in Jordan Creek area.
1886	Palmerston discovered gold in lower Russell River.
1886	George Russell discovered gold in upper terraces of Russell River.
1887	Railway progressed from Cairns to Redlynch.
1887	Palmerston, with a companion believed to be Wilkam Leighton, successfully located and
	blazed a route from the lowlands near Port Douglas to the Tablelands (the Bump Track)
	in April 1877. The route was later cleared in July 1877.
1889	By 1889 the following timbers were being milled in the Wet Tropics: red cedar, beech,
	kauri pines, black bean, silkwood, hickory, acacia cedar, satinwood and pencil cedar.
1891	Railway progressed from Cairns to Kuranda.
1893	Railway progressed from Cairns to Mareeba.
1897	Two small sawmills operating in Cairns.
1900	State appointed an Inspector of Forests and 2 Forest Rangers (within the Lands
	Department portfolio).
1901	The Commonwealth of Australia came into being as a Federation of what had previously
1701	been 6 colonies which then became 6 states (1 January). Constitution came into force.
1902	Three sawmills operating in Atherton.
1906	State Forests and National Parks Act of 1906 gazetted which included royalty-based sales
1900	
1921	instead of simple licensing.  Bellenden Ker National Park gazetted.
1924	Cairns linked to Brisbane by rail.
1931	Edward Swain, Forestry Director, criticised land settlement policies – led to a Royal
	Commission to investigate conflict between land settlement and forestry. Swain dismissed
1022	for his attempts to retain greater areas of rainforest.
1932	Hinchinbrook Island National Park gazetted.
1934	Lakes Barrine and Eacham National Parks gazetted.

1026	Dublic Fetets Income of Column and a comment of and an action and demanded
1936	Public Estate Improvement Scheme commenced as a measure to reduce post-depression unemployment and to open-up access to several Timber Reserves and State Forests
	(1936-1943). Eg construction of Black Mountain Road (Kuranda to Julatten), B Road
	(Danbulla), Kennedy-Kirrama Road.
1940	Barron Gorge National Park gazetted.
1947	Qld government decree that all timber logged in the region had to be processed locally
	(previously much was exported as logs).
WW2	Construction of the Kuranda-Mareeba Road by American forces.
Post	Soldier resettlement schemes – opening-up of Malaan, Mena Creek and Utchee Creek
WW1	areas.
1952	Tree marking introduced (trees selected for cutting paint-marked with direction of fall indicated).
1954	War Service Settlement Scheme.
1958	Len Webb (rainforest ecologist) classification of Australian rainforests.
1959	Department of Forestry separates from Lands Department.
1960	Forest Inventory System introduced (permanent monitoring plots).
1960s	Last massive clearing (42,900 ha) occurred in the lower Tully River valley (King Ranch).
1966	Len Webb put forward a series of National Park proposals, designed to protect the full
	range of the remaining habitats of the Wet Tropics (first time in Australia). The
	Identification and Conservation of Habitat Types in the Wet Tropic Lowlands of North Queensland. This was also the first reference in the scientific literature to the international
	significance of the lowland rainforests. (Note: lowlands were defined as areas below 1000
	ft contour). The proposals were confined to the lowlands because of the extraordinary
	development pressures placed on the lowlands from about 1955 onwards.
1971	Establishment of CSIRO Tropical Forest Research Station in Atherton.
1973	Peter Stanton reviewed status of reserves in the lowlands and identified additional areas
	for reservation.
1974	Biosphere Reserve model proposed for the region by the Man and the Biosphere (MAB)
	section of UNESCO but State Government declined to proceed.
1974	Rainforest Conservation Society established.
1974	Australian Government inquiry into the National Estate & recognition of the urgent need to conserve rainforests.
1975	Creation of separate National Parks and Wildlife Service (previously a Department of
	Forestry function).
1975	Commonwealth establishes the Australian Heritage Commission and introduces National
1075	Estate legislation.
1975	Overall classification and mapping of Wet Tropics forests by Tracey & Webb.
1976	Focus on our Northern Heritage – workshop organised by WPS in Cairns.
1978 1978	Introduction of environmental guidelines in relation to Cairns water supply catchment.  Conservation groups nominated several areas for listing on the National Heritage
1976	Register.
1980	Second World Wilderness Congress held in Cairns (June 1980).
1980	Australian Heritage Commission listed a number of rainforest areas (Greater Daintree
1001	region – 350,000 ha) on the Register of the National Estate (October 1980).
