

Policy

Wet Tropics Management Authority

Removal and Sale of Timber from the Wet Tropics WHA

Policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Wet Tropics Management Authority. Policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.

Background

The former Department of Natural Resources has asked the Board of the Wet Tropics Management Authority to adopt a policy position that would allow the removal and sale of timber from the Wet Tropics World Heritage Area where trees have been felled as a result of human interference. Such acts would include illegal harvesting and trees felled as a consequence of permitted or allowed activities (eg road works).

Destroying forest product is generally prohibited within the Wet Tropics World Heritage Area under the *Wet Tropics World Heritage Protection and Management Act 1993* unless exempted under a regulation (such as the *Wet Tropics Management Plan 1998*). The definition of “destroying” includes removal of forest product from the Wet Tropics World Heritage Area. There is no specific regulation of the sale of timber. If timber is legally removed from the Wet Tropics World Heritage Area, its method of subsequent disposal is not a matter controlled by the Wet Tropics Management Authority’s current regulations. Commonwealth regulations prohibit commercial forestry unless a Ministerial consent is obtained. These regulations have been “preserved” following the introduction of the EPBC Act. However, recent advice from Environment Australia indicates that where timber has been removed from the Wet Tropics World Heritage Area for purposes other than commercial forestry (such as protection of evidence), the subsequent disposal is not regulated.

While the Commonwealth Minister appears to have a broad ability to consent to the commercial removal of forest product, the *Wet Tropics Management Plan 1998* limits the ability of the Wet Tropics Management Authority to approve such actions. In the context of the (former) Department of Natural Resources request these circumstances are restricted to-

- allowing removal of forest product as a condition of a permitted activity;
- removal as a consequence of an activity undertaken by Queensland Parks & Wildlife Service in an Nature Conservation Act “protected area” - provided such action is consistent with the Nature Conservation Act (S.30 of the *Wet Tropics Management Plan 1998*);
- removal consequential on activities undertaken by the Wet Tropics Management Authority (S.31 of the *Wet Tropics Management Plan 1998*);
- as part of a management agreement under S.41 or S.42 of the *Wet Tropics Management Plan 1998*, where the activity contributes to the achievement of the Primary Goal of Wet Tropics World Heritage Area management.

Activities undertaken under S.30 and S.31 must still be considered against the assessment criteria of the *Wet Tropics Management Plan 1998* as if they were the subject of permit applications.

The Commonwealth have given approvals previously for the salvage of timber resulting from activities within the Wet Tropics World Heritage Area. One of the more significant cases was the removal of timber from the Gillies Highway felled during road works. The Commonwealth has granted no approvals since the introduction of the *Wet Tropics Management Plan 1998*. The Wet Tropics Management Authority recently agreed to the removal of timber from the Herberton Range, which was felled during an illegal harvesting operation to protect evidence. This timber was sold.

Policy statement

- A) Felled or fallen timber is to be generally left untouched, destroyed or otherwise disposed of in situ.
- B) Where, in the reasonable opinion of the senior Queensland Parks & Wildlife Service field officer for the locality, for safety reasons, to protect natural or presentation values or where the timber is of a type and in a location that is likely to attract unauthorised removal, destruction and disposal elsewhere in the general vicinity can occur.
- C) In relation to compliance actions, felled timber may be removed to a secure location outside the Wet Tropics World Heritage Area where required for evidentiary purposes.
- D) Where (C) applies, or where the timber has been illegally removed, the disposal of timber through sale can occur once it is no longer required as evidence and provided the revenue is expended on management of the Wet Tropics World Heritage Area (less the cost of investigation, removal, storage and sale).
- E) Removal and sale of timber from the Wet Tropics World Heritage Area is to be approved by the Executive Director under Section 31 of the *Wet Tropics Management Plan 1998*.

Interpretation

Statutory restriction on removal of forest product

The *Wet Tropics Management Plan 1998* does not provide a clear statutory ability to permit or allow the removal of timber from the area. Where timber is to be cleared as a consequence of permitted activities there appears to be no impediment to including a permit condition, which would allow the removal of timber from the area. This option is not available to remove timber felled in other circumstances (such as illegal felling or a result of natural events). However, sections 30 and 31 of the *Wet Tropics Management Plan 1998* (activities of the "Chief Executive" in protected areas and the Wet Tropics Management Authority respectively) could be interpreted to provide a means of authorising the removal of timber from the Wet Tropics World Heritage Area in such circumstances, subject to assessment against the criteria set out in sections 56 to 62 of the *Wet Tropics Management Plan 1998*.

