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THE BATTLE FOR THE DAINTREE:

The Emergence of Green Politics in North Queensland.

Thesis submitted by Katrina Higgins in February 1993 in partial fulfilment of the requirements for the Degree of Bachelor of Arts with Honours in the Department of History & Politics of James Cook University of North Queensland.

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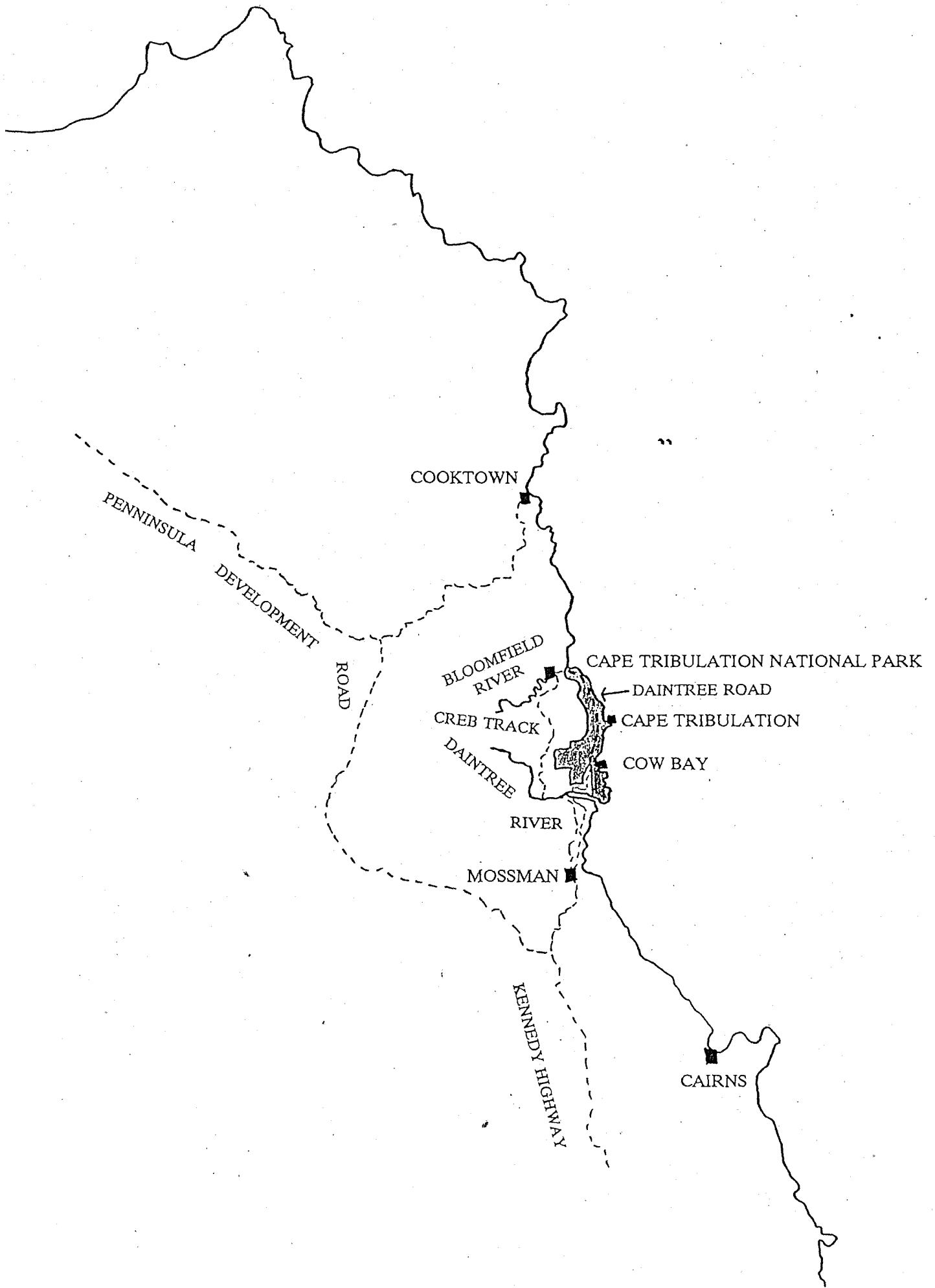
Katrina Higgins

DECLARATION

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16/2/93

Katrina Higgins



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INTRODUCTION

With the advent of "green" power in Australia over the last decade conservationists and environmentalists have become a key force in Australian politics, best able to flex political muscle at election time. The importance of the green vote is amply illustrated by the outcome of the 1990 Federal elections when the movement's preferences were crucial to the Hawke government's retention of office. In the House of Representatives several sitting Labor members were returned on the preferences of green-inspired candidates standing under the banner of the Australian Democrats. In two key north Queensland seats, Herbert and Leichhardt, Democrat preferences were decisive. What can be concluded from the 1990 elections is that "green" politics is not an ephemeral single-issue pressure group but an emerging force which the long-established political parties will have to contend with in the 1990s. How the movement gained a following in north Queensland and consolidated its influence throughout the decade is the focus of this study.

The emergence of environmental attitudes in north Queensland has been guided by the character of settlement and the proximity of natural features that have come to be recognised as aesthetically, biologically and scientifically valuable. From regarding the land as valuable only in an altered, often Europeanised form, attitudes changed gradually until the surrounding environment had appeal in its natural state. Colonial land use was dictated by policies that ignored conservationist considerations. Land was cleared, its resources sold and modifications were made to support other resources which would effect economic gain. Trees and forests were a hindrance to be overcome.

Towards the end of the nineteenth century a few bureaucratic changes were made to maintain the resource base and regulation of land clearing was

attempted. However, the drive for economic profit often inhibited this process. An attitude that the natural vegetation was unattractive and an imposition to lifestyle was made even more threatening by the conviction that even though trees were tools of economic gain, there was no requirement to plan for conservation because Australia had an over-abundance of forests. Government policy dictated that settlers be encouraged and sometimes required to alter the landscape in order to promote "progress".

In the early part of the century there were a few examples of an emerging environmental consciousness that sought to protect the environment for its own sake in Britain and north America. Their appearance coincided with the evolution of a social class that was already economically comfortable and able to spend leisure hours appreciating the natural wilderness. Australia, however, was too young a nation to let these considerations get in the way of progress. The land played an intrinsic part in development but admiration of its natural features and a desire to preserve them gave way to economic considerations.

By the 1970s conservation became an influential force in all western nations and, with economic foundations established, individuals could start to appreciate their surroundings. A "grass roots" character of environmental awareness began to emerge. Political decision-making reflected the need for governments to consider conservation of the land for more than future utilitarian use. An appreciation of natural and scientific attributes of the northern rainforests was discernible, and the call for their protection became louder. In the Greater Daintree region the construction of a thirty-five kilometre long dirt road through the coastal rainforest, from Cape Tribulation to the Bloomfield River, was the event that precipitated change in environmental thinking in north Queensland politics. As protesters attempted to have construction stopped, concern emerged for the future of the Daintree rainforest. The destruction wrought was obvious, as was the disappointment that environmentalists felt at having failed. However as the

campaign gained publicity conservationists won a much greater battle: a green philosophy was widely accepted. Ten years later the affects of the road on the surrounding environment are still evident; the issue of rainforest conservation remains clear in the minds of those politicians now responsible for the region's future.

The struggle for the Daintree illustrated the disregard that both Federal and State governments had for environmental ideologies. Calls for the Federal government to intervene fell on deaf ears and the State was able to proceed without fear of Commonwealth intervention. Because government decisions were not reviewed in Court, both were able to side-step legal responsibilities with few political repercussions.

When the World Heritage Wet Tropics of North East Australia was listed by the International Union of the Conservation of Nature (I.U.C.N) in 1988, conservationists celebrated a win in the north. While the region was recognised as fulfilling all cultural and natural criteria for listing, the major source of delight was that in nominating the region for its natural attributes the Commonwealth had institutionalised the protection of the rare and endemic rainforests of north Queensland. The World Heritage Convention established an international obligation for the Commonwealth to protect and promote them. However, that the region fulfilled the cultural criteria for nomination has raised concerns for rainforest Aborigines in the north. With the Mabo findings acknowledging that Aborigines have rights to tenure over tribal lands, recognition of Aboriginal culture was highlighted. The nomination of the north Queensland rainforests as a World Heritage region has revealed an appreciation of the value and strength of Aboriginal cultures in the rainforests.

While conservation ideologies have strengthened, they have not taken on the importance that economics has in political thinking. However the rise of the

green movement has effected a move towards development that focuses on sustainability of the environment and its resources. As conservation issues have become important there have been attempts to develop an ecologically-sustainable tourist industry. Administrators have become increasingly conscious of the need to reach an accord between conservation and development which is reflected in the promotion of "ecotourism" in the region. In the end the environment will be protected not only for its own sake but for the sake of politicians who desire to remain in power but are guided by economic rationale.

An examination of the environmental movement in the north shows that its development has been far more complex than the unfolding of the few issues raised in this study. Indeed a holistic approach to the social development of the movement indicates that avenues for research are numerous. For example green organisations such as the North Queensland Conservation Council, the Queensland Conservation Council and the Wildlife Preservation Society of Queensland warrant full and separate dissertations. This thesis is confined to a cursory account of some of the factors involved in the emergence of the movement regionally. The movement is still very much in its infancy but the impact that it has had to date indicates that it has acquired substantial clout since its gradual rise two and a half decades ago.

FORESTS TO FELL: A Brief History of Land Management in North Queensland.

The environmental or "green" movement is motivated fundamentally by an attempt to preserve nature in its original form. Green politics is centred upon gaining popular support for the philosophies and ideals that it espouses. A history of the movement must necessarily include not only past practises of governments and citizens but also, with regard to managing the land, the changes occurring because of a rising consciousness over conservation issues. White Australian society has reflected the growth of Western capitalism; its history has been shaped by a commitment to development of the land, which ensured that vast areas of woodland were cleared for agricultural, pastoral or residential purposes. It has been only in the last fifteen to twenty years that the pioneering ethic of progress and development of the land has begun to be re-evaluated. The concept of conservation of natural unspoilt areas for their intrinsic natural value did not become embodied in land use policies until "green" politics gained popular support in the late 1960s. One outstanding example was the forest industry in Queensland and land management policies. Indeed, the politics of forest conservation and the dilemmas faced by the green movement were crucial to its evolution. It is this theme which needs consideration when contemporary threats to Australian woodlands and forests remain at the heart of environmentalists' concerns. Queensland followed similar land use patterns to other Australian States; equally similar problems with the conservation-development dichotomy are still evident. The State contains one of the last virgin tropical rainforests in the world, and with a slowly developing environmental agenda, conservationists place high priority on the protection of the forests in the north of Queensland, much to the chagrin of dyed-in-the-wool developers.

From the beginning of European settlement in Queensland, pioneers were impressed by the land and its timber supply. Forests and woodlands were appraised according to the usefulness of their trees; pine, eucalypts and cedar

were treasured timbers. Indeed, the existence of cedar in the tropical rainforests of north Queensland helped shape the future for the area. One of the initial moves of the newly separated colony was to legislate to regulate the collection of red cedar, but this was difficult to implement.

The expertise and adeptness of the cedar cutters, "militated against the practical implementation of any royalty system especially as by the 1870s they were 1600km north of Brisbane in the great cabinetwood resource of the Atherton Tableland rain forests..."¹ Quite early, concern for timber supply became apparent. In 1873, at a public meeting organised by the Queensland Acclimatisation Society, there were calls for the government to address the need for "forest conservancy". Subsequently a Select Committee was established "to consider and report upon the best means to be adopted in order to preserve and promote the growth of timber trees and to conserve forests for useful purposes". The committee found that trees were being wasted and that it was of utmost importance that the export of cedar wood be prohibited or at least severely restricted. As a result, a Forest Conservancy Board was established and placed under the control of the Lands Minister. However, the board was largely ineffectual; even a royalty system introduced in the 1880s was short-lived. For three decades the only control on timber-getting was the licensing of fellers.²

In 1906 the Queensland parliament passed an Act "to provide for the Reservation, Management and Protection of State Forests and National Parks". In essence, this allowed the State to reserve Crown land as State Forest or National Parks. This created a situation where management and administration of National Park reserves came under the auspices of the Forestry Service, and remained within the Department for the next seventy

¹ Cited in L.Carron; A History of Forestry in Australia, (Canberra, 1985), p.96.

² J.H.Coyne, Address by Chairman, Proceedings of the 6th Australian Forestry Conference, (Brisbane, 1922), in Carron, A History of Forestry in Australia, pp.96-97.

years.³ This measure and the pioneering attitude of the day, which promoted the opening up of new agricultural or pastoral lands, combined to suppress the establishment of nature reserves. The idea of preserving areas as nature reserves of indirect utilitarian value was inconceivable even if reserves were established for later utilisation of resources. In 1912, the Under-Secretary of the Department of Public Lands commented that "it was an unfortunate circumstance, from the standpoint of forestry, that the State's best soft woods are found on its best soils". He further recommended: "The maintenance of the rich volcanic coastal scrubs as permanent reservations for forestry purposes cannot be regarded as a subject for serious consideration."⁴ While some token forest reserves were being established to grow softwoods, decisions were still being influenced by the ideology of unrestricted development.

In the north a rather *ad hoc* approach was taken to forestry practices; in the south forestry trends followed stringent guidelines. In 1931, Director of Forests, E.H.Swain, maintained that settlement in the north was without regulation and

...unfortunately...the region under review has been settled without plan or purpose, and in consequence largely of bad land classification surveys and helter-skelter settlement policies, grave economic maladies have supervened...the destinies of North Queensland are inextricably linked up with the cabinetwood forests which are its natural expression...⁵

Because of the economic importance of red cedar as a cabinetwood, the Director's comments had an immediate effect. That same year a Royal Commission into Forestry and Land Settlement was established. Among its many findings was the proposition that Queensland needed "no forestry science for present requirements. The productive wealth of the country at

³ Ibid, pp.97-98.

⁴ Department of Public Lands, Director of Forests, Report, (Brisbane, 1912), in Carron, A History of Forestry in Australia, p.99.

⁵ E.H.Swain, An Economic Survey, in Carron, A History of Forestry in Australia, p.107.

present suffers from the fact that there are too many, rather than too few trees."

The Royal Commission's report reinforced the pioneering ethic. The Commission maintained that promotion of industry was far more important than reserving land for trees. It highlighted the problems of planning too far in advance, arguing that improvement in technology would invariably render contemporary resources (such as wood for construction) far less valuable in the long run. It therefore recommended

[l]arge sums should not...be spent in reafforestation while abundance of natural timber for all essential purposes remains, and a large scientific staff should not be specially built up for this purpose. Reasonable requirements only should be the guide.

One comment by the Commissioners expressed the utilitarian attitude of the day: "...trees are for the use of man not for his domination." The Commissioners, however rather paradoxically recommended that public expenditure on Forestry Administration should be reduced, but that

Forest Reservations and National Parks in the Far North [should be] increased from approximately 971,312 acres to 1,300,000 acres, an increase of 33 per cent.

However, while the Commission was not in favour of promoting the forestry industry, mainly because of the desire to populate the region and to advance other industries, it did recognise the value of wooded areas:

The direct benefit of supplying wood and timber for the use of the people is generally known:

- (1) Forests reduce the temperature of the air and soil to a moderate extent and render the climate more equable.
- (2) They increase the relative humidity of the air and reduce evaporation.
- (3) They tend to increase the precipitation of moisture.
- (4) They help regulate water supply, tend to reduce violent floods, and render the flow of water in rivers more steady.
- (5) They assist in preventing denudation, erosion, landslips, and the silting up of rivers.
- (6) They reduce the velocity of air-currents, protect adjoining fields against cold or dry winds, and afford shelter to stock and birds.
- (7) They add to the beauty of the countryside and provide a healthy aesthetic influence upon the people.

Nevertheless, the attitude of the Royal Commission was that Queensland had

an over-supply of trees. It was estimated that two-thirds of the land had at least moderate tree cover and that trees were an impediment to settlement of the north. Economic sustainability was recognised as necessary, and while hoarding of land for the production of trees for wood supply was not encouraged, the Commission found that a supply was still needed, and that trees should "be utilised in the way best calculated to advance the immediate progress of the country":

Reasonable provision can and should be made for the future, but it would be folly to plan on the basis of the essentiality of wood for all time at its present per capita consumption, and proceed to hoard supplies for hundreds of years ahead.

In general, it contended, settlers believed that trees were useful only if an economic value could be put on them. Because the settlement and industrial development of north Queensland was a major aim of Government and bureaucracy of the day, trees were considered valuable only if they could promote "progress". As reported:

Forests are valueless without community development and population...Unmarketable timbers which clutter our land are holding back production; more extensive clearings than have ever yet been made must be accomplished if more wealth is to be won from the soil and more population supported.⁶

It was because the far north Queensland region did contain marketable red cedar that destruction of much of the forest coverage in the area occurred. Wealth was "won from the soil" and the north developed as trees were removed and sold for a profit; the land was then cleared for agricultural or pastoral purposes.

It was not until the 1960s that forestry practises took on a more conservationist character. Following a break from the Lands Department in 1959 Forestry became a department in its own right. The first subtle move towards a more revised approach to planning came with the change in name

⁶ For a detailed account see Royal Commission On The Development of North Queensland Land Settlement and Forestry pp.10-39..

of the Head of Department from "Director" to "Conservator".⁷ L.T.Carron, author of A History of Forestry in Australia, noted the name change "was part of a concerted plan of the Department to bring to public notice any way it could its philosophy of general conservation rather than just one of wood production."⁸ For the red cedar stands the change came too late; for other less accessible rainforests, there was a reprieve, or so it seemed.

The mood of colonial times, with regard to development of the land, was reflected in the language. Until recently the common view about the north Queensland environment was that land not supporting marketable trees was covered in "scrub". Dense rainforest was termed "vine scrub" and considered a hindrance to development. The term "rainforest" did not emerge until 1903.⁹ It was inevitable that vast tracts of forest would be cleared because of the combination of the three factors: the attraction of cedar trees in the north Queensland rainforests, the desire to clear the land for other agricultural and pastoral purposes and the belief that land should be utilised for economic benefit.

A study by Terry Birtles of the settlement of the Atherton Tablelands strongly argues that a pioneering ethic existed in the north. Regulation of logging practises throughout the nineteenth century was inadequate especially in the supervision of operations. Birtles observed that "a lone harassed Crown Lands ranger based in Cooktown and equipped only with a horse was unable to keep track of the elusive raftsmen operating along the coast between the Daintree and Johnston Rivers." Most red cedar was removed from the rainforests illegally. The method by which it was felled, moreover, intensified destruction. "The first operation", Birtles noted,

⁷ Carron, p.109.

⁸ Ibid.

⁹ T.Birtles, "Trees to Burn: Settlement in the Atherton-Evelyn Rainforest, 1880-1900", North Australian Research Bulletin, 8, September, 1982, p.32.

was to cut down all likely [cedar] trees as close to the ground and as quickly as possible. Once the cedar trees had been felled, the most suitable were pit-sawn by cross-cut saw into boards. The remainder of the fall was abandoned to rot in the rainforest debris.

The attraction of cedar lay in its light weight. This meant it could be used as a relatively cheap building material for housing. Transport costs were also kept to a minimum.¹⁰ However, trees were often felled with no plan for their transport to southern centres. Burns, Philp & Co. cut 15 to 20 million cubic feet of cedar before attempting to transport it to the coast down the Barron River in flood. After plunging down 650 feet of rocks only twelve logs remained in a saleable condition.

North Queensland's red cedar became popular in the late nineteenth century as Britain and India sought the high quality timber. As supplies in New South Wales became scarce, loggers turned to the north Queensland rainforests. However, the vast distances that separated the forests from the ports hindered the development of the industry. The construction of the railway into the Atherton Tableland was expected to have been the saving grace for the industry. The land was cleared of cedar in anticipation, but the railway lessened the expense only minimally. The north Queensland forests proved to be of great economic value regardless. By the turn of the century cedar made up two-thirds of Queensland's timber exports. Half of the Atherton cedar was bound for British ports.¹¹

The depletion of red cedar and the wasteful method by which it was felled finally induced a bureaucratic reaction. Species of trees were classified but a forest conservation policy was never implemented. The responsibility lay with the Herberton Lands Commissioner whose small staff was not in a position to supervise properly local land practises. However, a trend emerged which helped conserve some of the cedar timber of the region. Selectors

¹⁰ Ibid

¹¹ For a full account see Birtles, "Trees to Burn", pp.37-50.

relinquished their rights to remove cedar from their properties in return for sufficient sawn planks to establish a dwelling. In addition, royalties imposed upon selectors provided some security against wastage. However, cultivation of the land remained the highest priority for settlers and clearing continued.