1981	State Parliament presented with a petition signed by 12,000 Queenslanders seeking
1981	protection of the Wet Tropics rainforests.  Mt Windsor logging operations blockaded by conservationists (13 people arrested)
1961	November 1981.
1981	Australian Conservation Foundation launched the Rescue the Rainforest campaign in
	Cairns and CAFNEC was formed. Rainforests were the major priority of the Australian
	Conservation Foundation in 1981
	The original proposals by the conservation movement was for a "Greater Daintree"
	National Park" including only the Cape Tribulation NP, Roaring Meg/Alexandra Creek
	catchments, Daintree River catchment, Mt Windsor Tableland, Mt Spurgeon, Mossman
1002	Gorge, Mt Lewis, Cedar Bay area and Walker Bay area.
1982	Introduction of environmental guidelines in general to logging operations throughout Wet
1002	Tropics.  Parnia Huland's (tayonomist) and key for the identification of rainforest trees of north
1982	Bernie Hyland's (taxonomist) card key for the identification of rainforest trees of north Queensland published.
	Zucchistatia published.

pes published by Geoff Tracey (rainforest
Tropical Region of North Queensland.
f the Wet Tropics came with the 1982
Areas" and included on IUCNs 1982 list of
n. pulation-Bloomfield Road – construction started
of protesters – elevated the campaign to national
eral Government into the debate.
ade continued.
the Rainforest Conservation Society of
international conservation significance of the
In visible (January 1984). The report (completed in
Il four natural heritage criteria and this finding
ferees (report subsequently published as a book n 1986).
net in Brisbane to form a national coalition to
d Heritage site.
n Cairns by Federal Environment minister
op the Federal Government initiated a national
olution recognising the value of the Wet
landers supported cessation of logging in virgin
manders supported designation of logging in virgin
on National Rainforest Conservation Program
uses to participate.
e of protecting Australia's wet tropical forests.
just prior to the 1987 election) that they would
ards nomination of the Wet Tropics to the
Canberra and in Cairns, was established in July
on in relation to the protection of the proposed
r
nforest Management Agency (NORMA) to co-
of the Wet Tropics (August 1987).
he indicative boundary for the proposed WHA
tation process (August 1987) to obtain views and
ssist in the development of socio-economic omment phase elicited 1,350 suggestions for
result of the reassessment almost 100 sq km of
e eucalypt forests and areas with exotic
ated area.
for the proposed nomination to the public (11
roceeding with the nomination.
sioned by Commonwealth.
e World Heritage Committee on 23 December Rainforest Conservation Society.
t Tropics, the Commonwealth assumed
Convention to protect the outstanding universal
urt decisions confirmed that the "external affairs
ports Federal laws that give effect to obligations
h Australia is a party. To the extent that a law of
ich a Federal law, the State law would be
nment Minister Graham Richardson assures

	and made a regulation under the World Heritage Properties Conservation Act 1983 to
	prevent activities associated with commercial forestry operations in the area covered by
	the nomination (January 1988).
1988	Commonwealth implemented a Structural Adjustment Package (SAP) to address the
1700	potential negative social impacts identified in the SIA.
1988	Commonwealth decided that Quaid's Road (Southedge Road) was incompatible with
1,00	protection of these values and made a regulation under the World Heritage Properties
	Conservation Act 1983 to prevent activities associated with opening the road in the area
	covered by the nomination (April 1988).
1988	Commonwealth released proposals for the management of the Area (April 1988) This
	document established the context and objectives of management and suggested
	mechanisms by which management would be implemented. Central to the scheme was the
	establishment of a joint State-Commonwealth management authority.
1988	Submission against listing from shire councils.
1988	Commonwealth established the Wet Tropics of Queensland Structural Adjustment
	Package (SAP) to offset the impacts of the cessation of logging (\$75.3 million).
1988	Amendments to the Commonwealth's World Heritage Properties Conservation Act were
	enacted in March 1988 to more fully exercise the Federal Government's constitutional
	powers and to strengthen interim protection for potential World Heritage sites.