Current practice

Although the various provisions of the *Wet Tropics Management Plan 1998* can be interpreted to provide a statutory means to permit the removal of timber generally in the Wet Tropics World Heritage Area, the Nature Conservation Act, for protected areas and the Forestry Act, for State Forests, also regulate such activities.

Within protected areas permits can be issued to destroy vegetation under the Nature Conservation Act (eg to clear a road or powerline corridor). In such cases the timber is not permitted to be removed from the protected area unless there are exceptional circumstances. The current tenure review process is likely to result in much of the Wet Tropics World Heritage Area becoming a Nature Conservation Act protected area.

The standard WT permit condition relating to felled timber requires that such vegetation should be cut into short sections and returned to the forest floor in areas adjacent to the works site in an aesthetically sensitive manner to limit impacts on presentation values. This condition currently applies to all works and maintenance permits issued to infrastructure agencies, including those issued to Queensland Parks & Wildlife Service for works in State Forests.

However, it is recognised that there may be a case for relocating fallen or felled timber elsewhere for safety purposes or to reduce the temptation for unauthorised removal. This would only be acceptable where in situ destruction is unsafe or would create significant impact to natural or presentation values.

Distinguishing between natural acts and human interference

Many of the arguments supporting removal of timber resulting from human interference can also be put in relation to natural acts. Storms and cyclones have the potential to bring down large volumes of timber along roadsides and in other accessible areas. It is considered that in the determination of a policy on this issue the cause of timber fall is not material.

Community considerations

The (former) Department of Natural Resources proposal highlights the concern expressed by some sectors of the community that not utilising fallen or felled timber is a waste of a scarce (rainforest species) and valuable resource. Alternative community views would consider that allowing timber removal for sale would be contrary to the principles of World Heritage management established at the time of listing when commercial forestry was prohibited by Commonwealth regulation.

Reducing “attractive nuisance” factor

The illegal logging incident in the Herberton Ranges highlights the potential problem of felled timber becoming a target for further illegal activities. Removal of felled timber to a secure or less accessible location reduces the possibility of illegal removal (in some cases this may have to be done to secure evidence for a prosecution). Destroying the timber in situ provides an alternative means of dealing with this possibility. While destruction of felled timber in situ costs staff time, the costs of removal could be recouped through the sale of the timber in cases where the volume and quality of timber felled is high.

Ecological Considerations

The removal of felled timber will result in the loss of nutrients, which would otherwise be returned to the forest. Leaving the felled timber in situ will ensure nutrients would be retained. Fallen timber also creates habitats for a range of vertebrate and invertebrate species. However, the effects of timber removal would be very localised unless large volumes were removed in a confined area.

Implementation

Generally the Wet Tropics Management Authority requires felled/fallen timber to be left untouched, destroyed or otherwise disposed of in situ. However, where issues of safety are involved, where the timber is of a type, and in a location that is likely to attract unauthorised removal, or where in situ retention or disposal would significantly impact on natural or presentation values, destruction or disposal elsewhere could occur at the discretion of the senior Queensland Parks & Wildlife Service field officer for the locality. Wherever practical this should be in the vicinity of the site from which the timber was removed. In certain compliance actions it is possible that felled timber may need to be removed to a secure location outside the Wet Tropics World Heritage Area for evidentiary purposes. In such cases the disposal of timber through sale would be appropriate provided

the revenue is expended on management of the Wet Tropics World Heritage Area (less the cost of investigation, removal, storage and sale). The same action could apply to timber that has been illegally removed. This policy applies across the Wet Tropics World Heritage Area regardless of tenure.

Disclaimer

This policy does not necessarily reflect the views of the Australian and Queensland Governments.

Approval

Wet Tropics Board

Meeting 42
16-17 August 2001

Enquiries:

Wet Tropics Management Authority
PO Box 2050
Cairns QLD 4870
Ph. (07) 4052 0555
Fax. (07) 4031 1364