Government regulations for the development of holdings almost compelled settlers to clear their land. "To convert a selection from leasehold to freehold", Birtles pointed out,

conditional selectors were required to pay farm survey fees and provide visible evidence of the improvement of the property within five years by the removal of part of the rainforest, construction of a 'vermin-proof fence', cultivation of the soil and the erection of a dwelling.¹²

Although the job was demanding, timber was cut down and burnt. The small size of the blocks - each being about five acres - meant the land was indiscriminately cleared to plant crops or graze animals.

Development of the land was equated with altering it to suit the European migrant and this led to the destruction of the natural environment to make way for exotic vegetation. Favourable climate and soil ensured the "development" of north Queensland. The ease with which sugar and maize could be cultivated after the land was cleared, and the cedar trees sold, accelerated the destruction of natural vegetation.¹³ At the turn of the century, north Queensland was enjoying economic prosperity - with the value of cedar rising and more land being sold for agricultural purposes. The land was obviously ripe for the picking and clearing of the rainforest did not pose a major problem for settlers wishing to take up selections and alter the landscape for potential economic benefit.

Settlement was not, however, successfully accomplished in all northern districts. In the Greater Daintree settlement was far more limited and the

¹² Ibid.

¹³ Ibid, p.42.

land was left relatively pristine. Mining in the 1880s attracted people to the area and much of the coastline was explored. Pockets of the forest were cleared of its red cedar, spurwood and silky-oak in the late nineteenth century. After World War One people began establishing homes on land that was covered with open forests of eucalyptus or paper-bark. Some land was also cleared for fruit and vegetable farming.¹⁴ But little else was done to alter the landscape in the remote area for almost twenty years. While the land was surveyed and assessed, with access to the region and investigations into the potential for subdivisions in progress by 1937,¹⁵ urban settlement did not follow. The relative sparseness of trees on pockets of sclerophyll forest however allowed for cattle grazing, which occurred to a limited degree during the 1960s. When this ceased with the collapse of the cattle market at the end of the decade, the damaged land was left to regenerate. In general most of the habitat was left in its virgin state with the rainforest intact.

*

An appreciation of the environment emerged both in Britain and the United States in the second half of the nineteenth century. However, the environmental movement, in its current form, did not appear for another one hundred years. In 1988, John McCormick, author of The Global Environmental Movement, (whose study is confined to the English speaking world) explained that "[m]astery over the environment was seen as essential for progress and for the survival of the human race. But a "biocentric conscience' gradually emerged" as the British middle class became interested in the study of nature. Improvements in technology gave people more mobility and a greater appreciation of a country-side that they could actually visit. They formed groups and associations and agitated for the creation of

¹⁴ H.Spencer, So You Think the Daintree is Saved? - Think Again, Australian Tropical Research Station Newsletter, Cape Tribulation, 1992.

¹⁵ Land Administration Board, Annual Report, 1937-38, Parliamentary Papers, vol.2, 1938, p.5.

flora and fauna reserves. The first British nature reserve was established by the Society for the Promotion of Nature Reserves in 1912. The first national park, however, was not created until after World War Two. The British observed the country-side for its natural value. They sought to preserve it for future observation.

In the United States of America, nature preservation was a concept that was shaped by the westward settlement of the land which in turn influenced the emerging identity of the pioneers. For the Romantics nature was glorified, as settlement and domination over the land occurred. For an up-and-coming culture that dedicated time to science, interest in the habitat and natural history dominated thinking. The increasing preoccupation with natural history, as McCormick noted, "alerted [people] to the breadth of environmental change." But, as in Britain, the advancement of technology was the major catalyst for an increase in the awareness of the surrounding environment. Travellers and settlers, who were at conjointly Romantics and students of the sciences, were beginning to see more of the American landscape and experiencing more of its diverse wonders. The first move toward the creation of National Parks was made in 1864 when Congress handed over Yosemite Valley to the Californian State administration. An Act of Congress instituted the transfer of the region to the State of California compelling its administrators to hold the land for public use so that "resort and recreation [use] shall be held inalienable at all times". In 1872 800,000 hectares of land in Wyoming was designated national park. This became known as Yellowstone National Park, a world first. The glorification of nature, combined with a trend in establishing public domains adjacent to private developments, allowed America to lead the way in establishing national parks.

British, American and Australian attitudes toward nature preservation were far from uniform. British naturalist organisations were established through a desire was to preserve nature for its own sake. They were Romantics who

sought to promote interaction between humans and nature. McCormick observed that "[i]nstead of protecting wilderness, they preserved the countryside at large...". Americans focussed on natural history and the changes taking place in the environment. In Australia the first nature park was established outside of Sydney in 1879 to provide an area for public use and recreation. The creation of national parks in Queensland reflected little concern for preserving the natural habitat for its intrinsic value; instead land was set aside in order to protect the wood it grew for later utilisation. McCormick realised the limitations of the Queensland Forest and National Parks Act of 1906 when he noted that it "empowered the government to create national parks in areas with little marketable timber". Laws passed, he contended, "were intended to set up parks for recreation rather than for wilderness preservation."¹⁶

The difference between British and Australian trends in preserving habitat was due to the character of the movement in each country. In Britain individuals and small groups at the "grass roots level" were agitating for conservation of nature. In Australia, at a time when the new Commonwealth was being established and the infant economy was reliant on "developing the land", it was the bureaucracies who dictated change. Although the Australian environmental movement ostensibly had its origins in the early part of the twentieth century, it was not until the late 1960s that it expanded to the "grass roots level". In retrospect, while Australia seemed to lead Britain in the pursuit of conservation aspects, the genuine strength of feeling for the habitat in the English society was far greater.

In the early part of the century, moreover, Australian land managers did not consider that trees might one day become an exhaustible commodity. As K. Frawley wrote in The History of Conservation and the National Parks Concept in Australia:

¹⁶ J.McCormick, The Global Environmental Movement, (London, 1989), pp.8-12.

From the outset, planning for the new colony was based on an over-optimistic misperception of the resource base," as such, "[c]oncepts of conservation [were]...a minor theme in this story of resource development and national economic progress.¹⁷

In the late 1960s, on the heels of overseas examples, an environmental movement emerged in Australia. It sought to preserve natural habitat for its intrinsic worth. In Queensland, with a long-standing bastion of political conservatism, the rise of the movement was relatively slow. It was not until the early 1980s that environmental issues gained political momentum in the State. The link between the attitudes of land managers during the early days of settlement and that of their modern counterparts lies in the importance each generation attached to maintaining resources for the future. The difference is that there now exists formal political pressure groups which focus not only on economic sustainability of natural resources, but also their scientific and psychological value. While colonial bureaucrats regulated practices purely to maintain a resource base, current policy makers are required to juggle the political dynamics dealing with the development-conservation dichotomy so as to make the concepts of "preservation" and "progress" mutually inclusive.

The environment became a significant political issue in Queensland only twenty-five years ago. The Great Barrier Reef was the focus for fledgling environmentalists who sought to have it protected from oil drilling. With the implementation in 1975 of the Great Barrier Reef Marine Park Act, oil drilling on the reef was banned. However, the Queensland premier, Johannes Bjelke-Petersen, an unashamed agrarian conservative, promoted a "development-at-all-costs" posture in the State¹⁸. Understandably

¹⁷ Cited in K.Frawley and N.Semple (eds), Australia's Ever Changing Forests, Proceedings of the First National Conference on Forest History, Special Publication 1, Australian Defence Force Academy, Campbell, Canberra, 1988, p.396.

¹⁸ Bjelke-Petersen, through Exoil (later Oilmin) had been actively involved in oil drilling off the Queensland coast throughout the 1960s. Soon after becoming Premier, he was strongly criticised in Parliament over "conflict of interest". see H.Lunn; Joh: The Life and Political

conservation of the environment did not assume a high priority under his government. Indeed, his criticism both inside and outside the parliament of environmental and conservation leaders was perceived by many observers as a personal vendetta.¹⁹ During his premiership, natural resources were considered only according to their economic worth, and land was valuable only as agricultural, mineral or residential sites. While interest focussed on rainforest conservation in north Queensland with the construction of a road through the Daintree rainforest in 1983, the movement did not achieve an important political status until the Australian Labor Party, under Wayne Goss, took office. The incumbent government is much more environmentally-conscious but still prefers progress to be seen to be happening, as economic development remains the government's prime objective. Consequently, the tourist and new "sunrise" industries are receiving favourable consideration from the State government which at the same time is now monitoring more carefully the environmental aspects of the traditional extractive, agricultural and pastoral industries.

Appreciation of the land has changed, from it being seen as beneficial only when developed, to a perception of value in its natural state. The pervading perspective that remains steadfast in the politics of the State, however, is that economic gain is more important for prosperity. "The history of conservation in Australia", as Dr Geoff Mosley suggested,

Adventures of Johannes Bjelke-Petersen, (St. Lucia, 1978)

¹⁹ A prime example of the method by which Bjelke-Petersen dealt with conservationists who crossed him was his dealings with an active member of the conservation movement, John Sinclair. In July 1977, Sinclair served a writ on Bjelke-Petersen for defamation of the Fraser government who had stopped sand mining on Fraser island. Bjelke-Petersen then proceeded to have Sinclair fired from his job as a state employee with the Adult Education Centre in Maryborough. While he was not dismissed he was transferred to Brisbane which meant commuting to and from work, making it difficult and expensive for him to remain with the Education Department. In September, 1981, Sinclair issued another writ against the premier, again for defamation after Bjelke-Petersen questioned Sinclair's ability to do his job. The Supreme Court ruled in favour of Sinclair. However, with the financial backing of State Cabinet, the Premier appealed. On 21 May 1982, the Queensland Full Court over-ruled the Supreme Court finding and awarded the premier \$50,000 in costs. Subsequently, Sinclair was refused appeal to the High Court. See R.Fitzgerald, From 1914 to the Early 1980s: A History of Queensland, (St Lucia, 1984), pp.353-354.

shows that it has been a minor activity concerned for the most part with the piecemeal action to limit the loss of productivity in the case of forests, soils and pastures, maximise the output of minerals, harvest water, maintain residual natural areas and more recently, to control the grosser forms of pollution. The biggest advance has been the recognition that depletion can be avoided by land use planning...conservation as a whole has been insignificant compared with resource depletion as a factor affecting the Australian environment.²⁰

In Queensland the rise of the environmental movement has been shaped by the existence of rare, world-renowned rainforests along its far north eastern coast. Two factors have affected the change in attitude toward these forests. Firstly, practises of colonial administrations have been re-assessed. Secondly, as the forests have gained an international reputation for scientific value, protection of the forests has become an important issue. The emergence of an environmental conscience in north Queensland is now recognised politically as forests are increasingly being viewed in global terms as a natural phenomenon which deserve the allocation of considerable resources for their preservation. In a recent study, Conservation and Management of Australia's Tropical Rainforests: Local Realities and Global Responsibilities the authors reflected on the changing ideas about the north Queensland rainforests:

Over the last 10-15 years, there appears to have been a further re-evaluation of the value of the rainforest resource to the community, with a much greater emphasis on rainforest's intrinsic rather than utilitarian values. Indeed, since the mid 1970s, there has been growing public pressure for the complete preservation of the remaining rainforest areas in north Queensland.²¹

However current attitudes involve factors other than simply preservation. Sustainable utilisation is seen as a way of attaining conservation by minimal destruction. The timber that the rainforests produce is still of considerable

²⁰ G.Mosley, "Towards a History of Conservation in Australia" in A. Rapoport, (ed), Australia as Human Setting in K.Frawley, "The History of Conservation and the National Park Concept in Australia: A State of Knowledge Review", K.Frawley & N.Semple, (eds), Australia's Ever Changing Forests, Proceedings of the First National Conference on Australian Forest History, Special Publication 1, Department of Geography and Oceanography, Australian Defence Force Academy, ACT, 1988, p.401.

²¹ D.Cassells, M.Bonell, A.Gilmour and P.Valentine; "Conservation and Management of Australia's Tropical Rainforests: Local Realities and Global Responsibilities", Proceedings of the Ecological Society of Australia, 15, p.316.

importance. The idea of "sustainable management" has emerged in response to environmental philosophy. Forestry policy, Duncan Poore notes, is guided by the cardinal principle of management of State forests, which require consideration of "the permanent reservation and management of these areas for the production of timber and associated products in perpetuity, having due regard...[for] the conservation of the soil and environment." The policies also embody other values, including watershed protection and the use of forests for purposes such as recreation and grazing.

Of the 1,028,600 hectares of forest left from 1,200,000 hectares originally in existence, Poore notes that only 161,275 ha (about 15%) are available, under guidelines, for logging. Moreover,

...areas available for logging are to be managed under multiple use principles with logging to be by a conservative selection system, with natural regeneration and subject to close control to minimise environmental impact.²²

Currently, north Queensland land management techniques aim to emphasise the concept of "sustainable utilisation". While little more than lip service is paid to the notion of total preservation of the forests, minimising damage and maximising regeneration of species is the trend of current attitudes. The forests of north Queensland are being recognised as non-renewable as their species become threatened. The notion of "low intensity selective... operations" within the forests is becoming much more important.²³

The conservation arguments and policy formulation have been boosted by the increasing scientific research carried out in recording, interpreting and analysing data extracted from forests. Attitudinal change toward conservation of nature, while slow in Queensland, has been manifested most decisively in the allocation of scientific resources for investigation into the value of

²² D.Poore, "Queensland, Australia: an Approach to Successful Sustainable Management", No Timber Without Trees: Sustainability in the Tropical Forest, Earthscan Publications, London, 1989, p.28-31.

²³ Cassell et al, "Conservation and Management of Australia's Tropical Rainforests: Local Realities and Global Responsibilities", p.317-319.

rainforests. Norman Myers' study of forests, and in particular the "refugia" phenomenon within some rainforests, provides convincing evidence.²⁴ The application of his theories to northern Queensland forests indicates the growing interest in the scientific value of the ecosystem.

The movement has five main perspectives: the scientific, the romantic, the colonial, the national and the ecological. The colonial and national themes are based on improvement of the land, by way of altering it. Necessarily, as attitudes have changed, early perspectives of the land are being challenged. Scientific study of the land's resources has fostered an increase in ecological consciousness which reflects the value of the land in more than merely economic terms. While utilisation of forest resources is still a policy which governments of the state adhere to, allocation of resources to determine how best to gain the maximum usage, with minimum destruction, has resulted from attitudinal changes within scientific disciplines. However, the new scientific perspective has not replaced the colonial, national or romantic viewpoints simply by tabling a series of papers or studies.

David Cassell and co-authors of the paper, "Conservation and Management of Australia's Tropical Rainforests: Local Realities and Global Responsibilities", have noted that scientists are paying an ever-increasing amount of attention to north Queensland rainforests. They have observed that, because the habitats are becoming the focus of more scientific study, the number of facilities being made available for education about rainforest ecology is also increasing. It is

²⁴ Myers explained the "refugia" theory as such: Certain patches of rain forest feature exceptional concentrations of species, many of them endemics; and these areas may coincide with the so-called Pleistocene refugia that survived during times of great climatic dryness and greatest contractions of the forests during the late Pleistocene...According to the 'forest refugia' theory the rainforests of Amazonia and of tropical Africa [as well as those in north Queensland, many have argued] underwent a series of climatic fluctuations... Sometimes the regions were as wet as they are now, while at other times rainfall was much less, causing extensive sectors of the forest to disappear for a period." Myers explained that these regions support a rich diversity of plant and animal life that have been locked into small pockets of forest which has undergone only limited evolutionary change. See N.Myers, "Conservation of Rain Forests For Scientific Research, For Wildlife Conservation, and For Recreation and Tourism", F.Golley,(ed), Tropical Rainforest Ecosystems Structure and Function, (New York, 1991), pp.325-344.

this factor that they find is of greatest significance to future conservation of the regions which support valuable rainforests.

During the construction of the road through the Daintree rainforest, conservationists raised the issue of the forest's scientific value. Environmentalists argued that given the lack of knowledge about the effects of degradation on the rainforest, more research was needed, into the possible outcome that destruction of the habitat could have, before the consequences of such development would be known. Gregg Borschmann, author of the Greater Daintree: World Heritage Tropical Rainforest at Risk²⁵ called for a permanent commitment to be made by scientists studying tropical rainforest ecosystems.

The later publication by Cassells and his co-authors indicated the opportunity for further studies into rainforests had the most potential in Queensland. As Borschmann originally stated,

Australia is the only country with significant tropical rainforest capable of instituting the type of research designed to probe something the world knows very little about.

We are the only rich industrialised country with humid tropical rainforest. We have the educational economic and scientific resources capable of carrying out this research. Australia is ideally situated to become a world leader in this field.²⁶

He added that the establishment of an institute would demonstrate Australia's commitment to promoting global environmentalist attitudes. Borschmann maintained that Australia had a responsibility to set an example for countries not so environmentally-conscious.²⁷

Further, the increasing dedication to an environmentalist regime in the north, the later study found, is evidenced in the development of research centres.

²⁵ G.Borschmann, Greater Daintree: World Hefitage Tropical Rainforest at Risk, Australian Conservation Foundation, Hawthorn, 1984.

²⁶ "Tropical Research", Cairns Post, 24/1/85.

²⁷ Ibid.

Cassells and his co-authors noted

[t]he recent consolidation and expansion of CSIRO activity at the Tropical Rainforest Research Centre in Atherton seems to represent a welcomed strengthening of the present Federal Government's commitment to forest ecology research in the region, though there is also clear need for the Queensland Government to revitalise and expand its regional forest research efforts.

Hence, as scientific research into rainforests is undertaken, land management of the area can be amended accordingly. As environmentalist perspectives strengthen, and attitudes change, users of the rainforests may better understand the implication of their presence so that "sustainable management" might be a concept which is able to be successfully implemented.

Clearly, science has influenced environmental thinking and people using the forests are being made aware of their effect on the ecosystem. Cassells, for example, speaks of "the need for landscape rehabilitation". The "fragility and non-renewability" of the ecosystems of north Queensland have become an important consideration for land users. Its vulnerability to development has been most obvious when high rainfall affects land that has been cleared or damaged due to other human factors:

The extremely high rainfalls of the summer wet season cause the frequent occurrence of widespread surface runoff on even the undisturbed rainforest slopes, and as a result, a very high proportion of gross rainfall, often in excess of 45% is discharged out of rainforest catchments during storm events...former rainforest land now covered by sugar cane monocultures experience annual soil losses in the order of 100 tonnes [per hectare]."²⁸

Cassells surmised that it is the dichotomy between private and public land holdings which creates the most severe threat to the future of north Queensland rainforests, and that co-operation between the two, and a commitment to "sustainable management" by both, may effect a more favourable outcome for conserving the natural habitat. As the environmental movement retains and strengthens its grass-roots character, this consideration will become vital in the management of north Queensland land. With the

²⁸ Cassells et al, "Conservation and Management of Australia's Tropical Rainforests...", pp.330-322.

government maintaining a dedication to economic advancement, the environmental movement must gain its strength from the community.

The history of land use in north Queensland has followed a trend where development has remained an important feature of its use. As an environmental awareness began to emerge, attitudes about how the land should be utilised were revised, and management was modified accordingly. While environmentalism is only one of many features of Queensland's political and electoral agenda, it is gaining prominence, not least because of the publicity afforded the green movement during controversies such as the "battle for the Daintree".

POLITICIANS AND PROTESTERS: Construction of the Cape Tribulation to Bloomfield Road, 1983-1984.

From December 1983 to the end of 1984 a battle was joined in the Daintree rainforest in far north Queensland. It reflected much of what was being fought for in conservation across the nation. A decision by the Douglas Shire Council to construct a road through the Daintree rainforest from Cape Tribulation to the Bloomfield River, approximately thirty-five kilometres to the north, was endorsed by the Bjelke-Petersen State government. This provoked a reaction from conservationists who gave the issue a national perspective. While conservationists fought to stop the road's construction, political stubbornness at the local and State levels hindered their protest. At the Federal level, little more than lip service was paid to preserving the rainforest. In contrast to the Franklin River episode in which the Hawke government secured World Heritage listing to resolve the dispute, the government's powers of intervention were not utilised in the Daintree. In the end, a poorly designed road was ineptly constructed. The conservation movement was left frustrated and the Douglas Shire Council and State Government continued a policy of "development at all costs". The Federal Government succumbed to political pressures from the State level, leaving conservationists to allege that the Australian Labor Party had an erratic environment policy. While protesters gained substantial media attention, government reaction at all levels demonstrated a lack of concern for environmental issues in the north. Frustration among members of the environmental movement over failure to stop the road's completion was ephemeral. Media attention that the movement received and the widespread perception that environmental ideologies had been legitimised in the political arena rendered the Bjelke-Petersen government's victory a pyrrhic one.