1988	The proposed WHA listed on the Register of the National Estate on 26 April 1988 under
	the Australian Heritage Commission Act 1975.
1988	In June 1988 a Queensland anti-delegation team, consisting of the Queensland
	Environment Minister, two Aboriginals, and 16 other delegates, was sent to Paris to rally
	against World Heritage listing.
1988	The Chairman of Yarrabah council writes to the Commonwealth Environment Minister in
	June 1988 voicing an opposition to the inclusion of Aboriginal lands in the nominated
	area.
1988	At its meeting in Paris (June 1988) the Bureau recommended the Area (then called the
	"Wet Tropical Rainforests of North-east Australia") be inscribed as a World Heritage area
	but requested the Commonwealth to provide clarification and further information on
	several points, particularly in relation to future management arrangements involving the
	State and Federal governments, and a revision of the proposed boundaries to exclude
1000	areas which did not contribute significant natural values.
1988	Commonwealth boundary review team held discussions with representatives of local
1000	government bodies in the week commencing 22 August 1988.
1988	Commonwealth boundary review team examined in detail 2 large areas (approximately
	30,000ha – Mt Windsor Tableland and 60,000ha – Paluma Range) and 67 small areas.
	The small areas considered for exclusion were the irregularly shaped boundaries, isolated
	blocks, fingers protruding from the main area, or areas where new information had
	become available. Consideration was also given to adding small areas that would lead to a more coherent nomination. A total of 31 areas were excised (totalling about 6,300 ha) and
	8 areas (totalling about 630 ha) were added. An additional area of land at Mt Leach was
	treated separately. The Review Team found no scientific justification for major changes
	to the boundary.
1988	DASETT prepared a report to the World Heritage Committee Secretariat (September
1700	1988) addressing the recommendations of the Bureau, particularly information on future
	management, boundaries, land ownership and use of the area, including traditional non-
	commercial purposes by Aboriginal people.
	The report suggested a more appropriate name for the nominated area should be the "Wet
	Tropics of Queensland" previously the nominated area was referred to as the "Wet
	Tropical Rainforests of North-east Australia".
1988	State and Commonwealth could not reach agreement. Commonwealth ignored State
-, 50	protests and resubmitted its nomination report in October 1988 with a reduction of 1% of
	the area originally nominated.
1000	In November 1988 the Chariperson of Yarrabah Council again writes to the
	in 130 tember 1700 the Champerson of Tarraban Council again writes to the
1900	Commonwealth Environment Minister opposing the inclusion of Aboriginal lands in the
1900	Commonwealth Environment Minister opposing the inclusion of Aboriginal lands in the
1988	Commonwealth Environment Minister opposing the inclusion of Aboriginal lands in the nominated area.  At meeting in Brasilia in December 1988, the World Heritage Committee formally

	World Heritage list (9 December 1988). 12 <sup>th</sup> Session of the World Heritage Committee
	meeting in Brasilia, Brazil from 5-9 December 1988.
1989	State Governments legal challenge to the constitutional validity of the listing was rejected by the High Court (30 June 1989).
1989	Labour Government elected in Queensland (2 December 1989) which withdrew challenge in the Federal Court that selection logging did not detract from World Heritage values.
1990	Commonwealth and new Qld Government sign the <i>Wet Tropics World Heritage Area Management Scheme</i> – an intergovernmental agreement. The agreement is scheduled to the Queensland Act and given effect by s.3 of the Commonwealth Act. This agreement comprised an exchange of correspondence agreeing to broad structural and funding arrangements for the management scheme (November 1990), including development of the Wet Tropics Management Authority and Wet Tropics Management Agency.
1990	A Ministerial Council was established comprising 2 Federal Ministers and 2 State Ministers.
1991	World Heritage Bureau (June 1991) expressed concern at delays in the management planning process, lack of funds for field management activities, the pace of tourism development and a proposed hydropower development (Tully-Millstream scheme).
1992	Establishment of the Wet Tropics Management Authority Staff and Executive Director comprised the Wet Tropics Management Agency The Wet Tropics Management Authority is what is now referred to as the Board. The current usage of Authority and Board occurred when the Authority became a statutory body following gazettal of the Wet Tropics World Heritage Protection and Management Act 1993.
