

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
THE SENATE

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*(Presented pursuant to leave granted and read 1<sup>o</sup>, 19 March 1985)*

(SENATOR MACKLIN)

**A BILL**

FOR

**An Act to ensure the conservation of the wet tropics of  
North-East Queensland**

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**Short title**

1. This Act may be cited as the *Queensland Rainforests Conservation Act 1985*.

**Commencement**

2. This Act shall come into operation on the day on which it receives the Royal Assent.

**Act to bind the Crown**

3. This Act binds the Crown in right of the Commonwealth and of Queensland.

### Interpretation

4. In this Act, unless the contrary intention appears—

“Convention” means Convention for the Protection of the World Cultural and Natural Heritage, a copy of which is set out in the Schedule to the *World Heritage Properties Conservation Act 1983*;

“interested person” means—

- (a) the Attorney-General of the Commonwealth or the Attorney-General of Queensland;
- (b) an organisation or association of persons, whether incorporated or not, the objects or purposes of which include, and activities of which relate to, the protection or conservation of the natural heritage or the cultural heritage of Australia; or
- (c) in relation to an Aboriginal Reserve—a member of the Aboriginal race;

“interim protected areas” means the National Parks, State Forests, Timber Reserves and Aboriginal and Islander Reserve listed in Appendix 1 to the Report of the Society;

“Minister” means the Minister of State administering the *World Heritage Properties Conservation Act 1983*;

“Report of the Society” means the Report to the Australian Heritage Commission concerning the Wet Tropics of North-East Queensland made by the Rainforest Conservation Society of Queensland in June 1984.

### Application for inclusion of certain areas in World Heritage List

5. (1) As soon as practicable after receipt by the Minister of a report of the Australian Heritage Commission identifying areas in the wet tropics of North-East Queensland that, in the opinion of the Commission, are of international conservation significance, the Minister shall cause an application to be made, in accordance with the Convention, for the inclusion of those areas in the World Heritage List.

(2) Pending the receipt of the report referred to in sub-section (1), the Minister shall take all practicable steps to ensure that there is no avoidable delay in complying with that sub-section.

### Interim identification of areas entitled to protection

6. (1) At any time before the application referred to in sub-section 5 (1) has been made and dealt with, an interested person may apply to the High Court or the Federal Court for a declaration that a specified part of the interim protected areas is part of the cultural heritage or the natural heritage, within the meaning of the Convention.

(2) On an application under sub-section (1), if the court is satisfied that—

- (a) an area, being the whole or a part of the area referred to in the application, is part of the cultural heritage or the natural heritage, within the meaning of the Convention; and

- (b) there is reasonable ground for believing that action is taking place or may take place that would be likely to interfere with the protection, conservation, presentation or transmission to future generations of the area as to which the court is satisfied as referred to in paragraph (a),

the court may declare that the area as to which it is so satisfied is part of the cultural heritage or the natural heritage within the meaning of the Convention and, subject to any appeal to the High Court, the declaration is binding on all persons (including the Crown) bound by this Act.

### **Injunctions**

7. (1) The High Court or the Federal Court may, on the application of an interested person, grant an injunction restricting the doing, in respect of an area while it is the subject of a declaration under section 6, of a specified act or thing that the court is satisfied would prejudice the protection, conservation, presentation or transmission to future generations of the area in accordance with Australia's duty under Article 4 of the Convention.

(2) An application for an injunction under this section in respect of an area may be made at the time of making an application under section 6 in respect of the area, or an area that includes the area, or at any time after a declaration under section 6 has been made in respect of the area.

(3) The court may grant an interim injunction pending disposal of an application for an injunction under sub-section (1) and such an interim injunction may be granted in respect of an area before the court has decided an application under section 6 in respect of the area.