In 1968 some private land-holders attempted to create the first track through the forest from Cape Tribulation to Bloomfield River. Without authorisation from the Douglas Shire Council, they began bulldozing a track through Timber

Reserve 165. But because it was prevented from continuing beyond Cape Tribulation by the solitary efforts of a local resident, Wilhem Ryker, who lay in front of the machines, it was rendered useless for traffic. The damage was temporary and the rainforest regenerated.¹ Further threats to the forests did not occur for another decade. However protection of the region became an issue long before any irreparable damage was done.

In 1972 conservationists arguing for the preservation of the Daintree region found a new public forum in the Townsville Daily Bulletin. Dr George Heinsohn, president of the Townsville Branch of the Wildlife Preservation Society, claimed that the Government "with the backing of concerned citizens and conservation organisations such as G.A.S.P.² and the Society, should establish a large national park between the Daintree River and Cooktown."³ The article noted that the preservation of the region was worthwhile not only on conservation grounds but also for the economic benefits which would accrue: maintaining the region in its original state would help attract the tourist dollar later on. Three years later in 1975, the Courier Mail published an article calling for Daintree land to be gazetted as a national park reserve. It focussed on concern about the construction of roads in the area, and quoted the Lands Minister, Ken Tomkins, that road access "was a matter to be decided for each park, but the danger of 'over-roading' was recognised".⁴

Three years further on, the Douglas Shire Council initiated plans to construct a road connecting the Daintree and Bloomfield through Cape Tribulation. An Order in Council, together with appropriation of State government funds meant plans for the road were secured. It was gazetted as line number R.A1789 by the

¹ Douglas Shire Wilderness Action Group; The Trials of Tribulation, (Mossman, 1984), p.2. see also Cairns Post, 1/12/83.

² Group Action to Stop Pollution.

³ "Need for National Park Protection", Townsville Daily Bulletin, 10/10/72, p.11.

⁴ "Park Land Proposed", The Courier Mail, 26/11/75, p.14.

Queensland Department of Mapping and Surveying. Local residents at the time were told by the Douglas Shire Council, that it "was not considering putting a road through [the forest]".⁵ Consequently the plan was not opposed and the council was free to go ahead with the project. Attempts to begin construction in 1980 however were halted when a land owner ordered bulldozers off his property, the site from which construction was to begin.

In what Hugh Spencer, local conservationist and scientist, later claimed was a "rare bit of environmental grandstanding"⁶ Bjelke-Petersen, Queensland's long-serving premier, then in his twelfth year, proclaimed that the Government would "declare a new national park in the Cape Tribulation region north of Cairns to preserve one of the most valuable and spectacular areas of rainforest in the world."⁷ However his intentions were influenced by economic considerations. Noting the value of the area as a tourist attraction, the Premier extolled the economic potential of the region: he stated, "the new park would prove a drawcard for visitors from all over the world and attract investors willing to establish first class tourist lodge accommodation in the area."⁸ Martin Tenni, local M.L.A. for Barron River, predictably supported the Premier. He proclaimed:

I personally would be delighted to see this unique pocket all preserved intact for the nation.

On May 14 or 15 all the interested parties involved - the National Parks Minister, Mr. Ivan Gibbs, myself, the Douglas Shire Council, the Mossman Sugar Mill, and the Baileys Creek Cape Tribulation Development League, will carry out discussions on the subject followed by an on-site inspection trip of the whole strip by representatives.

From this inspection it will be hoped to determine a proposal for the future of this region agreeable to all concerned.⁹

⁵ Douglas Shire Wilderness Action Group, The Trials of Tribulation, p.2.

⁶ H.Spencer, So You Think the Daintree is Saved? - Think Again, Australian Tropical Research Station Newsletter, Cape Tribulation, 1992, p.2.

⁷ "National Park for Cape Tribulation", Cairns Post, 14/06/80.

⁸ Ibid

⁹ "Parks Extension", Cairns Post, 9/4/80.

On 8 August 1981 Thornton Peak National Park was extended to the Bloomfield River, excluding a twenty metre strip set aside for the later construction of a road, if need be.¹⁰ The excised strip and Bjelke-Petersen's dedication to developmentalist regimes suggests that his government was not committed to conservation for intrinsically ecological reasons.¹¹

That same month, August 1981, the Townsville Regional Conservation Council published a newsletter highlighting threats to the region already in existence from logging, mining and sugar cane production, as well as the imminent plans for subdividing much of the Greater Daintree Area.¹² The biological value of the rainforest was noted, with reference to its diverse range of rare and unique plant and animal species. Conservationists argued the need to protect the rainforest in its natural state. By 1982 scientists nationwide were pleading for recognition of the Daintree as a national asset for the rare rainforests and associated animal life it possessed. Rainforest ecologist, Dr Len Webb, called for interest in Australia's rainforests to become a national priority. Noting the extent and speed at which they were being felled elsewhere in the world, Webb argued that the region should be preserved as a model for other states and countries because of the many primitive flowering plants found there.¹³

The issue of the conservation of the Daintree rainforest came to a head twelve months later when the construction of a road from Cape Tribulation to

¹⁰ Douglas Shire Wilderness Action Group, The Trials of Tribulation, p.2.

¹¹ James Guthrie contrasted Queensland's performance with New South Wales in dealing with environmental issues. He recalled an incident in New South Wales to save Terania Creek forest. Following protests in the forest and associated public pressure, the Wran Government relented and opted to preserve the forest. Comparing this with the Queensland Government's performance, Guthrie said of the administration: "In Queensland, the State Government and the Premier, Mr Bjelke-Petersen, have proved in the past to be notoriously insensitive to issues of conservation, or to any issue which might stand in the way of what the Government defines as progress." See J.Guthrie, "It's a Different Story in Queensland," Cairns Post, 3/12/83.

¹² Townsville Regional Conservation Council, Newsletter - Rainforests, vol.5, no.6, August, 1981, p.1-2.

¹³ "Ecologist Makes Plea for NQ Rain Forest", Townsville Daily Bulletin, 14/06/82.

Bloomfield commenced. As might be expected a confrontation ensued between conservationists seeking termination of development and politicians determined to see the road completed. The battle dragged out over 1983 and 1984, and both camps were left frustrated. The issue gave rise to a struggle between new "green" politics and the traditional values of a "pioneering ethic" upholding development, which inevitably caused destruction of natural habitats.

In October 1983, amid rumours that construction of a road would soon commence, conservationists uttered renewed pleas to protect the Daintree and its rainforest. Many feared that the land might be opened up to uncontrolled tourist activity which the Premier had foreshadowed, to the development of logging and mining and to real estate subdivisions.¹⁴ Hence when rumours on construction of the road gained intensity, they reacted strongly. They threatened vigorous protesting at the site and commenced agitating for Commonwealth intervention.¹⁵ Local residents were in two minds about the development of the road¹⁶. Those who supported development cited the advantages of overcoming isolation; those who condemned construction feared senseless destruction of the rainforest. In general, statements made to the press and active involvement in the protests demonstrated that the protesters and locals believed that it was the natural surroundings of the region which attracted most there in the first place, and that construction of the road could easily depreciate the value of life in the Daintree.

By the end of November 1983, the Douglas Shire Council had moved bulldozers into the Daintree area to begin construction of the gazetted road. Protesters, however, were in place to create a human blockade when the machinery arrived. Spokesperson for the campaign, Mike Berwick, declared from the outset that the

¹⁴ "Claims of Government Ruin of Daintree Area Backed", Townsville Daily Bulletin, 10/10/83. Concerns about the establishment of sub-divisions later arose as State Government plans for rezoning of the land became an issue. (see chapter 5)

¹⁵ "Government Ponders Trib. Road Alternative", Cairns Post, 1/12/83.

¹⁶ B.Ord, "Confrontation Fizzles Over Tribulation Road, Cairns Post, 2/12/83.



Because the path of the road was not planned in advance in many parts its steep grading made it difficult, if not impossible, to use.

blockade

would remain until either the council ceased its plans to build the road, a detailed environmental statement was prepared, or the Federal Government made funds available for alternatives to the road.¹⁷

No survey of the region had been done, and the environmental impact study which was produced, conservationists claimed, did not adequately forecast the damage that would be inflicted.¹⁸

For their part, the Douglas Shire Council and Queensland government were adamant that the road would be completed once work on it had started. Articulating its position, the Douglas Shire Council, at the beginning of construction in 1983, stated that "[w]e're going to put a road through the [National] park from Cape Tribulation to the Bloomfield River and that's that."¹⁹ Agitation from conservationists and, later, the Commonwealth was met by a blatant refusal to reconsider options.

The Cape Tribulation to Bloomfield road work commenced on 1 December and protesters began their campaign by physically blocking the paths of bulldozers.²⁰ By 5 December, eleven people had been arrested for improperly protesting at the construction site. At the time they were claiming success because they had hindered the progress of the bulldozers.²¹ But nothing else came of their efforts. By 14 December, thirteen more had appeared in the Mossman Magistrate's Court on charges relating to blockading the road. It was too late. The bulldozers had reached Bloomfield and on 15 December, chairman of the Douglas Shire Council, Tony Mijo, celebrated what he described as "a victory for the council and an historic event... the completion of the thirty-two kilometre

¹⁷ Ibid

¹⁸ Adrian Jeffreys, "Media Release", Townsville Regional Conservation Council, 1/12/83.

¹⁹ B.Ord, "Confrontation Fizzles Over Tribulation Road", Cairns Post, 2/12/83.

²⁰ "Daintree Greenies Claim Another Win", Townsville Daily Bulletin, 2/12/83.

²¹ "Rest Day for Protesters", Townsville Daily Bulletin, 5/12/83.



Note that the people are looking at the trees above them. Protesters who did not bury themselves in the road climbed into the trees so that the bulldozers could not clear the path in front of them. Unfortunately for the tree dwellers, their hunger got the better of them and after three days without food they climbed down again.

four-wheel-drive track [from Cape Tribulation to the Bloomfield River]".²²

Organisers for the campaign to stop the road recognised that if the alliance of the Douglas Shire Council and the State government was to be constrained in further developing the Daintree it was essential that they have the support of the Commonwealth government. In October 1983, the relevant Federal Minister, Barry Cohen, when confronted about his intentions to intervene in the Daintree, told the parliament that if Russ Hinze, the Minister for Local Government and Main Roads, "continues to rape the country in the way that he is doing, possibly we will [take measures to have the forest protected]".²³

It became apparent however that Cohen's rhetoric was long-winded. No sooner had the road commenced than the Federal Minister for Home Affairs and the Environment said that "although the government was opposed to the road its over-riding desire was to find alternatives which would protect the rainforest while providing for the legitimate needs of North Queensland".²⁴ Many sceptics considered Cohen had performed not only a back down but a considerable about-face. By inference the Daintree road was perceived by Canberra as merely a local issue.

When the Hawke government declared that it would not intervene in the issue conservationists were sorely disappointed. The Commonwealth argued that construction of the road was a State matter.²⁵ Claiming that it did not want to become involved in a dispute over State's rights and possibly alienate the Queensland Government, the Commonwealth maintained that discussion (and hopeful compromise) with the Queensland Government and the Douglas Shire

²² "Cape Park Road Now a Reality", Townsville Daily Bulletin, 17/12/83.

²³ Australia, Parliament, House of Representatives, Debate, 1983, vol.133. p.2051.

²⁴ "Government Ponders Trib. Road Alternative", Cairns Post, 1/12/83.

²⁵ A.Jeffreys, "Media Release", Townsville Regional Conservation Council, 1/12/83, p.1.



After the campaign had ended protesters failed to remove the remnants of their temporary forest dwellings. Consequently materials such as corrugated iron that was used to construct the shacks were left as a reminder of the human intrusion that the forest had experienced.

Council might result in a more positive outcome for conservationists.

During talks in January 1984 between the Commonwealth and Queensland governments the Bjelke-Petersen administration raised the point of funding. The Commonwealth declared that it would terminate federal funding for roads north of the Daintree, but in doing so seemed to be sacrificing its powers of direct intervention. The Queensland State Government blamed the Federal Government for placing it in a position where it could not consider building a road elsewhere because of the prohibitive cost. It claimed that alternate routes would be considered only with the availability of more funding from Canberra. The Queensland government thus attempted to make the Hawke Government appear culpable. In response the Federal Government offered the State the opportunity to discuss proposals for funding on the condition that construction of the road cease immediately. The Queensland government stood its ground, paid for the road from the State treasury and took full responsibility for its maintenance. It reiterated this point when it later experienced further pressure from the Commonwealth to stop the road and refused to enter into any compromise with the Hawke government.²⁶

The battle for the Daintree continued into 1984. The wet season provided a respite for the protagonists. But towards mid-year battle-lines were again drawn.²⁷ The council had outlined plans to up-grade the road to carry four-wheel drive vehicles, and conservationists realised they were far from stopping the new work. With the end of the wet, bulldozers again moved into the forest. Between June and August when upgrading was taking place, protesters once again endeavoured to blockade construction. After two months of ceaseless protesting which seemed to be having little effect, conservationists turned to more extreme methods of protest. Seven protesters chained themselves to concrete slabs brought in to help construct the road, others buried themselves

²⁶ "Daintree Compromise", Cairns Post, 16/1/84.

²⁷ M.Hudson, "'Greenies' Prepare to Obstruct Roadworks", Townsville Daily Bulletin, 15/6/84.



In a final attempt to have construction stopped protesters buried themselves in the muddy road.



Some protesters were charged with improperly obstructing the bulldozers.



For the most part the police were sympathetic to the protesters' cause, but towards the end their patience wore thin.



For the most part the bulldozers followed no set course and simply drove around any obstacles they encountered.

neck deep in holes dug in the road.²⁸

At the beginning of August more arrests were made as protesters continued their vigil.²⁹ New hope was offered by the Aboriginal Development Council which sought a delay on road construction. The conservationists thought they might have had a break because the Aboriginal organisation was claiming intrusion on sacred sites by the bulldozers. Work on the northern end of the road was temporarily stopped.³⁰ But nothing came of the claim.³¹ In a final attempt to suspend construction, protesters climbed and chained themselves to trees for days on end. While some were coaxed down out of the trees - after police had refused to allow food to be taken to them - the efforts of others proved fruitless as drivers simply steered their machines around them. For the most part the dozers followed no set path because no survey had been done. With the Council still determined to construct the road in the shortest time possible, and with police becoming agitated by the relentless efforts of the protesters to stop the road, sympathy for the conservationists' cause quickly dwindled. By the time the protesters had taken to the trees, the police had grown tired of battle between the conservationists and the construction workers, and seemed unwilling to tolerate much more from the conservationists.

On 29 August 1984 protesters abandoned their blockade. Some argued that cessation of the blockades indicated that protesters were conceding defeat. Others recognised that protesting no longer served any purpose and different

²⁸ "27 Arrests In Forest Road Row", Townsville Daily Bulletin, 9/8/84. The Register on the same day, however, reported the arrest of 25 'greenies', so statistics vary from source to source.

²⁹ 34 protesters were arrested over two days from 8/8/84 - 10/8/84 as conservationists regrouped to continue their campaign.

³⁰ "Protesters Regroup for Next Battle", 10/8/84.

³¹ The claim was rejected because later inquiry established that the construction of the road did not threaten any Aboriginal sacred sites. See C. Anderson & S. Coates - "Like a Crane Standing on One Leg on a Little Island: An Investigation of Factors Affecting the Lifestyle of Wujilwujil Community, North Queensland: Report to the Royal Commission on Black Deaths in Custody", National Aboriginal and Islander Legal Services Secretariat, Cairns, 1989.

tactics had to be employed in order to save the rainforest. Dr Geoff Mosley, president of the Australian Conservation Foundation, articulated the feeling among the protesters when he stated that "the blockade had served its purpose in drawing national attention to the immediate and long-term damage caused by the roadworks."³² While the whole of the road had not been up-graded, conservationists felt that agitation to force the Federal Government to take a stand, at this stage, would probably procure more positive results. They agreed also that the damage was reversible and, hence, cessation of construction might still allow for the successful regeneration of forest in the long term. The urgency now lay with pressuring the Hawke government to implement its power of veto under the World Heritage Properties Conservation Act passed the previous year to safeguard Tasmanian wilderness from development.³³

The calling off of the blockade was interpreted by some proponents of the road as a measure of the success of their campaign to extol the benefits of the road. Local community support for development of the Daintree road was quite vocal. Northerners acknowledged the benefits which would accrue from its construction for all residents in the Cape York region.³⁴ Several arguments were presented on the need for access to the Cape region. Not the least being that, in the case of a medical emergency, treatment could be provided more quickly and effectively. Medical evacuation, as a correspondent to the Townsville Daily Bulletin pointed out, could only be carried out if access to the patient was possible.³⁵ Another consideration was the effective patrolling of the Daintree for possible drug-growing operations. Popular opinion reflected a concern about the growing of marijuana plants in the rainforest: memories of Cedar Bay were

³² "Protesters End Forest Blockade", Townsville Daily Bulletin, 29/8/84.

³³ "Protesters End Forest Blockade", Townsville Daily Bulletin, 29/8/84.

³⁴ Ibid, see also, "Cape Trib Road 'Ignored' on Funds", Townsville Daily Bulletin, 13/2/85.

³⁵ A.B.Fletcher, "Its a Tough Enough Job Protecting Existing Area", Townsville Daily Bulletin, 14/12/83. See also P.S.Murray; "Greenies' Road", Townsville Daily Bulletin, 18/8/84,

long.³⁶ The construction of the road, it was argued, could aid authorities to better patrol areas where operations were occurring. Headlines such as "Road Will Help Fight Against Smuggling"³⁷ and "Minister Claims Drug Growth at Cape Tribulation"³⁸ sustained the debate.

Such arguments, however, were perceived by others as an attempt to demean conservationists' claims against the road: "Maybe", wrote a correspondent to the Townsville Daily Bulletin, the reason the protesters "object to the road is that their marijuana crops would be exposed."³⁹ While drugs were found in the area by a police raid during the construction of the road, the plantation's location was a great distance from the road, and difficult to access.⁴⁰ Moreover, drug squad police noted that it was extremely difficult to successfully cultivate marijuana in a rainforest environment.⁴¹ Dr Aila Keto of the Rainforest Conservation Society of Queensland highlighted the weakness in the argument when she pointed out that a road "only allows greater access for drug growers, orchid thieves and vandals into the National Park."⁴²

The protesters cause had not been assisted by the broadening of the debate on the need for access to the area. While conservationists fought against the construction of the Daintree road, they did not condemn its relocation. Access was never an issue to protesters. Two roads had already been established to

³⁶ In 197 Cedar Bay became the focus of media attention when police raided a hippy commune at Cedar Bay, north of Cape Tribulation. With the aid of Navy ships and helicopters, police went into the bay, torched the camp and confiscated drugs. The Bjelke-Petersen government was criticised because of the number of police personal recruited, the utilisation of Navy equipment and the overall cost of the operation, which was in the vicinity of \$50,000. Some commentators went as far as to suggest that the episode reflected a 'police-state' rule in Queensland.

³⁷ Townsville Daily Bulletin, 15/12/83.

³⁸ Townsville Daily Bulletin, 19/7/84.

³⁹ H.E.Rauburn, "Professional Protester", Townsville Daily Bulletin, 14/8/84.

⁴⁰ "Daintree 'Pot' Torched in Raids", Townsville Daily Bulletin, 25/7/84, p.1.

⁴¹ "Drug Raid Timing 'Political'", Courier Mail, 25/7/84

⁴² "Daintree 'Pot' Torched in Raids, p.1.

centres north of the Daintree: the Peninsula Development Road and one constructed by the Cairns Regional Electricity Board, known as the CREB track. It was the latter that conservationists agitated to have up-graded and used as an alternate route to the Cape Tribulation-Bloomfield region during the 1983-1984 campaign.

State Opposition leader, Keith Wright, suggested that the CREB track should be considered as an alternative to constructing the Daintree road, but Shire Chairman, Tony Mijo, scoffed at the suggestion and claimed that the CREB track could not be up-graded and maintained successfully. Mijo remarked:

The Council had no intention of freezing the project for study of this or any other alternative route.

Mr Wright's 'wild statements' about the CREB track had been made without any knowledge of the terrain and the composition of road building materials in the area.

The CREB track has been carefully studied many times as a possible alternative for the Bloomfield road, and it has been discounted every time...

The track followed many 'impossible' grades, some as high as 530 m above sea level, and road making materials in the area were inferior to that available on the chosen route...

