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QUEENSLAND RAINFORESTS CONSERVATION BILL 1985 (Private Senator's Bill)

Date Introduced:

19 March 1985

House:

Senate.

Presented by:

Senator Macklin

Short Digest of Bill

Purpose

To provide for the protection of natural heritage areas in Australia, prior to any decision to nominate these areas for inclusion on the World Heritage List.

Background

The Bill was first introduced into the Senate on 11 October 1984 after the Douglas Shire Council built a road from Cape Tribulation to Bloomfield through the Daintree rainforest in North Queensland. However, the Bill lapsed with the dissolution of Parliament in late October 1984.

In September 1984, the Australian Heritage Commission recommended world heritage nomination for the wet tropics area of North-East Queensland which includes the Daintree region. The Queensland Government refused to agree to world heritage nomination and the Commonwealth Government has indicated that it will not nominate the region without Queensland's consent. The Commonwealth offered \$1 million for a land resources survey and a plan of management for the region. The Queensland Government rejected this offer. Against this background, the Bill provides for protection of the areas referred to in the Commission's report.

Outline

The Bill provides for two procedures. The first would require the Minister to seek world heritage listing once he or she had received a report from the Australian Heritage Commission identifying relevant areas of international conservation significance. The second procedure provides for declarations and injunctions prior to the making of the Minister's application.

Provisions

Clause 5 relates to the Minister's application for world heritage listing. When the Minister receives a Heritage Commission report on the wet tropics of North East Queensland, which identifies areas of international conservation significance, he or she must seek world heritage listing for the identified areas. This must be done as soon as possible.

Clause 6 enables certain people to apply to the High Court or the Federal Court for a declaration.

The declaration will relate to national park and reserve areas listed in the report to the Heritage Commission by the Rainforest Conservation Society of Queensland on the Wet Tropics of North-East Queensland. The applicant can seek a declaration that specified parts of these areas form part of the world's cultural or natural heritage within the meaning of the Convention for the Protection of the World Cultural and Natural Heritage. Those who can apply for a declaration are:

- . the Attorney-General of the Commonwealth
- the Attorney-General of Queensland
- conservation groups
- Aborigines, where an Aboriginal Reserve is concerned.

Where the Court decides that the areas come within the Convention definition, and that action is occurring which will interfere with the area's "protection, conservation, presentation or transmission to future generations", then it can make a declaration.

Once a declaration has been made, an injunction can be sought by any of the same people listed above (Clause 7). The injunction can be granted to prevent the activity which would interfere with the protection of the area. The declaration and injunction can be sought at the same time and an interim injunction can be granted before the making of a declaration pursuant to Clause 6.

For further information, if required, contact:

Science, Technology and Environment Group and Law & Government Group LEGISLATIVE RESEARCH SERVICE