1992	Wet Tropics Management Plan consultation started (March 1992) with a discussion paper and questionnaire called: "Wet Tropics Plan: Your First Invitation to Comment"
1992	Wet Tropics Plan: Strategic Directions published August 1992.
1992	World Heritage Committee (December 1992) noted with satisfaction the level of progress made in instituting management arrangements, drafting legislation, improving budgetary allocations, and rehabilitating degraded forest areas.
1992	Queensland's Nature Conservation Act 1992 gazetted.
1993	Queensland legislation: Wet Tropics World Heritage Protection and Management Act 1993 proclaimed on 1 November 1993 (apart from ss.56 and 57). The Act provides for the establishment, functions and powers of the Wet Tropics Management Authority and its Board. The functions of the Authority set out in the Act loosely amalgamate the functions of the former Authority and the Agency from the WTWHA Management Scheme.
1994	Commonwealth and State announce joint funding of \$23 million over 4 years for the Daintree Rescue Program.
1994	Commonwealth legislation: Wet Tropics of Queensland World Heritage Area Conservation Act 1994 proclaimed on 15 March 1994.
1995	Draft Wet Tropics Plan placed on public exhibition (October 1995). The draft remained on public exhibition for over six months.
1995	A revised version of the intergovernmental agreement signed (December 1995).
1997	Wet Tropics Plan gazetted on 7 August 1997 and its provisions were due to come into force on 1 November 1997 but subsequently repealed due to court challenge.
1997	Protection Through Partnerships: Policies for implementation of the Wet Tropics Plan published (August 1997).
1998	Wet Tropics Management Plan gazetted on 22 May 1998 and came into force on 1 September 1998.
1998	Proclamation of ss.56 and 57 of the <i>Wet Tropics World Heritage Protection and Management Act 1993</i> occurred on 1 September 1998.
1998	At the June 1998 World Heritage Bureau meeting the issue of possible land clearing within the world heritage area was raised by NGOs this triggered the need to formally respond through the process of a World Heritage Reactive Report coordinated by ACIUCN to determine whether the Wet Tropics should be placed on the list of World Heritage in Danger.
1998	Which Way Our Cultural Survival? The Review Of Aboriginal Involvement in the Management of the Wet Tropics World Heritage Area prepared by the Review Steering Committee in 1998.
1999	Commonwealth's Environment Protection and Biodiversity Conservation Act 1999

	(EPBC Act) gazetted.
1999	World Heritage Properties Conservation Act 1983 repealed by the Environmental Reform
	(Consequential Provisions) Act 1999.
1999	Vegetation Management Act 1999 gazetted.
2000	State Party's Response Report to the World Heritage Reactive Report developed,
	establishing State Party's benchmark response to the ACIUCN focused recommendations.
2000	Wet Tropics Nature Based Tourism Strategy published August 2000.
2001	Wet Tropics Walking Strategy published October 2001.
2002	Wet Tropics first Periodic Report prepared and submitted to Environment Australia as
	requested by UNESCO.
2002	Rainforest CRC preparation of draft Statement of Aboriginal Cultural Heritage
	Significance for the Wet Tropics Region of North Queensland.
2004	Wet Tropics Conservation Strategy published September 2004.
2005	Regional Agreement with Rainforest Aboriginal people signed off on 29 April 2005.
2005	Rainforest Aboriginal Advisory Committee appointed under the Act as an advisory
	committee to the Board.
2005	Transfer of 39 forest reserves and three other land parcels in the Wet Tropics (totalling
	380,000ha) to National Park tenure (mostly within the WTQWHA).
2005	Data capture and digitisation of the 1:50,000 vegetation mapping of the Wet Tropics
	completed in August.
2005	In November 2005 the legislative requirement for a review of the Wet Tropics
	Management Plan 1998 was extended from 7 years to 10 years.
2006	The Wet Tropics World Heritage Protection and Management Act 1993 is amended to
	allow for a second Aboriginal Board member.
2007	Kuku Yalanji ILUA signed for much of the WHA from Mossman north to the Bloomfield
	area.
2007	Wet Tropics of Queensland WHA listed on the National Heritage List.