How anyone could consider that as a satisfactory route, even for four wheel drive vehicles, is beyond me.⁴³

By September, confusion reigned. The conservationists had moved out of the Daintree and their leaders were pleading for the Commonwealth to follow the Franklin example. The Federal government had attempted to appease Bjelke-Petersen by electing not to nominate the region for World Heritage listing and offering to finance a joint management plan with the State to the tune of \$1 million,⁴⁴ though clearly the State Government was not interested in a deal with the Hawke administration. The situation deteriorated to the point where the Premier refused to even speak with the Commonwealth about alternatives to the road. Bjelke-Petersen's only comments were, "I don't care what they do. It's

⁴³ "Wright Challenged to Inspect CREB Road", Townsville Daily Bulletin, 27/7/84.

⁴⁴ C.Skehan; "Sir Joh Refuses to Meet Federal Government Over Road", Townsville Daily Bulletin, 17/9/84.

none of their business in the first place".⁴⁵

To the consternation of conservationists, the Federal government's power of veto over the development, which was enshrined in The World Heritage Properties Conservation Act 1983, was not implemented. Subsequently environmental philosophies failed to gain greater exposure in the politics of the campaign and neither the State nor the Federal governments managed to embrace the growing strength of the "green" movement at the time. Public debate and support for preservation of the North Queensland rainforest was strong enough, however, for the incident to demonstrate that the movement had gained a great deal of influence in the north and that in future campaigns it would have to be accepted as a legitimate political force.

The Daintree campaign continued for a short period after completion of the road as fading calls were made to close it and allow the area to revegetate. Newspaper reports appeared giving updates about the condition of the road and concerns were raised because it had not been graded and continued to create dust in the dry season and mud in the wet. Most attention was paid to the effects of the road in the twelve months after the construction was complete. Conservationists during this time still held hopes that damage already done could be repaired.

In January 1985, however, the Daintree controversy hit the headlines once more following a provocative appearance on television by the State Minister for the Environment, Martin Tenni. On the Channel Seven program, *State Affair*, the Minister offended conservationists with claims that the road had caused no real damage, and that scenes of landslides, erosion and siltation of the reef, shown on the program, did not accurately depict the minimal damage which had occurred

⁴⁵ ibid

during the wet season.⁴⁶ The Australian Conservation Foundation and The Wilderness Society jointly called for Tenni's resignation. A.C.F. rainforest project officer, Ray McKendrick stated:

Mr Tenni has continually misled the public over this issue and should now resign to make way for a more competent person to conduct the affairs of the Queensland Government's environment portfolio".⁴⁷

President of the Cairns Branch of the Wildlife Preservation Society, Dr Lesley Clark, citing Councillor Tony Mijo's admission that engineering techniques used to build the road were not of the highest standard, claimed that Tenni was short sighted. His suggestions that the road would wind through the forest beneath an over-hanging canopy had even been scoffed at by Mijo who admitted this was far from an accurate description of how the cleared forest would actually look. Clark was adamant that erosion and siltation from further expected rain would cause even more damage.⁴⁸

Simultaneously an article appeared in the Courier Mail noting that, three months after its opening, the Cape Tribulation to Bloomfield road had collapsed. However, in an attempt to justify their previous decision to have the road completed, the Douglas Shire Council dismissed worries that the road was a hazard, claiming that minor slips were to be expected given the high rainfall over the summer. A spokesperson for the council claimed

[t]he road certainly hasn't been dangerous since it's been opened, and conventional vehicles drive on it...In wet weather you have to expect minor slips, and we've had 660mm of rain in the past week, so of course there are going to be some slips.⁴⁹

Ralph Lindsey of The Wilderness Society stated, however, that slips of up to 300 metres had occurred and were threatening the coastal reef.⁵⁰

⁴⁶ "Conservationists Call For Tenni's Resignation", Cairns Post, 24/1/85.

⁴⁷ Ibid

⁴⁸ Ibid

⁴⁹ "Rainforest Road is Cut, Say Greenies", Courier Mail, 21/1/85.

⁵⁰ "Protest Over Daintree Goes On", Canberra Times, 21/1/85.

The State government responded by asserting that conservationists were overstating the damage which had occurred. Martin Tenni articulated his government's annoyance with the A.C.F. and the Wilderness Preservation Society of Queensland when he remarked that

[t]o suggest that the Great Barrier Reef and our magnificent tropical rainforest are under threat because of landslips and washaways on this road is nonsense...The Australian Conservation Foundation and the Wilderness Preservation Society of North Queensland [should] adopt a more realistic attitude to the needs of North Queenslanders for better road communications.⁵¹

He believed that there was little to worry about and that the rains affected all unsealed roads in such a fashion.⁵²

Conservationists remained sceptical about the road. Dr Clark reflected the concern of conservationists about the damage which was resulting from the incomplete construction of a dirt road through the Daintree rainforest when she stated

...at present the important question [is] not who was right - the conservationists or the Douglas Shire Council and Mr Tenni - but why no one [is] carefully documenting the extent of the erosion and siltation and attempting to determine its effect on the fringing reef, and more importantly, how further siltation [is] to be prevented.⁵³

Because of the continuing damage being done by the run off from the road, the issue of funding for its sealing arose. Suggestions that the Douglas Shire Council, the State government, the Commonwealth and conservation groups should meet to discuss the future management of the road were welcomed by Dr Lesley Clark. However, the Federal member for Leichhardt, John Gayler, suggested that this should not be such a high priority because the damage was minimal. He argued that the establishment of a management plan for the whole region was of greater importance, that funding should be withheld until such time as a

⁵¹ "Rainforest Road Repairs 'In Hand'", Townsville Daily Bulletin, 26/1/85.

⁵² "And the Lord Said: 'Let There Be Rain'", The Weekend Australian, 26-27/1/85, p.16.

⁵³ "The Scene at Cape Trib. After the Rain", Cairns Post, 23/1/85.

plan was in place.⁵⁴

The issue of Federal funding for northern roads persisted. Conservationists argued for the upgrading of alternative routes to the Daintree road. Ray McKendrick proclaimed:

By funding maintenance on the road from the Daintree River to Bloomfield, the Federal Government would be throwing away money that should be used to up-grade the existing Cooktown and Peninsula development roads that provide direct access to Cooktown and Cape York Peninsula⁵⁵

The Wilderness Society similarly believed that funds which were to be contributed by the Federal Government should be directed toward upgrading the Peninsula Development Road as this would benefit more people in the far north Queensland region and would cause less environmental degradation. The Society argued further that the Daintree road should have been closed and the area left to regenerate.

The project engineer for the Douglas Shire council disagreed. He argued that funds should be allocated for up-grading the coastal road because the environmental damage done was of such minimal effect and that the use of the road would shorten distance and would save time. Despite the divergence of opinion between the council and environmentalists, the Douglas Shire Council was pleased that Bicentennial funds, as they were termed, were to be made available for development of northern roads.⁵⁶

The Commonwealth government's position was that it would provide funds for the up-grading of northern roads on condition that they were proven to be environmentally sound. Funds would be allocated only after an environmental impact study of the region had been done. Further, they would be made available only if maintenance and up-grading the road were carried out. The

⁵⁴ "Call to Close Road", Cairns Post, 21/1/85,

⁵⁵ Ibid

⁵⁶ Ibid

Federal Government's commitment to joint management of the region reflected the impact that conservationists had made in the north.⁵⁷ This was the theme that emerged in 1985 as debate over the road continued. To some, however, nothing short of closure was sufficient.

As the wet season progressed, Dr Clark's predictions became a reality and the landslides from the road caused even more damage to the surrounding habitat. Moreover, its muddied state meant that it had to be temporarily closed off. Clark claimed that

the coastal region of the Cape Tribulation National Park [has] been devastated by the actions of Mr Tenni and Queensland Minister for National Parks, Mr McKechnie, who personally oversaw the road building..."⁵⁸

While concern about the road continued, the antagonism of the previous two years did not re-emerge. The council accepted that environmentalists had become a legitimate political force in the north. The greens resigned themselves to the fact that the most they could do was to agitate for improvement in the road through the Daintree so as to avoid as much as possible, damage to the environment in the future.

In November 1985, the Douglas Shire Council applied to the Federal Government for funds to resurface and up-grade the road as part of the Bicentennial roads project.⁵⁹ On 14 November the Douglas Shire Council announced that plans were under way to up-grade culverts and pipe heads. After an inspection of the road by the Federal government the Douglas Shire was granted \$190 000 for maintenance and repairs. Work was scheduled to begin early in 1986.⁶⁰

⁵⁷ "Federal Funds for Daintree", Townsville Daily Bulletin, 24/1/85.

⁵⁸ "Daintree Road Left 'Devastated' By Wet", Townsville Daily Bulletin, 27/3/85.

⁵⁹ Ibid.

⁶⁰ "Cape Tribulation Road Upgrade 'A Priority'", North Queensland Register, 4/11/85.

While some attention was paid to the Cape Tribulation to Bloomfield road over the successive years, plans to resurface it were not followed through and damage done from landslides and siltation to the reef continued. Plans in 1986 to widen the road were not achieved and while funding to improve the road remained an issue, it never went beyond the debating table. A management plan for the region was not realised at the time, beyond maintaining the road in a useable state in the dry season and closing it in the wet. While the environmental movement continued to gain strength throughout the rest of the decade, more calls were heard for rainforest preservation and the up-grading of the road. However, the issue faded in importance and the sense of urgency of the initial campaign dissipated. It was not until the 1992 State election campaign was in full swing, and Premier Wayne Goss visited the north, that a promise of \$6.8 million was made to seal the road. Goss pledged that with joint state-federal funding the road would be "designed, built and maintained by the Douglas Shire Council".⁶¹ Goss stated that the sealing of the road would finally overcome damage to the rainforest by dust (and mud in the wet season) and to the reef from siltation. With the Wet Tropics of North Queensland successfully established as a World Heritage site in 1989, political promises for the preservation of the Daintree became more binding. The region is protected now by Commonwealth legislation. Growing "green" confidence was reflected in a Townsville Daily Bulletin article late in 1984 when the writer asserted

What we are developing in Australia...with the continual succession of high-profile environmental issues is a type of cadre, a professional, highly skilled conservation activist...they are professional in the sense that they are experts in what they do."⁶²

⁶¹ "Goss Pledges \$6.8m to Seal Daintree Track", Townsville Daily Bulletin, 29/8/92, p.8

⁶² "A Battle for Our Minds", Townsville Daily Bulletin, 16/8/84, p.4.



The construction of the Daintree road aided the green cause because it made people aware of the degradation to the environment the development brought with it. One of the features of the movement was the willingness of its advocates to inform people about its cause.



Before construction of the road a walking track was the only link that Bloomfield had with Cape Tribulation. Afterwards, its poor quality meant that hiking was still the easiest way to access Bloomfield through the rainforest.



It was the vegetation on the side of the road that suffered the most harm from the building of the road.

POLITICAL WHIM OR POPULAR WILL: The Legal Arguments and Political Manoeuvres of the Daintree Road Affair

During and after the Daintree road confrontation legal questions were raised about construction. State and Federal governments were accused of negligence over the manner in which the road was constructed. More importantly both were attacked by conservationists for failing to take into account the existence of World Heritage legislation. A federal instrument which had not to that time been used in Queensland, the legislation provided that the habitat of a particular region could be protected. Furthermore, a Commonwealth parliamentary report, produced in 1984,¹ confirmed that the Daintree region was of sufficient natural and cultural value to warrant World Heritage listing. So adamant was the State government, and the Douglas Shire Council, that the road be completed, they ignored the report.

For its part, the Federal government was in a delicate position with an election approaching, and it did not want to exacerbate tensions with the State government.² Consequently, it was criticised for failing to use the power of veto that it possessed. As conservationists and their supporters highlighted the threat not only to the forest but also to its adjacent reef, some attempted to use this aspect to have the Council restrained by a Court order. In the end, construction of the road went ahead although it could have been quite easily terminated in a different political climate, and under a more progressive environmental agenda.

Construction of the road was initially sanctioned by the use of an existing loop-hole in the law. Journalist Bill Ord reported in the Courier Mail that

[it] was revealed in Brisbane yesterday that on Monday Cabinet had

¹ Australia, Parliamentary Report, Protection of the Greater Daintree: Report to the House of Representatives Standing Committee on Environment and Conservation, Canberra, 1984.

² Federal parliament was dissolved on 26 October 1984 and an election held on 1 December. The Hawke government was returned comfortably.

instructed the National Parks and Wildlife Minister, Mr McKechnie, and the Lands and Forestry Minister, Mr Glasson, to authorise the council formally to put the road through the park and forestry reserves. This cleared a legal hurdle encountered last Friday when the Queensland Rainforest Conservation Society obtained a temporary stop-work injunction in the Cairns Supreme Court on the grounds that the council had not received valid authorisation.³

In The Australian, a little over a week later, an article noted that the Federal Attorney General, Senator Gareth Evans, was inquiring into the legal and constitutional position of the Queensland State Government and the Douglas Shire Council. Conservationists' claims against the legality of the road rested on the premise that it was being constructed through an already gazetted national park. The solicitor representing the "greens" stated that the case being prepared would allege "the director of the National Parks and Wildlife Services in authorising the construction of the road, had contravened his duty under the National Parks and Wildlife Services Act". He argued:

That duty is to obey what is described in the Act as the cardinal principal of management of a national park, which is to preserve it to the greatest extent in the condition of a natural park.⁴

The solicitor's ground, however, was shaky because National Parks and Wildlife Department guidelines allowed for the construction of access roads through the parks. Subsequently, for a case to be tenable, it had to focus on the fact that the Council had failed to adhere to National Parks regulations for the road's construction.

Throughout the affair, conservationists backed up their case by arguing that damage was being done to the fringing Cape Tribulation reef, as well as to the rainforest. Protesters asserted that two ecosystems - existing rarely in close proximity - were in danger of being damaged. Pleas for Federal intervention from leading scientists, naturalists and environmentalists to protect the area provided further support for the conservationists' case. A local resident attempted to have the road stopped by claiming that he needed the land

³ B.Ord; "Do a Franklin' Call to Canberra to Halt Cape Road", Courier Mail, 30/11/83.

⁴ M.Hudson, "Cape Greenies Turn to Supreme Court", Townsville Daily Bulletin, 16/12/83.

preserved in its natural state for visits from naturalists studying the ecology of the region.⁵ However, the State had a technical advantage. While part of the National Parks and Wildlife legislation demanded preservation of the area free from damage, that the Queensland Cabinet had formally authorised the construction of the road, as Bill Ord pointed out, rendered that legislation ineffective. Public opinion at the time was critical of a perceived flouting of the law; criticism would become more vocal and strident the following year.⁶

Furthermore, the failure of the Queensland government to take into account legislation that it had passed in 1975 highlighted the contempt which the Cabinet had for the legal position. Section 29(2) of the State Development and Public Works Organization Act prescribed guidelines for environmental protection. The legislation required government departments to take account of environmental effects of public and private developments.⁷ However, this did not occur during the construction of the road.⁸ The Douglas Shire Council and State Government turned a blind eye to the law to achieve a common end. Neither the State government nor its various departments took into account the probable environmental destruction of surrounding forests and adjoining reef by insisting on an environmental impact study. But the most controversial issue was the potential for World Heritage listing of the region.

Questions were raised about the implications of damaging an area which might later be recognised as of great natural and cultural value. This was the major theme in the battle to preserve the Daintree. World Heritage legislation came into existence in Australia when, in August 1974, the Whitlam government

⁵ Ibid.

⁶ for details see p.45.

⁷ Letter from Mr M. Drew Q.C. to J. Starke Q.C. 15/5/81., re: An Objection to A Uranium Mining Lease - Charters Towers Mining Wardens Court.

⁸ Colin Hall reiterated this when he wrote that the "actions of the Douglas Shire Council and the Queensland government [were] illegal under Queensland domestic legislation". See C.Hall, Wastelands to World Heritage: Preserving Australia's Wilderness, (Melbourne, 1992), p.219.

ratified the United Nations' World Heritage Convention.⁹ The Convention required that at least one of four criteria be met before a nominated region could be listed by the United Nations as a World Heritage site. Before listing, sites were required to

be outstanding examples representing the major stages of the earth's evolutionary history; or
be outstanding examples representing significant ongoing geological processes, biological evolution and man's interaction with his natural environment; or
contain superlative natural phenomena, formations or features or areas of exceptional natural beauty; or
contain the most important and significant natural habitats where threatened species of animals or plants of outstanding universal value from the point of view of science or conservation still survive.¹⁰

Under the Convention, the Federal Government was the only authority permitted to nominate a site¹¹ and was responsible for its protection and preservation:¹²

World Heritage refers to places which have outstanding universal value. The World Heritage Convention exists to promote cooperation among nations to protect the natural and cultural heritage of the places.¹³

Before the Commonwealth could nominate a region, however, extensive research had to be undertaken into its natural and cultural features. This was necessary in order to submit a case for listing to the United Nations. There was a recent precedent of a particular site being listed which conservationists saw as ample justification for Federal intervention on the Daintree. This was the Franklin River.

In 1983 the Tasmanian government and the Hydro-Electric Commission wanted

⁹ for details see Department of Arts, Sports, the Environment and Territories, Australian National Report to the United Nations Conference on Environment and Development, (Canberra, 1991), p.113.

¹⁰ précis from Rainforest Conservation Society of Queensland; Tropical Rainforests of North Queensland: Their Conservation Significance - A Report to the Australian Heritage Commission by the Rainforest Conservation Society of Queensland, (Canberra, 1986), p.77.

¹¹ Department of Arts, Sports, the Environment and Territories, World Heritage, (Canberra, 1992), p.22

¹² Department of Arts, Sports, the Environment and Territories, Australian National Report to the United Nations Conference on Environment and Development, p.115.

¹³ Department of Art, Sports, the Environment and Territories, World Heritage, p.22.

to dam the Franklin River in southwest Tasmania in order to construct a hydro-electricity plant. After drawn out protests and much political lobbying, conservationists won the day following a change of Federal government. Redeeming a promise to halt construction if voted into office, the new Hawke administration enacted the World Heritage Properties Conservation Act 1983. Exercising this new power in conjunction with the National Parks and Wildlife Conservation Act 1975, the Federal government effectively torpedoed the Franklin River project. Federal intervention was subsequently upheld by the High Court following an appeal by the Tasmanian Liberal government. The decision validated the Commonwealth's actions, much to the horror of non-Labor State premiers who interpreted the High Court's pronouncement as a further assault on the "sovereign rights" of states. Thus on the eve of the commencement of construction of the Daintree road, the Federal government had the power to intervene but was reluctant to do so for fear of a protracted battle over States' rights. The Queensland government had the legal machinery to assess the environmental impact of the road but chose to ignore it in its haste to provide access to the pristine wilderness. Reflecting the complexity of the Daintree road issue was the political irony of the premier, who once described the forest as a "living museum"¹⁴, now allied with a Labor shire Chairman who had pledged to adhere to Australian Labor Party environment policies, and both intent on bulldozing a road through the region for reasons best known only to each person.¹⁵

Both the State and Federal governments claimed the Daintree road issue was a

¹⁴ At a World Wilderness Conference in Cairns in 1980, Bjelke-Petersen declared that the Daintree rainforest "provides a living museum of plant and animal species in what is one of the few remaining examples of undisturbed coastal rainforests in the world". See Douglas Shire Wilderness Action Group, Trials of Tribulation, p.1.

¹⁵ Elected Chairman of the Douglas Shire Council on an A.L.P. platform, Mijo was subsequently pre-selected as the A.L.P. candidate for the Federal seat of Leichhardt at the 1980 Federal elections. During the campaign Bjelke-Petersen visited the electorate to support the incumbent National Party member and Fraser government minister, David Thompson. Predictably he assailed Mijo and Labor's policy in general, which in no small way contributed to Mijo's defeat. Within three years, however, Mijo and Bjelke-Petersen had become bed-fellows over the development of the Daintree.



The Prime Minister's pledge to save the Franklin river in Tasmania from being dammed was welcomed by the green movement. But his failure to implement the same protective legislation that was enacted to stop development in Tasmania left a bitter taste in the mouths of northern conservationists.

