



Environmental Defender's Office
Of Northern Queensland Inc.

12th April 2005

Plan Review
Wet Tropics Management Authority
P.O.Box 2050
CAIRNS QLD 4870

Dear Sir/Madam,

RE WET TROPICS PLAN REVIEW

We refer to the Wet Tropics Plan review that has recently been released for comment. This submission is lodged jointly on the legal issues raised by the plan on behalf of the National Parks Association of Queensland Inc., the Cairns and Far North Environment Centre and the Environmental Defender's Office of Northern Queensland Inc.

The proposed changes to the *Wet Tropics Management Plan* 1998 include an amendment to s.65. The proposed amendment will expand the section to apply to all infrastructure instead of just roads, including powerlines and pipelines. The amended section 65(1) would read something like "The authority may issue a permit to build [a infrastructure] only if there were no prudent and feasible alternative and if feasible, if building the [infrastructure] under the permit would not have a net adverse impact on the integrity of the area."

In our view such an amendment does not strengthen s.65 of the Management Plan, in fact it weakens it considerably by expanding the exemption provided to all infrastructure instead of just roads. This results in a two-tiered system for gaining permits, whereby permits for infrastructure are not required to be assessed against the same criteria as other permits under the Management Plan, where sections 56-61 apply. This also means that if there are no feasible and prudent alternatives and it is not feasible to avoid adverse impacts on the integrity of the area, then a permit can be granted regardless of the area which it passes, and other impacts.

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The *Wet Tropics World Heritage Protection and Management Act 1993* (Qld) is to give effect to Australia's obligations under the World Heritage Convention. The recitals to the Act also state that the Parliament recognises that Australia's obligations under the convention is to ensure the protection, conservation, presentation, rehabilitation and transmission to future generations of the natural heritage of the area. It also states that it is the intention of the Parliament that the area should be established and maintained as a world heritage area of the highest standard. Management Plans made under this legislation should be consistent with these aims and objects. Giving broad exemptions to any infrastructure based on tests of feasibility rather than effect on the Wet Tropics, does not appear to be consistent with these aims and conserving the Wet Tropics area. These amendments to the Management Plan may therefore be unlawful and outside the scope of the power to make Management Plans that is provided in the *Wet Tropics World Heritage Protection and Management Act 1993* (Qld).

Should you wish to strengthen this section, the best way of doing so would be to remove the word "if feasible" after the word and. We would also suggest that "do nothing" be included as an explicit alternative to any action.

Yours faithfully
EDO-NQ

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