State matter. Because of the precedent of the Franklin Dam affair, the Queensland government refused to contemplate any form of compromise, fearing that States' rights would be impinged upon by Federal government initiatives. The Commonwealth, however, attempted to distance itself from the local controversy by refraining from nominating the region for listing, but in doing so was severely criticised by environmentalists around the country. Cohen's moderation of Labor's attitude towards the Daintree, from his relatively tough line in October 1983 to his announcement at the end of November that the Government was seeking alternatives, reflected the tensions between the State and Federal governments. What was known to only a handful of people within the Labor Party and which was only made public nearly nine months later, in July 1984 at the A.L.P. National Conference, was that the Queensland leader of the Opposition, Keith Wright, had interceded with Cohen and struck a deal. As the North Queensland Register reported, "Wright would fight the Queensland Government on the issue and not call on the Federal Government to intervene."¹⁶ In hindsight it was an ill-advised arrangement. Wright, who became leader on 20 October 1982 was widely perceived as a self-opinionated politician whose political skills never measured up to his rhetoric. He had failed to impress in the 1983 State election but that did not moderate his self-belief that he had Bjelke-Petersen's measure. Wright would be tossed out of the leadership in late August 1984 at the very height of the protests over the Daintree.

In Cohen's defence, his actions, and accession to Wright's insistence that the Daintree road was a State issue, are understandable. On one hand, he was conforming with a Cabinet consensus that the Federal government should avoid political wrangling over States' rights. On the other hand, his Department had commissioned the Rainforest Conservation Society of Queensland to undertake a broad study of the natural and cultural attributes of the wet tropics of north east Queensland of which the Daintree was the "jewel". Cohen was eager to impress upon the Australian Heritage Commission the value of the Daintree

¹⁶ "Daintree Up for World Heritage", North Queensland Register, 12/7/84.

region as a potential World Heritage site, given priorities world wide to preserve rainforests,¹⁷ but reiterated that his government would use the World Heritage legislation only as a last resort. It was a case of biding time until the report was completed and released. Indeed all parties to the Daintree issue were impatient for the report to be completed, the findings of which would determine whether or not there was a case for World Heritage listing under the World Heritage Properties Conservation Act.

At the time the bulldozers had reappeared on the Daintree in mid-1984 and protesters were physically obstructing the up-grading of the road final touches were being made to the Rainforest Conservation Society of Queensland's report for submission to the Australian Heritage Commission. Many environmentalists were optimistic that the report would finally vindicate their protests. Their enthusiasm was dampened by an article in the Townsville Daily Bulletin by journalist Craig Skehan. Skehan wrote that, even if the report contained recommendations favourable to World Heritage listing of the Daintree, the administrative and legal requirements for its listing would take considerable time and that the road would be finished long before hand. Cohen himself concurred, commenting:

...it would take at least two years for any decision on proposed nomination of the area for World Heritage listing and until then all the Federal Government could do was plead.

Consequently, Commonwealth intervention probably would not have resolved the matter at any rate.

On 25 August 1984 the report on the wet tropics of north east Queensland was released. It found the entire area was more than adequately bestowed with natural and cultural value. For the Daintree, its findings vindicated the environmental lobby. The Australian Conservation Foundation was quick to call on the Federal government to intervene under the World Heritage Properties

¹⁷ "Rainforests, Coast in Heritage Study", Townsville Daily Bulletin, 11/4/84.

Conservation Act, citing its power and responsibility to do so.¹⁸ Its president, Dr Geoff Mosley, stated:

The Commonwealth has the power and the responsibility to protect an area of World Heritage significance.

These powers and responsibilities apply regardless of whether the area has been nominated or is on the World Heritage list.

The Commonwealth should move quickly and firmly to avert current threats to the rainforest at Cape Tribulation...

It would be irresponsible not to protect the area, even if the Queensland Government was not prepared to co-operate.¹⁹

Individual conservationists inundated papers with letters to the editor, not only on the subject of World Heritage listing but even on parochial matters in order to rekindle the political debate. An example was a letter to the editor of the Townsville Daily Bulletin, Paul Swanton of North Ward questioned the legality of Council actions. "Perhaps," he asked, Councillor Mijo

could tell us why if a handful of extremists do not have the God-given right to break the law with impunity, it is considered satisfactory for the load limit on Daintree River ferry to be exceeded by carrying a bulldozer, thus putting future users at risk; for backhoes to work closer than the regulation two metres to protesters buried in the ground breaking the relevant sections of the Construction Act; and for bulldozers to work perilously close to protesters in trees, endangering their lives.

Most importantly, Councillor Mijo could tell us why a handful of councillors, politicians and land-developers feel they have the right to deny our children and their children the right to experience this magnificent area of tropical rainforest in its unspoilt state in the name of high profits for a greedy few.²⁰

Conservationists had the full support of the Australian Democrats. In a subsequent parliamentary debate in September 1984 Democrats leader, Senator Don Chipp, moved that the Senate note that his party

(i) condemn the Queensland State Government and the Douglas Shire Council for the construction of a road through the Cape Tribulation National Park, an area listed on the National Estate because of its

¹⁸ J.Gagliardi, "Daintree Report Released" Townsville Daily Bulletin, 25/8/84.

¹⁹ Ibid.

²⁰ Letter to the Editor, Townsville Daily Bulletin, 3/9/84.

unique heritage value as the largest area of coastal rainforest in Australia (a point that many conservationists had made throughout the affair),

(ii) condemn the preposterous suggestion of the Opposition spokesperson on the environment that a private environmental company be set up to buy the Daintree rainforest as contrary to the fact that the unique heritage of Australia is a priceless community resource totally unsuitable for private sale (this suggestion that the Government preserve the forest by purchasing the land upon which it existed appeared as a response to the Government's problem with lack of direct control over the issue), and,

(iii) call on the Federal Government to act now in accordance with the power it already has to proclaim immediately the Daintree region as part of Australia's natural heritage and subject to Federal protection so as to immediately halt the gross vandalism being committed on a rare and diminishing national asset.²¹

The Federal government reiterated that it did not possess the power to over-ride State decision making. Responding to propositions that the Franklin River case was a perfect precedent on which the Government could act, spokespersons for the government reassured conservationists that, unlike the Tasmanian case where the region was already listed as a World Heritage site, the Daintree region was not protected by the existing legislation. However, as conservationists again pointed out, according to the World Heritage legislation, an area needed only to be under consideration for protective decrees to be implemented.²²

With the World Heritage significance of the region clarified by the report, opponents of the road assumed that the Commonwealth was legally required to protect the region against destructive development. However, the Federal government, still unwilling to upset the Queensland National Party regime, refused to act. The Hawke administration made it clear that it was not prepared to invoke World Heritage legislation, even, it seems, when it was morally, if not legally, required to do so. Indeed, it would not even recommend the Daintree region for World Heritage consideration, nor "take any unilateral action to

²¹ D.Chipp, Senate Debate, 105, 1984, p.437.

²² see Parliamentary Paper, Protection of the Greater Daintree: Report to the House of Representatives Standing Committee on Environment and Conservation.

nominate the region for listing."²³

Journalists speculated that there were two distinct considerations underlying the Hawke government's position. These were best surmised by the politically influential Financial Review, the editorial policy of which was rarely sympathetic to conservation causes. Under the headline "Government Drops Daintree Listing to Head Off State Rights Brawl", it was suggested that the Commonwealth wished to avoid a clash with the Bjelke-Petersen Government over a States' rights issue, and that a Federal election was imminent. The north Queensland seat of Leichhardt was marginal and this gave the Hawke administration reason enough not to antagonise the State government.²⁴ Geoff Mosley argued that the Queensland Government was attempting to take advantage of the fact that a Commonwealth election was approaching and that the Commonwealth was in a precarious situation. "The Queensland Premier", he stated, "was trying to involve the Federal Government in the issue to hand over responsibility for the conflict."²⁵ To be sure the Hawke cabinet was fully aware that the Queensland government had ulterior motives. As Barry Cohen himself noted in Parliament:

We are not going to allow ourselves to be blackmailed by State governments, which may decide to try and screw money out of the Commonwealth Government by threatening the environment."²⁶

Furthermore, Cohen told the press that "...the Federal Government would attempt to persuade the Queensland Government to accept the Heritage Commission recommendations and be party to a joint nomination to the World Heritage Commission."²⁷ That the Commonwealth had no intension of crossing

²³ G.Earl, "Government Drops Daintree Listing to Head Off State Rights Brawl", Financial Review, 15/9/84. This turn of phrase allowed the Federal Government to later reverse its decision and nominate the region for World Heritage listing.

²⁴ Ibid.

²⁵ "Nats 'Using' Daintree Row", Townsville Daily Bulletin, 13/8/84.

²⁶ Australia, House of Representatives, Debates, 139, 1984, p.1068.

²⁷ G.Earl, "Government Drops Daintree Listing to Head Off State Rights Brawl", Financial Review, 15/9/84.

the Bjelke-Petersen administration was later made clear at a meeting between Barry Cohen and John Dawkins, the Transport and Finance Minister. Dawkins stated that the "Commonwealth should view the matter as a local issue and a conflict with a state government that might end up in the High Court should be avoided at all costs...it is not the intension of the Commonwealth to take unilateral action to nominate the region for World Heritage listing."²⁸ As might be expected, conservationists strongly condemned the decision and described the Government's actions as being in "flagrant breach" of the World Heritage Treaty.²⁹ They claimed that the Commonwealth had failed to comply with international law and turned their wrath on the Federal government.

Although the World Heritage listing issue was a contentious one, technically, at least, conservation had the backing of the law. Evidence was produced showing that both the State Government and the Commonwealth had flouted laws, either actively, or by failing to respond to issues which arose. However, regardless of public debate and pressure, regardless of parliamentary debate and calls for more responsible action to be taken, neither the State nor the Federal governments would compromise their positions. The legal implications of the Daintree road issue were sidelined as irrelevant or avoidable.

The release of an Australian parliamentary paper, in 1984 - Protection of the Greater Daintree - clarified the legal position of the Commonwealth even though the Attorney-General, Senator Gareth Evans remained unconvinced that a challenge in the High Court would be successful. The report outlined the Commonwealth's possible powers of intervention in dealing with the Daintree road issue. It concluded that environmental factors required consideration in Commonwealth decision-making. However, direct powers over State actions did not necessarily exist. Legislative and fiscal powers, nevertheless, might have been implemented indirectly: fiscal powers "can, with state co-operation pursue

²⁸ C.Hall, Wastelands to World Heritage, p.220.

²⁹ "Government 'Breaching' Heritage Treaty", Townsville Daily Bulletin, 2/11/84.

environmental goals in areas which are beyond legislative competence." However, in the case of the Daintree road, that the State had provided the funds, meant such control by the Federal government was not available. The Federal government, nevertheless did have the "legislative competence" to indirectly intercede. The standing committee's report discussed four Acts of Parliament upon which the government could possibly act to gain power of veto over the Daintree road affair: The Great Barrier Reef Marine Park Act 1975, The Australian Heritage Commission Act 1975, Environment Protection (Impact of Proposals) Act 1974 and The World Heritage Properties Conservation Act 1983.

The Great Barrier Reef Marine Park Act 1975 was enacted to preserve the reef in its natural state. It gave the Governor-General the power to regulate or, in some instances, to prohibit activities within the park which might threaten the reef. The establishment of a road in the Daintree rainforest, which some argued had caused subsequent silting and which in turn threatened the reef, thus could have been presented as grounds for using the Act to stop construction of the road. The Act however was not accepted as a means to intervene because the fulfilment of two criteria was not subsequently satisfied: proof was not offered which showed that pollution of the reef came directly from the road's construction; polluted water surrounding the reef was not determined to be harmful to animals and plants on the reef.

Use of the Australian Heritage Commission Act 1975 was considered as a tool of intervention. However investigation found that it could not have been implemented because the issue was confined to Queensland. The Act was available to protect against action which may threaten the National Estate, but its function was merely to forward advice to ministers, who could act accordingly. Because the Commonwealth was unable to act directly to stop the road's construction, the Australian Heritage Commission Act was ill-equipped to be used as a power of veto over the State government's conduct. John Button, leader of the government in the Senate, reiterated the constraints on the



SILT - caused by the Daintree Bloomfield Road,
on a once pristine coastal fringing reef.

Calls to have construction halted focussed on the fact that sediment from the road could threaten the reef in one of only three places in the world where the rainforest and reef exist in harmony.

Commonwealth when referring to the rezoning of the Daintree for residential development:

The area in question has been listed on the Register of the National Estate, because of its national significance. Unhappily, the listing only affects decisions made by Commonwealth Minister's departments and agencies and does not enable the Commonwealth to intervene in State land use decisions within the State of Queensland.

Initially considered to be relevant, the Environment Protection (Impact of Proposals) Act 1974 was rendered useless, again, because Commonwealth finance was not involved. The Commonwealth had very little control over the management of the region because the State was prepared to fund the road itself. The Act only allowed for prevention of environmental damage given that the Commonwealth was involved in the funding of a development.

The legislation which could have permitted the Commonwealth to intervene to protect the forest, as conservationists had argued all along, was the World Heritage Properties Conservation Act 1983. The Act gave leeway by allowing properties, not necessarily already nominated as World Heritage sites, to be protected by its doctrines. As the Standing Committee noted:

An area can be declared by the regulations to be subject to the Act if it fulfils the definition of cultural or natural heritage in the Convention for the Protection of the World Cultural and Natural Heritage.

The release of the Rainforest Conservation Society of Queensland's report established that the region more than adequately fulfilled criteria for World Heritage listing as a unique cultural and natural site. The World Heritage Properties Conservation Act, therefore, appeared appropriate and relevant for the protection of the region. Because the Government argued that its powers of veto were uncertain, it declined to test the decrees available to it in order to intervene in the Daintree matter.³⁰ Four years elapsed until the legal arguments which surrounded the Daintree in 1984 re-emerged. In 1988, after the demise of Johannes Bjelke-Petersen and the advent of a less combatative ministry under the premiership of Michael Ahern, the Commonwealth finally was able to announce that the Wet Tropics of North East Australia had been

³⁰ Australia, Senate, Debate, 105, 1984, p.368.

nominated as a World Heritage site. With this listing the Daintree finally was secured under Federal legislation and international covenants.

BLACK AND GREEN: The Implications for Aborigines of the Wet Tropics listing.

The Aboriginal land rights movement has been adversely affected by the listing of the Wet Tropics region as a World Heritage area. When that area of north Queensland was nominated and subsequently listed as a World Heritage site it fulfilled all natural and cultural qualifications for implementation of legislation. In the nomination of north Queensland's rainforests the Federal Government highlighted that

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.¹

However, rather than effecting a marriage of the land rights movement and the environmental movement, the listing of the Wet Tropics of North Queensland has in fact caused conflict. This has arisen, not so much because of contrasting aims of the two movements, but because only the natural value of the region was taken into account when nomination for listing was made, and therefore the importance of the cultural features of the Wet Tropics were pushed to the periphery in the management legislation. An examination of the Aboriginal land rights movement and, in particular, the effect of the Mabo case on future relations between Aborigines and conservationists, is revealing.

The Aboriginal struggle to regain rights to land, unlike the battle for nature conservation, commenced almost two hundred years ago. It initially emerged in the form of violent attacks against white settlers who claimed more and more Aboriginal land. While Europeans believed that Aboriginal behaviour at the time was a barbaric reaction to the unknown, Aboriginal land rights advocates interpreted the behaviour as something more. Daisy Marchisotti elucidated this in 1978 when she stated that most of the early attacks "must be interpreted as the genesis of the Land Rights struggle, for the Aborigines were fighting to retain

¹ Department of the Arts, Sports, the Environment, Tourism and Territories, "World Heritage Nomination", 1987, p.19.

their tribal lands from a hostile enemy."²

The land rights movement developed as a response to inadequacies in the law and white society's treatment of the Aboriginal culture. Nicolas Peterson summarised its features when he noted

the term land rights is usually applied in contexts where third or fourth world peoples have been dispossessed by a recent group of colonisers. Not only does this colonisation place in doubt, alter or eliminate the original occupant's rights and interests...in the land they occupy, usually without compensation, but it generally results in a loss of personal and political autonomy and group sovereignty. Through the process of colonisation or invasion the original occupants become incorporated into large political structures such as wealthy liberal democracies in the case of most fourth world people in which they have little or no independent standing. Thus land rights movements seek to restore, to the greatest extent, the original rights.³

H.C.Coombs explained that members of the movement sought to "acquire title to, and control of land which they regard as theirs by traditional right and with which they identify themselves in [a] complex and spiritually charged relationship."⁴ While recognising that often the spiritual and emotional ties were lost, members of the land rights movement have agitated for access to their physical heritage so that at least an attempt can be made to salvage elements of their culture.

In the 1960s a formal national land rights movement emerged in Australia. It grew out of a history of dispossession which had three main themes. Originally, Aborigines were thought to be dying out so they were set aside on reserves, under the control of white overseers. Then the concept of assimilation into white culture was introduced. Many remained on reserves but this policy was based on the idea that Aborigines could be domiciled and their culture adapted to suit

² D.Marchisotti, "History of the Land Rights Struggle in Queensland", Australian Left Review, 64, May, 1978, p.1.

³ N.Peterson, "Introduction", N.Peterson, (ed); Aboriginal Land Rights, A Handbook, (Canberra, 1981), p.3.

⁴ H.Coombs, "Implications of Land Rights", in R.Jones, (ed); Northern Australia: Options and Implications, (Canberra, 1980), p.121.

white society. For its part, the government justified its actions to withdraw the rights of Aborigines to live on land if the land was sought for other purposes. The third theme and one which only emerged in the 1970s, alongside environmentalism, was self-determination. This policy allowed the Aboriginal movement to seek title to the land which they understood to be traditionally theirs. It was an upheld struggle but State administrations became more accepting of the Aboriginal cause in the 1970s, the indigenous peoples enjoyed a degree of success in gaining access to their heritage.

In Queensland the movement's progress was restricted by legislation that subdued Aborigines and alienated them from their land. Even when the national movement began, change in Queensland was slow because of the oppressive nature of the conservative administration which came to office in 1957.⁵ For example, the administrative agenda of the State dictated that Aborigines had no rights to land that was not available to white inhabitants.⁶ However, agitation for improved land rights had some success with the emergence of the outstation movement whereby re-establishment of traditional Aboriginal lifestyles was attempted by moving away from the reserve settlements. H.C. Coombes suggested that the outstation movement helped promote the struggle for land rights in Queensland. As people moved off the reserve and reverted to traditional lifestyles, the author noted, they gained confidence about claiming rights to live in a traditional manner and not as assimilated Europeans. Hence the notion of self-determination found new expression.

The most significant change for Aboriginal land rights under conservative administration, came in 1985 with the establishment of legislative guidelines that allowed Aborigines to live on land which was managed by their own councils. The granting of rights to lease land in perpetuity to Aboriginal groups was made

⁵ For the policies of the preceding Labor administration see R.Evans, "Aborigines" in D.Murphy, et al (eds); Labor in Power: The Labor Party and Government in Queensland 1915-57, St. Lucia, 1980, pp.330-354.

⁶ C.Anderson, "Queensland", Aboriginal Land Rights: A Handbook, (Canberra, 1981), p.53.

possible under the Aborigines and Torres Strait Islander (Land Holding) Act.⁷ These leases were known as Deeds of Grant in Trust (DOGIT). The introduction of DOGITs gave greater rights to Aborigines aiming to live traditional lives; DOGITs guaranteed that the land would be available for the benefit of Aborigines without the threat of its re-gazettal for other purposes.⁸ Regulations accompanying the deeds were designed in order that greater self-management and self-determination could be achieved for Aborigines living on DOGIT land. However, several regulations were also imposed which prevented Aborigines from achieving complete autonomy. For example, the provisions of the Forestry Act 1984 over-rode DOGIT regulations ensuring that the conservation of nature would be a higher priority than Aboriginal land rights and practices that were potentially detrimental to the environment.⁹ Therefore, while deeds of grant in trust awarded more permanent rights to land to Aborigines in theory, dilemmas arose which had the potential to cause conflict between nature conservation requirements and Aboriginal land rights ideals.

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A watershed for promotion of Aboriginal land rights came in 1992 with the conclusion of a ten year High Court battle to determine ownership of the Murray Islands in the Torres Straits. On 3 June 1992, Eddie Mabo, posthumously, won a High Court case against the State, claiming traditional ownership by his people of their Murray Islands. In essence, for the Mirium people, the case findings held that Aboriginal title to the land had been there all along. In more general terms, the outcome of the case determined that if Aborigines had voluntarily or involuntarily abandoned their land, extinguishment of native title resulted. If removal and subsequent extinguishment of title did not occur, then Aborigines still had the right to claim title to their land. Automatic extinguishment of

⁷ Department of Community Services, Annual Report 1985, p.1.

⁸ F.Brennan; Land Rights Queensland Style, (St.Lucia, 1992), p.89,

⁹ Ibid, p.90.

Aboriginal title to all Australian land did not occur on the arrival of the first fleet. In the words of Justices Deane and Gaudron,

interests in property which existed under native law or custom were not obliterated by the act of State establishing a new British Colony but were preserved and protected by the domestic law of the Colony.¹⁰

As Henry Reynolds, author of Law of the Land, suggested, it was not up to the Crown to grant title to the original inhabitants of the land. Rather, the Crown had to disprove ownership. Justice Toohey affirmed this when he stated, "when there was any question about the existence of native title it was up to the Crown to show that the Aboriginal interest had been extinguished"¹¹; at that stage "Crown sovereignty becomes absolute."¹² Even though Justice Toohey held that possession of one's land need only have been for a substantial period,¹³ the fact that the Mirium islanders had been living on the Murray islands for 'time immemorial' strengthened Mabo's case.¹⁴

The High Court found that the Mirium society had been regulated by native laws, customs and culture, and that Queensland's annexation of the islands in 1879 did not negate the islanders traditional association with their land.¹⁵ The Islanders had a stronger case, Reynolds suggested, because they were a gardening people who demonstrated European behaviour more obviously than mainland Aborigines.¹⁶ However, an association with the land rather than actual occupation of it, the judges concluded, "was sufficient to sustain native title

¹⁰ Mabo and Ors vs Queensland, (1992), p.71.

¹¹ Ibid, p.1.

¹² J.Sutherland, Aboriginal Interests and Queensland Wet Tropics World Heritage Area Management, 1992, p.25.

¹³ Ibid, p.26.

¹⁴ H.Pitt, "Traditional Land Rights Overrule Colonial Law", Bulletin, 4/8/92, p.24.

¹⁵ Ibid.

¹⁶ H.Reynolds, The Law of the Land, p.186.

claims."¹⁷ They found that difficulties could arise in determining title for Aborigines who had been forcibly removed from their tribal lands during European settlement and had lost ties with it.¹⁸ This, the judges suggested, could create problems for tribes seeking to prove entitlement because "[t]raditional connections with the land must have been substantially maintained."¹⁹

Helen Pitt of the Bulletin wrote that the most significant outcome of the Mabo case was the nullification of the colonial concept of *terra nullius* (or empty land) which suggested that before white settlement, no other peoples had ownership of the land.²⁰ Mabo's win was of historical significance because the High Court ruling set a legal precedent for recognising that Australia's indigenous people have a legitimate and inalienable right to their land. For all Aboriginal peoples, the Mabo judgement represented a watershed for future claims to land rights.²¹

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However the findings of the Mabo case have implications for future relations between Aborigines and environmentalists. As legitimate title to the land is established for more and more Aboriginal people, the fundamentals of white law - that the right to one's land remains inalienable - will become a consideration. Although "native title land" is still subject to Government regulation, the inference from the Mabo ruling is that Aborigines will be able to prescribe

¹⁷ J.Sutherland, Aboriginal Interests and Queensland Wet Tropics World Heritage Area Management, p.26.

¹⁸ The reserves system established in Queensland meant that in the early part of the century many tribes were removed from their land and forced to exist with others on land which had been set aside specifically for their occupation.

¹⁹ J.Sutherland, Aboriginal Interests and Queensland Wet Tropics World Heritage Area Management, p.26.

²⁰ H.Pitt, "Traditional Land Rights Overrule Colonial Law", p.24.

²¹ Ibid.

management guidelines for the land. On land where native title is consistent with regulations pertaining to unalienated Crown land, Aboriginal land managers will be better able to determine how the land will be used.

Obligated to work within the framework of white law and custom, conservationists' agitation for change has been based on the premise that the land ownership is controlled by European traditions. As this assumption is challenged, problems related to the incorporation of land rights ideals might occur if Aboriginal aspirations for the land contradict preservation of the intrinsic value of the land. Consequently, the conservation-development dichotomy now has an extra thorn. Political decision-making, and manoeuvring, will have to take into account the desires of environmentalists and developers. Equally, Aboriginal guidelines for land management will have to be considered. With the World Heritage listing of far north Queensland Wet Tropics region, the dilemma is heightened because cultural attributes were specifically recognised²² - although not accounted for in the nomination. However, management guidelines for nature conservation and Aboriginal land rights policy, it may be argued, might be compatible not only because of common aspirations that the movements share, also because there already exists some Federal and State legislation directed towards protecting the cultural resources of the region. These include the World Heritage Properties Conservation Act, the Australian Heritage Commission Act, the Cultural Records (Landscape Queensland and Queensland Estate) Act and the Aboriginal and Torres Strait Island Heritage Protection Act.

²² In the Rainforest Conservation Society of Queensland report to the Australian Heritage Commission on the significance of the north Queensland rainforests the Aboriginal culture was recognised as valuable. The report highlighted that the region "contained the only recognised Australian Aboriginal rainforest culture, and [was] therefore a significant component of the cultural record of aboriginal society which has the longest continuous history in the world...The remnants of this unbroken traditional Aboriginal culture still tenuously survive today within the Study area. The Aboriginal groups retain the traditional attachment to the land, economic use of the rainforest, an extensive practising knowledge of their language, and the practice of bush medicine as well as toxic plant food leaching techniques." See Rainforest Conservation Society of Queensland; Tropical Rainforests of North Queensland: Their Conservation Significance - A Report to the Australian Heritage Commission by the R.C.S.Q., [Canberra, 1986], pp.39-40.

Similarities in policy direction of the land rights and green movements have developed because of their histories. International interest in both movements were heightened in the same decade as a national land rights movement emerged in Australia. For conservationists, the late 1960s was a time when a green philosophy began to gain popular approval in most western countries. It was manifested by an increase in lobbying by environmentally-conscious individuals for a multiplicity of causes around the world. The land rights movement gained support in Australia in the 1960s, when it also became popular in Alaska and Canada.²³ Nicolas Peterson understood that, in general, it was the failure to assimilate aboriginal populations into the dominant white cultures that led to the land rights backlash globally. As the movement gained momentum, governments found it difficult to disregard Aborigines' demands for land rights. Peterson noted that the strengthening of the Aboriginal cause resulted from the realisation by government that "land rights is not only morally right but also a powerful and effective instrument of social policy for the betterment of Aborigines place in the community".²⁴ In Queensland, however, the land rights movement, by comparison, remained repressed through discriminatory legislation and a government which had scant regard for the concerns of minority groups.

The strengthening of political influence in both the Aboriginal land rights and conservation movements occurred at about the same time at the national level. In the 1970s both movements were afforded a forum in the Federal parliament through sympathetic members of both houses agitating for the greater recognition of the two movements. Indeed, it was under Whitlam that both former pressure groups became institutionalised movements commanding national political attention and an ever-widening popular support. For the Aboriginal land rights movement, the establishment of the Aboriginal Land Rights (Northern Territory) Act indicated that the movement's aspirations had been partially acknowledged, if not completely catered for. For the green

²³ N.Peterson, "Introduction", p.1.

²⁴ Ibid.

movement, The Environmental Protection (Impact of Proposals) Act raised conservation to a pre-eminent position.

The main link between the two movements is not so much the timing of emergence, nor the focus by both on issues related to the land. The link exists because the two movements are inter-related in that the aims of the environmental movement, over time came to encompass the theme of land rights for Aborigines within its agenda.²⁵ The environmental movement sought to promote a holistic approach to social development. In its struggle for social improvement it highlighted nature conservation and sustainable economic development. However the movement also championed the right of minority or oppressed groups to redress imbalances. Accordingly, the promotion of Aboriginal autonomy and self-determination was encouraged.²⁶ Speakers at a State conference of conservation groups in 1991 proclaimed that future policy formulation of groups should be based on support of Aboriginal autonomy and land rights.²⁷ Subsequently, when the philosophies of the green and land rights movement are complementary, the need to actively promote them becomes important, but when they clash, the requirement to address the conflict becomes vital.

The strongest bond that the Aboriginal land rights activists and conservationist have is the fact that Aborigines have been recognised as the original conservationists. Their traditional relationship with the land was such that resources were never permanently depleted and destruction or alteration of the habitat was never too obvious, in the short term at least. Burnum Burnum in 1987 described the Aboriginal relationship with the land in his publication, "Aboriginal Australia and the Green Movement" when he wrote:

²⁵ D.Hutton, "What is Green Politics", Green Politics in Australia, (North Ryde, 1987), p.17.

²⁶ Ibid.

²⁷ R.Fleming, "Aboriginal People and the Conservation Movement", Proceedings from the State Conference, 1991.

...we original Australians blessed, caressed, nurtured and worshipped the landscape in a cyclical time frame....(w)e see ourselves as descendants of the longest and most successful conservation campaign in the history of man, because we opted to become part of the environment itself.²⁸

Aborigines and conservationists did not appreciate their interdependence until the early 1980s when conflict between the two movements occurred. At the Second World Wilderness Congress Conference held in Cairns in 1981 conservationists focussed on the need to protect the natural habitat of Cape York Peninsula calling for the creation of a national park in the region. Land rights advocates were offended by this declaration. They saw it as a tacit denial of Aboriginal culture and its inextricable links with the land; they perceived the creation of a nature park as an agenda for dispossession in the Cape region.²⁹ "The creation of national parks, with restrictions on its habitation, the Aboriginal publication, Identity, recorded, "can effectively be another way of divorcing Aborigines from the land." Lands rights campaigners called on conservationists to "adapt their approach to land conservation in Australia and work more closely [with] the Land Rights movement," and declared that conservationists should not "place pressure upon government or other authorities to have land 'preserved' as national parks or sanctuaries without first defining the relationship between that area and Aborigines."³⁰

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In 1983 and 1984 the establishment of the Daintree road in north Queensland brought Aborigines and conservationists together to consider the implication of the destruction of nature caused by development. The diversity of opinion within Aboriginal communities surprised conservationists; some communities supported the road, others opposed it. The chairmen of the Wawu Dimby and Wujilwujil

²⁸ Burnum Burnum, "Aboriginal Australia and the Green Movement", Green Politics in Australia. p.92.

²⁹ "Land Rights: The Conservation Issue", Identity, vol.4, no.2, January, 1981, p.29.

³⁰ Ibid.

communities called for the construction of the road³¹. The two hundred residents of the Wujilwujil community signed a petition in support of construction because they saw that the road would allow better access through the rainforest for their people.³² Opposition to the road, anthropologist, Chris Anderson recognised, arose out of features of tribal relations in the area.³³ Competition between communities, he explained, would have been a reason why some Aborigines opposed the road. Attitudes towards the issue were not shaped by an evolving concern for the preservation of the land in a pristine state. Traditionally they altered the land to best suit their lifestyles³⁴. Hence, conservationists' attempts to utilise Aboriginal pressure groups to stop the road's completion failed principally because of misguided assumptions that "Aboriginal views and interests would coincide with those of conservationists."³⁵

As both movements have gained popular recognition and political strength, the probability that their objectives might clash has become more apparent. Moreover, because the green movement has gained greater political support than the Aboriginal movement in the last decade, concern has mounted among land

³¹ see "Trib. Protesters", Townsville Daily Bulletin, 2/2/83 and C.Anderson, "Aborigines and Conservationism: The Daintree-Bloomfield Road", Australian Journal of Social Issues, 24,3, August, 1989, p.218.

³² Chris Anderson noted that the road was welcomed because as the Aborigines in the region had adopted some aspects of European culture they came to appreciate the benefit of easy access through their forests. See C.Anderson and S.Coates, "Like a Crane Standing On One Leg On a Little Island: An Investigation of Factors Affecting the Lifestyle of Wujilwujil Community, North Queensland: Report to Royal Commission on Black Deaths in Custody." Conservationists later recognised that the conflict that occurred between greens and Aborigines during the campaign was a result of the stereotyping of the Aboriginal culture and the character of its people. See R.Fleming; Aboriginal People and the Conservation Movement, p.1.

³³ C.Anderson, "Aborigines and Conservation: The Daintree-Bloomfield Road", p.224.

³⁴ Chris Anderson recognised that the use of fire was a common method by which Aborigines altered their floral and faunal environment. Over time many species of plants and animals became extinct because their environments were altered by burning practises. Further, in the Daintree rainforest pockets of less dense mesophyll vines grow because of Aboriginal adaptation of the environment.

³⁵ C.Anderson; "Aborigines and Conservation", p.224.

rights advocates that conservation issues are beginning to overshadow Aboriginal issues. In an A.C.F Habitat article, "A Voice in the Wilderness?: Aboriginal Perspectives on Conservation", Ros Sultan suggested that conservation aims were beginning to "compete with the interests of [Aboriginal] people for land justice and for social equality."³⁶

The Aboriginal land rights movement was concerned that the emergence of a strong green force in the State was beginning to create "a new wave of dispossession - the denial of Aboriginal people's rights to the land in the name of nature conservation." Sultan articulated the dilemma when she noted, "[t]o separate wilderness from the Aboriginal people's struggle for land justice is to deny our history and to give tacit support to the legal fiction of Terra Nullius..."³⁷ She believed that dialogue and communication between white land managers, conservationists and Aborigines was necessary for a true understanding of wilderness, and its successful conservation. Furthermore, Aboriginal activists have recognised that, as conservationists depict the landscape as an unspoilt wilderness, free from human exposure, they exacerbate the dispossession of Aborigines from their land.³⁸ They argued that the conservation movement was ignorant about the dynamics of the habitat and the Aboriginal relationship with it.³⁹

However an appreciation of Aboriginal relations with the land has developed among green groups. It is more widely accepted in conservationist circles that this misunderstanding of Aboriginal relations with the land needs to be redressed. In 1991 Executive Director of the Australian Conservation Foundation, Phillip

³⁶ R.Sultan, "A Voice in the Wilderness: Aboriginal Perspectives on Conservation", Habitat, 19, 3, June, 1991, p.2.

³⁷ Ibid.

³⁸ Writers have acknowledged the problem of rejecting the idea that Aborigines had used and exploited the land's resources for 40,000 years. They recognise that some major changes to the habitat had occurred from firestick practises.

³⁹ Ibid.

Toyne, and Consultant to the Western Australian Aboriginal Affairs Planning Authority, Ross Johnston, wrote of Aboriginal exploitation of the flora and fauna of the Australian continent. They acknowledged that although the environment had been changed quite dramatically by Aboriginal land use practises, the spiritual relationship that the people had with the land ensured that "a lasting harmony with the Earth" was achieved.⁴⁰

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In north Queensland the connection between nature management and Aboriginal land rights was highlighted when the World Heritage Wet Tropics region was listed. Problems emerged because the focus of the nomination was on the natural attributes of the region. While management guidelines, as outlined by the Wet Tropics Plan: Strategic Direction, gave some recognition of Aboriginal cultural features of the region, the primary concern was for the protection and promotion of the natural features of the region.⁴¹ Subsequently as Bruce White, liaison officer for the Rainforest Aboriginal Network, maintained, the cause was advanced to ensure that the International Union for the Conservation of Nature (I.U.C.N) would accept the nomination of the region for listing. Moreover, Aboriginal activists have recognised that the rainforest Aborigines have been thrust into the international limelight because of the significance of their culture. But they are no better off culturally or socially, for the region's listing.⁴²

⁴⁰ P.Toyne and R.Johnston, "Reconciliation, or the New Dispossession: Aboriginal Land Rights and Nature Conservation", Habitat, 19, 3, June, 1991, p.8

A cross fertilisation has occurred as a number of individuals have become involved in both movements. For example Phillip Toyne, Director of the Australian Conservation Foundation from 1987 to October 1992, played an integral role as adviser to the Anangu Pitjantjtjara community when the Crown handed over control of Uluru National Park to the Aboriginal people of the region. Richard Ledger, environmental scientists, from being an adviser to the Northern Land Council, went on to take the position of Director of the Wilderness Society in 1990. See J.Brown, Keeping the Land Alive, (Sydney, 1992), p.65.

⁴¹ see Wet Tropics Plan: Strategic Directions, Cairns, 1992.

⁴² B.White, A Preliminary Report For Aboriginal Organisations: An Aboriginal Approach to Wet Tropics World Heritage Management, Cairns, 22/1/92, pp.1-39. (unpublished)

The Wet Tropics Protection and Management Bill, tabled for consideration late in 1992, focussed primarily on the protection of the natural attributes of the World Heritage region. While there is provision in the Bill for the Wet Tropics World Heritage Management Agency to enter into a co-operative agreement with Aborigines, the rainforest Aborigines perceived that their right to participate in the management of the region was insufficiently addressed. They considered their affiliation with the land was to all intents and purposes ignored; they do not trust the Government to adequately implement the few provisions of the Bill.⁴³ Rainforest Aborigines fear that with the introduction of the legislation their interests will be marginalised and their status institutionalised.

While the Wet Tropics Management Agency consulted extensively with Aboriginal groups in the area⁴⁴, White suggests that the organisation has found it difficult to incorporate Aboriginal interests into a management strategy because the impending legislation currently focuses on the natural features of the region.⁴⁵ Recognition of cultural heritage brings with it too many complications

⁴³ Sutherland has noted that Aborigines, and particularly the Wujilwujil community, feel that the legislation is "disregarding Aboriginal interests." See Sutherland, Aboriginal Interests and Queensland Wet Tropics World Heritage Management, p.5.

⁴⁴ Authors of the Wet Tropics Strategic Directions Plan wrote that "the significance of Aboriginal cultures in the region" was great, and that a commitment needed to be given to "recognising Aboriginal cultural values in the planning and management of the Wet Tropics Area, and to [increasing] knowledge of those values through further research" See Strategic Directions, pp.47 & 66-67. Furthermore the WTMA commissioned a study by N.Horsfall and M.Fuay into the cultural significance of the Wet Tropics region. They stated that while no cultural property was listed in the nomination the region was adequately bestowed with evidence of Aboriginal occupation of the north, that further research is needed into the Aboriginal culture but that "past Aboriginal use of and interaction with tropical rainforest in North East Queensland is distinctive in the state, nation and even world context". The report concluded that the rainforest is salient physically and culturally and that constant access to it was needed in order that the culture be continued. See Horsfall, "The Cultural Heritage Values of Aboriginal Archaeological Sites and Associated Themes In and Adjacent to the Area Nominated For World Heritage Listing in the Wet Tropics Rainforest Region of North East Queensland", A Report to the State of Queensland, (Townsville, 1988),p.49.

⁴⁵ The Commonwealth has made exceptions in favour of promoting the Aboriginal culture in the Wet Tropics region. In an amendment to the World Heritage Properties Conservation Regulations in 1990, the amendment stated, "For the purposes of subsection

for the management of the region.⁴⁶ The Wet Tropics Management Agency, he felt, does not want responsibility for the problem. As matters stand, use of the land in a traditional Aboriginal manner has been severely restricted and advocates insist that the cultural heritage of the Wet Tropics is not being protected. As White theorised, it is the "unnatural, inflexible conceptual division between things natural and cultural [that] effectively dispossesses Aborigines [of their land]."⁴⁷

It is this divergence of conservation and land rights interests which troubles the rainforest Aborigines most. Hence, with the far northern regions of Queensland endowed with cultural features that they feel meet requirements for World Heritage listing, rainforest Aborigines seek to be included in management procedures in order to protect and promote their culture. The failure, thus far, to include a cultural element into the planning of the region, has created dilemmas for Aboriginal activists seeking retribution for centuries of dispossession. They regard current trends in nature preservation, particularly with regard to the management of the Wet Tropics, as a new, more effective means of oppression.

The people of Wujilwujil in the Daintree rainforest⁴⁸, in particular, were

9(1) of the Act, each of the following acts is prescribed in relation to the relevant properties:

- (a) killing, removing or damaging a native plant;
- (b) disturbing soil in such a way as to damage a native plant;
- (c) permitting, authorising, directing or ordering, or purporting to permit, authorise, direct or order, the doing of an act of a kind referred to in paragraph (a) or (b); other than acts of the kind referred to in those paragraphs that involve:
- (d) traditional activities of Aboriginal people; or
- (e) activities performed by Aboriginal people for their own use."

⁴⁶ B.White, "Nature Conservation Can Be the New Wave of Dispossession: What Will Future Generations Say?", Environmental Studies Lecture, 23/9/92. (unpublished)

⁴⁷ Ibid.

⁴⁸ Wujilwujil is located near the Bloomfield river. The Cape Tribulation to Bloomfield road passes within 50 metres of the settlement.

affected by the inclusion of their community within Wet Tropics boundaries. Because they were never removed from their land they have managed to maintain strong traditional links with it.⁴⁹ The Wujilwujil people sought to retain a relationship with their land where a traditional lifestyle could be continued. As with the Daintree road issue, they saw that their role with Wet Tropics management was primarily to promote their culture. Preservation of their surroundings was a factor only in so far as Aboriginal culture imposes inherent obligations of preservation. The community felt they were being alienated from their land by management strategies designed without consultation⁵⁰ and without regard to their wishes. Johanna Sutherland, author of the report to the Bidi Bidi Cooperative Advancement Society, Aboriginal Interests and Queensland Wet Tropics World Heritage Area Management, has listed examples of the restrictions to be placed on Aborigines with the implementation of legislation for the management of the region. She noted that

the Wet Tropics Management plan is likely to involve stringent controls and approvals for particular activities such as the...removal or damage of any natural or cultural resources...Development approvals in the WTWHA⁵¹ are likely to soon require the preparation of environmental impact statements...⁵²

When zoning plans for the region established that many of the Wujil community's traditional activities were prohibited, the ability of Aborigines to maintain traditional lifestyles, so the community believed, was made more difficult. For instance, because the community lies within a zone declared "minimum disturbance", traditional hunting and gathering activities were restricted by the requirement of permits in order to perform the food gathering activities. But regardless of such constraints, the community was most upset that the listing failed to recognise the basic fact of prior Aboriginal occupation of the

⁴⁹ Sutherland, Aboriginal Interests and Queensland's WTWHAM, p.9.

⁵⁰ C.Anderson and S.Coates, "Like a Crane Standing On One Leg On a Little Island: An Investigation of Factors Affecting the Lifestyle of Wujilwujil Community, North Queensland", p.20.

⁵¹ World Heritage Wet Tropics Area

⁵² Sutherland, Aboriginal Interests..., p.2.

land, their continued interest in it (and the fact that Aboriginal people in communities such as Wujilwujil know considerably more about rainforest environment and resources than do almost any Europeans).

This, it has been argued, is the most severe act of ignorance and dispossession, on the part of government.⁵³

In a submission to the Royal Commission on Black Deaths in Custody, Chris Anderson and Suzette Coates maintained that many of the problems that Aborigines, and especially the Wujil community, face stems from the fact that they feel confined to the boundaries of their settlement and are unable to re-establish traditional lifestyles. With the establishment of a Wet Tropics management plan that marginalises the role of Aborigines in the region, Anderson and Coates fear that the oppression and degradation of the people will continue and intensify.⁵⁴ They recognised that the de-gazetting of national parks, however, created the greatest impediment for Aborigines wishing to claim rights in land under the control of Wet Tropics management. As some legislative changes have occurred, conditions for Aborigines have been improved. Originally the principle tenets of the National Parks and Wildlife Conservation

⁵³ Anderson and Coates, "Like A Crane Standing on One Leg on a Little Island", p.22.

⁵⁴ Ibid.

Problems relating to restriction of activities in forest reserves for Aborigines in north Queensland (and especially for the Wujil people because of the numerous forest reserves that surround the community) were highlighted in a report to the Commission of Enquiry into the Conservation, Management and Use of Fraser Island and the Great Sandy Region, in May 1991. The report noted that management procedures for the forests do not take into account Aboriginal interests because of legislative deficiencies. "The only recognition of Aboriginal interests in forest management" it noted, "is in respect of 'Aboriginal relics, artefacts and cultural remains' which, the statute specifies, are to be dealt with in accordance with the Cultural Records (Landscapes Queensland and Queensland Estate) Act". The report surmised that problems have occurred because the Act does not recognise Aboriginal interests and the role that they play in the management of Queensland's forests. Furthermore, the Forestry Act which is used to protect Queensland's forests does not provide management guidelines for forest reserves. As such if interests in resource use clash then there is no basis for resolution by way of a management plan. Subsequently Aboriginal interest in the forestry lands of Queensland are not aided by the existence of the Forestry Act. See Commission of Enquiry into the Conservation, Management and Use of Fraser Island and the Great Sandy Region, Report, May, 1991, pp.162-165.

Act⁵⁵ dictated that the flora and fauna were to be protected to the greatest degree possible. The only exception was that forest products could be removed for scientific purposes. In 1984 a section of the Community Service (Aborigines) Act extended similar privileges to Aborigines:

A member of a community of Aboriginal residents in an area shall not be liable to prosecution as for an offence:

- a) for taking marine products or fauna by traditional means for consumption by members of the community.
- b) for taking forestry products or quarry material within the meaning of the 'Forestry Act' 1959-1984 within the area for use for development or other purposes within the area.⁵⁶

Furthermore, the passing of the Nature Conservation Act 1992 allowed for greater Aboriginal access to, and management of, certain designated parks.⁵⁷ The Act is promising for Aborigines because it acknowledges, to a degree, their special needs. However a national park has to be gazetted as claimable before legal title to it can be sought.⁵⁸ As Sutherland has argued,

the Act provides that in its administration regard must be had to the views and interests of groups, persons and landholders...The NCA currently allows for the taking of and use of wildlife for traditional purposes, even in national parks...⁵⁹

She acknowledges however that this was subject to conservation plans pursuant to the Act.⁶⁰

Greater involvement in decision-making was provided by the Aboriginal Land Act 1991 which set out guidelines by which parks could be managed by a joint

⁵⁵ Ibid.

⁵⁶ "Like a Crane Standing on One Leg", p.22. However in the enactment of the Nature Conservation Act amendments to the last section were made to update the regulation.

⁵⁷ Department of Lands, Annual Report, 1991-1992, pp.22-27.
13 National Parks have been gazetted as claimable throughout Australia. A total of 2,59 hectares of land has been made available for Aboriginal title., p.25.

⁵⁸ Sutherland, Aboriginal Interests..., p.6.

⁵⁹ Ibid, p.41.

⁶⁰ The Nature Conservation Act has placed some restrictions on the taking of natural and cultural resources. For example, if protected wildlife is lawfully taken fiscal payment must be made to the State.

Aboriginal-Government authority. The Act stipulated that Aborigines who are granted National Parks land must guarantee that they will lease back to the Crown, in perpetuity, the land "for the purposes of the management of the National Park land under the 'National Parks and Wildlife Act 1975'⁶¹ However, in managing the park, the Director of the National Parks and Wildlife must also "(a) ...consult with, and consider the views of, the Aboriginal people particularly concerned with the National Park land," who are represented on the board of management,⁶² and (b) "as far as practicable, but subject to this section and the 'Nature Conservation Act 1992' act in a way that is consistent with any Aboriginal traditional applicable to the National Park land (including any tradition relating to activities on the National Park land).⁶³

For the conservation movement the legislative changes regarding national parks has created dilemmas for green groups attempting to deal with promoting their own ideologies while at the same time encouraging Aborigines to seek title to land. At the Queensland Conservation Council (Q.C.C.) Conference in October 1992 most Queensland conservation groups gave priority to enhancing Aboriginal rights to land. The conservationists resolved that "we must first affirm Aboriginal and Islander sovereignty of their lands and seas before conservation issues can be resolved."⁶⁴ The Q.C.C. recognised that national parks should be claimable based on joint-management guidelines between Aboriginal representatives and government authorities. Further, it acknowledged that Aborigines require access to land for subsistence purposes and condoned the implementation of the Aboriginal Land Act 1991 which allowed National Parks to be claimable by Aboriginal groups who had an affiliation with it.

⁶¹ Aboriginal Land Act 1991.

⁶² Ibid.

⁶³ s.2, Nature Conservation Act.

⁶⁴ Queensland Conservation Council State Conference, Resolutions, Kuranda, 2-4 May, 1992, p.1.

The Q.C.C., in its resolutions, went much further than its national counterpart, the Australian Conservation Foundation. Eight months previously, the A.C.F. released a statement articulating its Aboriginal and land rights policy. The A.C.F. supported Aboriginal ownership of traditional lands, which might include crown land, national parks and marine environments, based on the fact that Aborigines were the original inhabitants of the land. It supported management of lands based on similar guidelines as those set down by the Crown for National Parks and development by way of ecologically sustainable methods. However, the Foundation maintained that it would oppose use of the land where such use might be detrimental to the environment.

The more conservative fauna lobby, The Wildlife Preservation Society of Queensland, was hostile to changes that had occurred in legislation. In particular it condemned changes in National Parks legislation which allowed some lands to be claimable. It called for the complete protection of all species found within the Parks based on the National Parks' cardinal principle of management which established that species protection be the foremost priority. The organisation determined that if Aboriginal claims to land in national parks were successful then the park should be de-gazetted and its status changed. The tenets of nature conservation in those areas established as National Park, the group claimed, should be strictly adhered to regardless of legislative change affecting other issues.

The question of land rights in the Daintree region, in general, and in the Cape Tribulation National Park, in particular, is much more complex than in other Queensland national parks. The Daintree World Heritage status is unique in Queensland and Wet Tropics management procedures restrict the promotion of Aboriginal land rights. Accordingly, problems will occur for National Parks administration because management of the Wet Tropics focuses on protecting only the natural environment. Ironically, the aims of the green movement to promote Aboriginal culture and entitlement to tenure over traditional land will be hindered by its success in having nature conservation made a priority in north

Queensland. The findings of the Mabo case however has thrown a new complexion on Aboriginal land rights and the management of the Wet Tropics.

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With the High Court finding that Aboriginal entitlement to tribal land is inalienable, the question of management of land of great natural value has arisen. The Federal Government's Representative on the Council For Aboriginal Reconciliation, Senator Margaret Reynolds, articulated the concern of interested parties with regard to the Wet Tropics management legislation in a letter to Minister for Arts, Sports, the Environment and Territories, Ros Kelly, on 22 July 1992. Senator Reynolds wrote,

...it became apparent to me that the proposed legislation refrains from recognising prior Aboriginal occupation and tradition by way of a preamble or specific function...The recent High Court decision, discrediting the myth of 'terra nullius' and acknowledging the legitimacy of Eddie Mabo's Murray Island land claim, gives...impetus for the need to publicly recognise prior occupation and indigenous conjunction with protecting the natural values in World Heritage listed areas.⁶⁵

The Wujilwujil people, in particular, found problems in relating the Mabo decision to Wet Tropics management proposals. Justice Toohey found that Aborigines who have maintained strong links with their land have a good case for entitlement to it.⁶⁶ Sutherland has noted that the Wujil people may claim native rights to their land in the Cape Tribulation National Park because they have demonstrated a close association with it. Having recognised this, the Wujilwujil community see restrictions placed on their traditional lifestyles by way of World Heritage legislation as a breach of the entitlement to maintain their culture. However as Sutherland has noted, the rainforest Aborigines have the power to have decision-making procedures reviewed under the Judicial Review Act 1991 (Qld). If conduct by the Wet Tropics Management Agency in the view

⁶⁵ letter from Senator Margaret Reynolds, to Ros Kelly, M.P. 22/792.

⁶⁶ Sutherland, Aboriginal Interests..., p.9.

of the Rainforest Aborigine Network, or other interested parties, is questionable, procedures can be implemented to have the problem redressed. As Sutherland explains, the "Wet Tropics Management Authority will be required, as far as practicable, to take into account Aboriginal tradition in the exercise of its functions..."

Sutherland has suggested that dispute resolution procedures combined with the adoption of joint-management of the Wet Tropics region might enable Aborigines to have a greater input into the management of the Wet Tropics. Joint management procedures outlined in the Wet Tropics Management Bill, involves indigenous peoples and government authorities working together in administering resources, Sutherland has suggested. Both parties should have specified rights and obligations, and procedures for decision-making should be established prior to the creation of the management body.⁶⁷ With the creation of dispute resolution procedures such problems can be dealt with more effectively, as the process establishes that the indigenous party involved has special rights in an area; the joint-management authority is then able to outline the course to be taken if differences of opinion occur.⁶⁸

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The final format of Wet Tropics management of the northern rainforests and the agency's future relationship with rainforest Aborigines can only be speculated upon. In a report to Aboriginal Organisations; "An Aboriginal Approach to Wet Tropics World Heritage Management"⁶⁹, the rainforest Aborigines of north Queensland recorded their views toward limited representation in Wet Tropics Management. They identified that the tropical rainforests of north Queensland

⁶⁷ Ibid, p.3.

⁶⁸ For a detailed account see Sutherland, Aboriginal Interests....

⁶⁹ B.White, A Preliminary Report For Aboriginal Organizations: An Aboriginal Approach to Wet Tropics World Heritage Management.

are

in effect, the heart of the 'rainforest' identity and rainforest Aborigines want this to be known, acknowledged, and recognised in a way that enables them to gain a measure of control over their own futures as rainforest people."⁷⁰

However, they complained that they will remain "...unemployed, poor, dispossessed and marginalised from the rainforests"⁷¹ because they have not been considered in the impending legislation which will determine use of the land.

With continued liaison between the Wet Tropics Management Agency and the Rainforest Aborigine Network, northern Aborigines hope to increase their role in regional management. As 1993 has been declared the International Year for the World's Indigenous People, the rainforest Aborigines hope their struggle for greater recognition will improve given the international significance of their cause. However, with legislation currently focussing on the natural significance of the area, dispossession of the original inhabitants, it is feared, will continue. "Acknowledgment of the Aboriginal impact on the rainforest would," White stated,

be the first step in acknowledging the true value of Aboriginal heritage and tradition to the World Heritage area...[It is] hoped that this would both define how World Heritage values are perceived in the future, and provide a basis for interpreting the overall intentions of the rest of the Act.⁷²

If the Rainforest Aborigines can achieve their goals, they anticipate that their struggle to be recognised as a legitimate political force in the north will be given greater impetus.

⁷⁰ Ibid, p.3.

⁷¹ Ibid.

⁷² Ibid, p.14.

PROGRESS THROUGH PRESERVATION: The Marriage of Conservation and Development.

The biologically unique and endemic rainforests of the Daintree region have been a source of conflict between developers and environmentalists as shown in Chapter 2. Peter Stanton predicted in the early 1970s that the major threat to the "scenic beauty and wildlife of the region" would come from land settlement.¹ Certainly greens were outraged when several thousand hectares of land were subdivided at Cow Bay, just south of Cape Tribulation in 1982 as they feared that the rainforest would be destroyed by settlement. The primary consideration for conservationists at this point was absolute preservation. However, by the end of the decade, the burgeoning tourism industry in the north dictated that development and conservation would have to be dealt with cooperatively. In order to attract the tourists to North Queensland, the natural wonders of tropical climbs had to be safeguarded. Even though lobby groups within the green movement adhered to a more rigorous approach of absolute preservation, over the course of the decade there was growing belief that preservation of the environment could be made congruent with economic prosperity. Ecotourism was a major manifestation of changing attitude.

In 1982 several hundred hectares of lowland rainforest at Cow Bay were carved up into freehold blocks as small as one hectare. By March, 1983 approximately 200 blocks of the Cow Bay subdivision had been sold under the pitch of "Save the Rainforest" for around \$25,000 each. Since then several thousand hectares of adjacent rainforest have been subdivided. Of the 1490 blocks which have been made available, 962 have sold.² The subdivisions at Cow Bay sparked fears among conservationists that rainforest would be replaced by residences. The

¹ P. Stanton in G.Borschmann, "Greater Daintree: World Heritage Tropical Rainforest at Risk", (Hawthorn, 1984), p.36.

² H.Spencer, So You Think the Daintree is Saved - Think Again!, Australian Tropical Research Station Newsletter, Cape Tribulation, 1992, p.2.

subdivision represented the ultimate in unconstrained development - freeholding patches of rainforest for owners to do with as they desired. Murray Wilcox, Q.C., president of the Australian Conservation Foundation, warned in 1982 that

(i)t is an odd situation that people are being invited to buy land in what is referred to as a tropical paradise, and indeed it is, or was...And (yet) because of the nature of the development, that rainforest is going to disappear and it is going to become quite ordinary country...The road pattern itself is devastating. But by the time you then clear for a house, a driveway and the sorts of things that people like to put around the house, there just isn't going to be any rainforest.³

However, most of the land was purchased by absentee owners living in New South Wales, Victoria and Western Australia and only a few blocks were built on. No sewerage, water or power services were supplied by the developers.⁴ Senator Colin Mason, then deputy leader of the Australian Democrats, predicted that the area would "become a rural slum."⁵

The Cow Bay subdivision illustrates the length to which the Bjelke-Petersen National Party government went to promote development. Initial requests by a Mossman real estate agent named George Quaid to have the land re-zoned from "general farming" to "residential" were rejected by the Douglas Shire Council. Dissatisfied with the council's action, Quaid sought assistance from Minister, Russ Hinze. After meeting with Cow Bay land owners, Hinze implemented the Queensland Local Government Act⁶ and overruled the Council's decision.

³ "Cape Tribulation Rainforest Being Destroyed Says A.C.F", Cairns Post, 21/6/82.

⁴ Environmentalist, Hugh Spencer, pointed out that there are no facilities to provide fresh water to a large number of residents. Bore water that is available is saline and undrinkable. There are no facilities for sewage treatment and septic tanks and absorption trenches which are currently being used could not be utilised in large numbers; waste disposal is made difficult in the dry season because of insufficient freshwater, and impossible in the wet because of the inundation of water tables. garbage can only be disposed of by shipping it out because a dump in the area would pollute the ground water. The only means of access to the region, as owners of the land are fully aware, is a one lane dirt track.

⁵ "Cow Bay Will Become a Rural Slum", Cairns Post, 24/6/83.

⁶ R.Fleetwood, K.Means and M.Stannard, "An Attempt to Resolve Rainforest Conservation and Development Conflicts North of Daintree", S.Werner & P.Kershaw (eds), Rainforest Legacy, 3, Australian Heritage Commission, 1991, p.256.

Moreover, Hinze invoked the arbitrary powers afforded him under the Act and directed the council to rezone twice as much land as had initially been requested. As well, a by-law was passed that gave approval for hillslope acreages to be developed.⁷

Development at any cost remained characteristic of National Party rule. In 1989, the State government authorised the Far North Queensland Electricity Board (FNQEB) to provide grid power to the region north of the Daintree, and in particular Cow Bay. The provision of power to the region was necessary for residential development to proceed. Despite the National Party's intentions, the Cow Bay region has yet to be linked to power. It has been reported recently, however, that power might be put through north of the Daintree in 1993.⁸ According to Mr John Lister, General Manager of FNQEB, "under the [Far North Queensland Electricity Board] Act FNQEB had an obligation to supply power to remote communities like Cow Bay and beyond."⁹

The prospect of electricity being introduced to the Cow Bay region forced conservationists to switch tack. An environmental impact study revealed that the establishment of powerlines would have a limited impact on the environment. It found that: except for destruction that occurred as the land was cleared in order to assemble the poles, and the establishment of access roads to the lines, alteration of the environment would be inconsequential. Few species of flora and fauna would be affected by the establishment of powerlines, and indeed

⁷ P.Parker & S.Callahan; "Daintree: Rainforest or Real Estate". Habitat, vol.15, no.2, April 1987, p.7.

⁸ "Daintree Power Nearing Reality", Port Douglas & Mossman Gazette, 30/01/92.

⁹ Ibid.

However, Hugh Spencer suggested that the decision to put power through to Cow Bay ultimately ultimately lay with the Wet Tropics Management. The agency had the power of veto over for two reasons. Firstly, the route of the lines would have to cross World Heritage land in parts. Therefore it could refuse to allow construction of overhead lines or underground cables to cross that land. Secondly, the lines would run along the side of the National Parks road reserve which also came under the control of Wet Tropics. See Hollingsworth, Dames and Moore, Preliminary Impact Assessment Study Report: Daintree to Cape Tribulation 22kV and 12.7kV Distribution Powerlines and L.V Reticulation, Cairns, 1992.

some exotic weeds that were cleared during construction could be replaced with natural flora.¹⁰ However, conservationists feared that the provision of power would facilitate the creation of a township of three thousand people or more. A development of this magnitude would destroy the last remaining tract of lowland rainforest in Australia along with many of its endemic species.¹¹ Having lost the battle over freeholding, the greens attempted to prevent the provision of utilities which would allow residential development to proceed. Power - one of the most basic of these - provided a solid starting point.

During the early years of the Cow Bay controversy, the primary consideration for conservationists was absolute preservation. There was only a rudimentary idea that preservation and utilisation could be compatible. However, the conservation movement matured with time. When the issue of linking power to the Cow Bay region re-emerged in January 1992, the greens couched their defence of non-development in economic terms. They argued that the provision of power to the region would severely affect tourism, the only industry the region was able to support. Although the added facilities might initially draw people to the region, in the long term, the attractiveness of the area would be affected. As Hugh Spencer claimed:

Local residents see the development as destroying not only their lifestyle but the very values that will sustain their employment in the burgeoning environmental tourism trade - the only sustainable and low-impact economic base for the area.¹²

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The growth of tourism in north Queensland, and indeed Australia, has been significant since the early 1980s from around the time that the Daintree rainforest gained national prominence. Tourist numbers have been increasing at a rate of fourteen percent per

¹⁰ Hollingsworth, Dames & Moore, Environmental Impact Statement, p.35.

¹¹ H.Spencer, "So You Think the Daintree is Saved - Think Again!".

¹² "Call to Halt Power Plan", Port Douglas & Mossman Gazette, 17/9/92.

annum since around the mid-1980s.¹³ It is anticipated that the trend will continue with numbers visiting the Wet Tropics region, and utilising its accommodation, rising from approximately 1,000,000 at the beginning of the 1990s to 3,000,000 at the turn of the century.¹⁴ In a report to the Queensland Government Premier's Department in April 1988, author Cameron McNamara found that tourism in the north is aided by the availability of international airports in Townsville and Cairns and a wide range of tourist accommodation and facilities, not the least the major utilities such as the Daintree road. The general trend that is emerging is that overseas tourists are replacing domestic visitors as the main group attracted to the northern rainforests. Statistics indicate that the growth rate in international tourists has been fifty-four percent per annum since the mid-1980s.¹⁵

Studies have further revealed that the reason people are visiting the north is to experience the natural features of the region. A recent survey indicated that the main reasons people were visiting the north was to experience the reef and rainforest, and the major feature that appealed to them was the "spectacular wildlife".¹⁶ Descriptions of the region attractions abound. Geoff Mosley described the Daintree rainforest as containing

a mosaic of...vegetation types - hardwood and softwood forests, swamps, mangroves and heathlands. Here, and only here along our coastline, can we find two of the most complex ecosystems on earth side by side: coral reef and tropical rainforest.

He reiterated:

The Greater Daintree, protected by ruggedness and wild rivers, contains the largest area of virgin tropical rainforest in Australia. As well, the 120,000 hectares of this unlogged forests contains our only remaining sizeable tract of the most valuable lowland coastal tropical rainforest...¹⁷

Gregg Borshmann described the features of the rainforest's rivers when he wrote:

¹³ Department of Arts, Sports, the Environment and Territories, Australian National Report to the United Nations Conference on Environment and Development, A.G.P.S., Canberra, 1991., p.173.

¹⁴ "Tourism Strategy - Supporting Paper 13", Wet Tropics Strategic Directions Plan, p.10-11.

¹⁵ C.McNamara; "Socio-Economic Study, Wet Tropical Rainforests, North Queensland, Report to the Premier's Department, April, 1988.

¹⁶ "Tourism Strategy - Supporting Paper 13", pp.14-15.

¹⁷ G.Mosley, in G.Borschmann; "Greater Daintree: World Heritage Tropical Rainforest at Risk", p.3.

In their upper reaches, the Daintree River and the Bloomfield are truly wild rivers, washing over dozens of cascades, waterfalls and rapids, passing along broad valleys and through deep tropical rainforested gorges...¹⁸

Rupert Russell, author of Daintree: Where The Rainforest Meets the Reef, depicted the upper levels of the rainforest canopy:

The clouds which drench the coast are...blown against granite ranges set with huge boulders. High on the windswept slopes the forests are not so boldly foliated. Leaves are smaller and the trees huddle together. The rocks are cloaked with an exquisite tracery of moss and ferns, and the tree trunks are spangled with bright medallions of lichen...The stature of the forests reach magnificence on the ranges, where they are beyond the reach of the strong winds. The heights of the Mt Carbine and Mt Windsor Tablelands...carry superb climax rainforest.

Speaking of the faunal attributes of the region Russell recounted that

The Greater Daintree Region is the home of a delightful variety of animal life: ornamented lizards, massive pythons, lovable and vulnerable frogs and brightly coloured butterflies.¹⁹

Biologist Peter Stanton surmised the attraction the natural features of the region as such:

Nature has created a region superlatively rich in scenery and wildlife in a state where such regions are small and few. Apart from the Great Barrier Reef, it is the crowning jewel of all our natural wonders.²⁰

Having heard these descriptions, interest in the rainforest arose because of the natural wonders that it offered. Visitors came from all over the world to experience them first hand and to partake in the nature-based activities offered in the forests and on the reef.

Therefore, if tourists came to the region to view and experience its natural wonders, the corollary is that those natural wonders had to be preserved. It was recognised that conservation of the environment needed to be reconciled to a large extent with economic development.²¹ However, the link which was forged

¹⁸ Ibid, p.7.

¹⁹ Russell, Daintree: Where the Rainforest Meets the Reef, p.17.

²⁰ Stanton in Borschmann, Greater Daintree: World Heritage Tropical Rainforest at Risk, p.9.

²¹ "Locals Angry As Area Ruined", Port Douglas & Mossman Gazette, 2/7/92.

between preservation and economic progress created new problems. The central one was that too many visitors tramping through the rainforest and wandering over the reef flats would degrade the fragile ecosystem. This was highlighted by Pat Comben, State Minister for Environment and Heritage, with his remark that the area was being "loved to death". Comben revealed that species were being destroyed in direct proportion to the increase in the number of people visiting the region. If this trend continued, he stated, the rainforest would eventually cease to be attractive for its natural features.²²

The debate over the sealing of the Daintree road has highlighted the intricacies and difficulties of environmentally-compatible tourism. While the road remained a dirt track it was subject to erosion with deleterious consequences upon the surrounding rainforest and fringing reef. According to a report prepared in 1990 for the Great Barrier Reef Marine Park Authority,

...deterioration of the environment produced by anthropological factors such as increased sediment yield from the Cape Tribulation road therefore requires careful monitoring to ensure that widespread mortality does not occur as conditions may already have passed beyond the point where reef growth can be reinitiated.²³

However, sealing the road would increase the pressure of tourist numbers on the environment. Well aware of this paradox, Council Chairman Berwick explained that if "we leave [the road] the way it is, it will continue bleeding into the sea and if we upgrade it, it will become the major commuter road to Cooktown..."²⁴ The Goss government, however, decided that the latter option was preferable. The \$6.8 million pledged to seal the road in August 1992²⁵ was made "so that finally

²² B.Marquardt, "Cape Tribulation 'Under Threat', Cairns Post, 18/1/92.

²³ B.Partian & D.Hopely; Morphology and Development of the Cape Tribulation Fringing Reefs, Great Barrier Reef, Australia, GBRMPA, Townsville, 1990, pp.2 & 41.

²⁴ "Bloomfield Track Creates 'Catch 22'", Cairns Post, 24/10/92.

²⁵ Funding for the up-grading of the section of the Daintree road between the Daintree River and Cape Tribulation was initially sought from the Wet Tropics Management Agency in September, 1991. The Douglas Shire Council requested that \$400,000 be designated in order to carry out repairs in Daintree region, half of which was to be provided for road maintenance. A further \$500,000 was requested for tree planting, and the development of an information booth access

it could wind through the rainforest canopy without run-off damaging surrounding rainforest and reef."²⁶, stated Goss:

Other authorities such as the Wet Tropics Management Agency and the Douglas Shire Council, as well as tourist operators, agreed that the Daintree road should be sealed. It was feared that the damage caused to the habitat by the unsealed road would deter tourists. The Douglas Shire Tourism Association (DSTA) pointed out the implications of leaving the road unsealed:

Unless adequate funding is forthcoming as a matter of urgency, this major tourist attraction will rapidly deteriorate and threaten the reason tourists wish to visit...

D.S.T.A. further reported that the projected growth of tourism necessitated the upgrading. The number of people visiting the region was forecast to increase from 131,000 to 400,000, and vehicles from 23,000 to 40,000 annually by the turn of the century. One dirt track to service thousands of vehicles annually would be inadequate.²⁷ Without the availability of a useable road that does not damage the surrounding habitat, authorities and tourist operators feared that the "tourists would turn away from the Daintree in droves"²⁸ and the people-base industry would decline.

However, if the road is upgraded to facilitate more and more tourists, local administrators will be faced with the problem of encouraging numbers without

ramps to the Daintree beaches. The Wet Tropics Management Agency stated that it "would make no promise of funding for Cr Berwick's submission (but) it would be considered along with other submissions to the agency". See "Wet Tropics Funding Sought", Port Douglas and Mossman Gazette, 26/9/91.

²⁶ "Goss Pledges \$6.8m to Seal Daintree Track", Townsville Daily Bulletin, 29/8/92, p.8. The premier's comments about damage to the surrounding reef were made because of the concern that mounted during the initial construction of the road about the consequences for the fringing reef from runoff from the road. However, in a report prepared for the Great Barrier Reef Marine Park Authority, by Professor David Hopely and Bruce Partian, they conclude that the reef has not suffered to the extent originally feared. See Partian & Hopely, Morphology and Development, pp.2 & 42.

²⁷ "Fix Daintree or Else, Warn Operators" Port Douglas & Mossman Gazette, 9/7/92.

²⁸ Ibid.

threatening the environment. The ease with which visitors can gain access to the forest is regarded as a major environmental issue. If a greater number of people are able to visit the region, the likelihood that they will cause damage, whether intentionally or otherwise, increases. Moreover if support facilities for tourists are made available, such as the creation of an urban centre at Cow Bay, further destruction will occur. Thus tourism is a potentially damaging industry as Sue McIntyre and her co-authors recognise,

...without a visionary approach to the management of tourism, two highly undesirable things will happen. The tourists will go away unhappy and the very environment that attracts them will be damaged or even destroyed.²⁹

The problem, the authors concluded, was that the "easy access has led to an easygoing attitude toward the preservation of environmental values."³⁰

A new brand of tourism is evolving, one which attempts to combine economic progress and environmental preservation in a complementary way. Ecotourism, as it has come to be known, focuses on the low impact, nature-based aspects of tourism and seeks to promote sustainable development of the landscape.³¹ Other features of ecotourism include hands-on learning about the natural and cultural habitat. This ecological approach to sustainable development has recently gained acceptance in the north. The tourism industry, catering for an environmentally conscious clientele, has sought economic prosperity without endangering the natural environment, to which people are attracted. The promotion of this idea means that protection of the environment has become an integral feature of the growth of the tourism industry in the Daintree region.

Both State and the Commonwealth governments support the development of ecotourism. Both realise the deleterious effects of badly managed tourism, the

²⁹ S.McIntyre et al; "The Daintree Dilemma", Australian Natural History, 23,3,1989-90. p.205.

³⁰ Ibid, p.206.

³¹ Department of Arts, Sports, the Environment and Territories, Australian National Report to the United Nations Conference on the Environment and Development, Australian Government Publishing Service, Canberra, 1991., p.173.

public demand for environmental tourism, and above all, the economic potential of the latter. As the Australian National Report to the United Nations Conference on the Environment and Development noted:

The Government interest reflects generally heightened community awareness of environmental issues and of the potential negative effects of tourism development. Industry commitment to the concept stems from the increasing realisation that long term viability and profitability depend on the protection of the resource upon which the tourism industry is based.³²

The emergence of ecotourism as an alternative to more destructive industrial growth secures the protection of the environment.

The success of ecotourism in the north, nonetheless, depends primarily on the ability of the Wet Tropics Management Agency to regulate the conservation and development forces. The agency recognises foremost that tourism is a rapidly growing industry in the north but that a major problem associated with it is the damage which the uneducated visitors inflict on the natural habitat. Hence the Wet Tropics Management Agency seeks to encourage as tourists those people who wish to learn about the environment and experience it without damaging it. Spelt out in its Strategic Directions Plan is the aim to:

...provide an overall strategy for the future matching of products and markets for tourism consistent with the protection, conservation and presentation of the values of the Wet Tropics World Heritage Area.³³

The dilemma that the agency faces is that, as numbers swell, control and protection of areas from overuse will become more difficult to manage. Because the Agency seeks to be economically progressive, one of its objectives is to ensure the "World Heritage values" are made accessible "to the widest possible cross-section of the tourist market."³⁴

It has been suggested that quotas should be placed on the number of visitors to the Daintree rainforest. It is hoped that by this means, economic gain and

³² Ibid.

³³ "Tourism Strategy: Supporting Paper 13", p.28.

³⁴ Ibid, p.29.

environmental protection can be achieved at the same time. This form of ecotourism is promoted most actively by Douglas Shire Council Chairman, Mike Berwick, whose objective is to preserve the region in a pristine state. "It is more desirable economically and environmentally", Berwick explained, "to have fewer tourists paying more for the privilege of visiting 'sensitive' areas."³⁵ Furthermore, if a cost is involved when people visit the area, revenue can be generated "from the visitors who otherwise make no monetary contribution to the local authority on whose shoulders it largely falls to maintain the area."³⁶ The imposition of a fee could generate funds to maintain the facilities available to tourists. Hence, features such as the road could be maintained in a condition that did not threaten surrounding habitat. Revenue could also be used to establish information centres so that tourists could gain knowledge about what they were experiencing and how best to protect it.³⁷ More importantly, it is suggested that a fee would deter those visitors, or commuters, whose desire was not primarily to learn about and aid in the protection of the environment.³⁸ The Douglas Shire Council is hopeful that ecotourism can be effectively implemented. However, the strategy could be regarded as elitist, with only select groups being allowed to experience the forest.³⁹

Councillor Berwick's management of the Douglas Shire has been guided by his commitment to the environment which was made apparent in his approach to both the Cow Bay and Daintree issues. While Berwick did not object to supplying electricity to the region for the benefit of local residents, he was not

³⁵ "Far North a Model For Tourism", Port Douglas & Mossman Gazette, 4/6/92, p.3.

³⁶ "New Charges For Daintree Ferry", Cairns Post, 6/10/92.

³⁷ see "Daintree Levy Closer", Port Douglas & Mossman Gazette, 5/12/91, "Levy Supported", Port Douglas & Mossman Gazette, 12/9/91 and "New Charges For Daintree Ferry" Cairns Post, 6/10/92.

³⁸ "Locals Angry As Area Ruined", Port Douglas & Mossman Gazette, 2/7/92.

³⁹ McIntyre, "The Daintree Dilemma", p.207.

in favour of the creation of an urban area in a biologically sensitive area.⁴⁰ His desire was to promote the standard of living for residents without degrading the surrounding environment.⁴¹ Berwick preferred to leaving the Daintree road unsealed, furthermore, in the hope that the region could be maintained in a natural state. By leaving the road as a four-wheel drive track, he hoped to avoid turning it into a commuter highway connecting urban centres by way of the rainforest.

An environmentalist ethos is emerging in north Queensland. The existence of a rare and biologically valuable rainforest has promoted a green agenda. As reactions over the Cow Bay subdivision revealed, conservationists in the early 1980s were concerned primarily with absolute preservation. With the unique environment of the Daintree attracting more and more visitors, the tourism industry has come to be seen as a means by which to secure the forest's protection: the forest must be preserved in a pristine state if it is to continue being a tourist attraction. However, this convergence between a perceived need to preserve the environment and a demand for continued economic prosperity requires interventionist checks and balances. Tourism can only protect the environment if it is controlled. Accordingly, a visionary approach to tourism is being extolled, one which seeks to complement environmental protection with sustainable development. As developmentalist and conservationist ideologies have matured in the north, the conflict that was apparent in the early 1980s has been replaced by concordance between the two forces, far more profitable for both the economy and the environment.

⁴⁰ In response to suggestions that a township might be created at Cow Bay, Berwick suggested in a local newspaper report that the Commonwealth should do a deal with land owners where the rainforest land was swapped for nearby Crown land of less ecological value. See S.Holt; "Buy-Back Plans to Protect Daintree", Cairns Post, 30/1/92.

⁴¹ In a report to the press Berwick stated that "there is no dispute that people want power nor any intention to hold it up, but we do want to see the job done sensitively..." see "Daintree Planning Group to Help Communications", Port Douglas & Mossman Gazette, 11/6/92.

CONCLUSION

While environmental ideologies were slow to emerge in other parts of Australia, their manifestations often ambiguous, there was a definite watershed for the movement in north Queensland. When the construction of an unsealed track through the Greater Daintree commenced amid local controversy, the green movement was afforded the opportunity to promote conservation of this region. While there had been a number of other conservation issues in the north during the 1960s and 1970s none of these, perhaps with the exception of oil drilling on the Great Barrier Reef, attained the same degree of publicity as did the Daintree road. Moreover, no previous conservation issue in the north embodied a distinctive environmental ethos which characterised the struggle for the Daintree in 1983 and 1984.

The emergence of environmental consciousness in the north came about because the Daintree road remained a long-simmering issue, generating unprecedented publicity and impinging on State and National politics. Not only local electors, but those interstate, were made aware of the arguments of the different political players and observed how they dealt with the issues. Protesters were presented as battlers fighting a losing cause; the local authority was portrayed as an insensitive land developer; the State government was cast in the role of uncompromising bully; the Federal government vacillated and was accused of jettisoning its commitment to the environment. The media, both local and interstate, revelled in the drama. It highlighted the injustices that the greens were experiencing at the hands of Queensland law enforcement officers, as well the bulldozing and haphazard destruction of the pristine forest. What sustained media focus on developments in the Daintree was the support which the opponents of the road received from the scientific community, Australian and international.

Interest in the region was legitimised as scientists responded to conservationists' pleas for the protection of its many rare and endangered plants and animals. As the campaign continued, more and more scientists from around the globe joined the battle for the Daintree. Experts from diverse scientific fields assisted the campaign and beseeched the politicians to save the forests for the sake of science. A commitment to further research

was made which kept the forests in the limelight. As more became known about the dynamics of the forests, scientists were better able to reveal the damage that clearing had caused. By the late 1980s, rainforest research was occupying the energy of scores of scientists. Following the Wet Tropics listing and the creation of a management authority, considerable sums of money have been allocated to institutions such as C.S.I.R.O. and James Cook University of North Queensland for continued research into the rainforests and marine ecosystems.

The Daintree road was an ecological catalyst not just for its scientific ramifications. There were also cultural and economic ramifications. When the forests were finally listed as a World Heritage site, the natural value of the region was given protection, but with this arose problems pertaining to the cultural value of the region that had supported rainforest Aborigines for 40,000 years. While the environmental movement endeavoured to embrace the matter of Aboriginal occupation of the land, dispossession of the people from the northern forests created a conflict of interest. Despite this problem, or maybe because of the continuing promotion of the Aboriginal and environmental issues, concern for the future of the rainforests spilled over into indigenous politics.

For the conservation movement, the desire to embrace land rights issues within their agenda means that they will have to accommodate the increasing rights of Aborigines to utilise the land in a traditional manner and that they will have to pressure the government to do so as well. Because Aborigines are more involved with regaining title to their land in order to maintain their cultural ties with it, the divergence in interests between the two movements might lead to a clash. Supporters of the Aboriginal movement appreciate that the process is under way for establishing that the indigenous people have an inalienable right to their land that is enshrined in a spiritual relationship. If Aborigines are successful in gaining greater representation in management of the World Heritage area their political influence in the north has the opportunity to strengthen. With 1993 to be the International Year for the World's Indigenous People, their cause is likely to have the support of an empathetic international body.

The political interest in environmental issues in the north developed because of the

continuing interest in the rare rainforests that the northern coastline supports. However, the political will to have environmental ideologies embraced emerged for more economically-based reasons. The struggle for the Daintree also gradually influenced attitudes toward economic development. When the Daintree road issue was in full swing it had an international audience who were as concerned about the future of the forests as those chaining themselves to trees and burying themselves in the road. When it was over many decided to experience the forests for themselves, and as such the number of domestic and international tourists visiting the north has increased dramatically over the last decade. Because these tourists were interested in the nature-based aspect of their holidays, tourist operators gauged that the burgeoning market was eco-tourism. To ensure that tourists would continue to be attracted to the region, industry and government alike realised that the forests needed to be preserved. As long as tourists remain interested in the forests, politicians will preserve them, knowing that a commitment to the development of the north can be maintained, and accommodation of the new "green" politics made possible.

Not least of all, the Daintree road episode has political legacies. The local Douglas Shire Council, the current chairman of which is Mike Berwick who had acted as spokesperson for the Daintree protesters, has become increasingly conscious of the need to attain an accord between conservation and development through both ecotourism and limited urban development at the rainforest fringe. Green ideologies and the green vote have also influenced elections. In 1980, Dr Lesley Clark secured the State seat of Barron River, which had been held by the Nationals since 1974. Clark was prominent in the Daintree debate and campaigned heavily on an environmental platform. The discernible green vote during the Federal elections throughout the 1980s was responsible for returning the Labor backbencher, John Gayler, to Federal parliament. Elected representatives of all political persuasions and at all levels of government in north Queensland can no longer merely feign a commitment to environmental policies without risk to their seats. Just as the green movement has modified traditional economic considerations and the notion of "progress and development", green ideologies have modified the policies of traditional political parties. Sir Ninian Stephens, former Governor-General and Ambassador for the Environment, believes that environmentalism

has a strong future, that it is not merely a passing storm. If a yardstick was the consolidation of an environmental ethos in north Queensland over recent years, his opinion is well-founded. Politics in the north has become a shade of green that will not wash out during the next wet season.

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