Territory process and judgments to be given an effect outside a State or Territory which the State or Territory concerned could not itself give. Given this advantage to the States and Territories in extending the reach of their process and judgments, the report recommends that the federal legislation should generally be the sole law enabling interstate service and execution of State and Territory process and judgments.

* * *

environmental law

> Say, from whence
> You owe this strange intelligence? or why
> Upon this blasted heath you stop our way
> With such prophetic greeting?
>
> *Macbeth* iii, 4, 72

historical perspective. Legislation providing for the protection of the environment has a long history, going back to laws introduced in the 1870's to curb timber cutting along the Murray River and part of the east coast of New South Wales (Sun, 18 January 1988). Since that time, there has been a variety of public health, planning, pollution and environmental legislation. The 1970's and 1980's have been a particularly active period for environmental legislation with the enactment, for example, of the Commonwealth Environment Protection (Impact of Proposals) Act 1974, the Victorian Environment Protection Act 1970 and Archaeological and Aboriginal Relics Preservation Act 1972 and, in New South Wales, the Heritage Act 1977 and the recent Wilderness Act enacted in December 1987.

queensland rainforests. In August, 1987, the Minister for the Environment and the Arts, Senator Graham Richardson, announced a consultation period in relation to the proposed nomination for World Heritage listing of northern Queensland tropical rainforest areas (*Australian Financial Review*, 21 August 1987). The purpose of the consultation period was for the federal government to find out about proposed projects for the area and assess them in the light of the proposed listing. Senator Richardson made it clear at the time of the announcement and later confirmed (*Australian Financial Review*, 24 September 1987) that the only activity which would be unconditionally forbidden in the proposed World Heritage area was logging of rainforest timbers. He left open the possibility that suitable mining activities could be allowed.

In December, Senator Richardson announced the area to be nominated for World Heritage listing. The area comprises 9 200 square kilometres of North Queensland tropical rainforest, stretching from just north of Townsville almost to Cooktown. It includes State forest, timber reserve, national park, other Crown Land and about 100 square kilometres of privately owned land (*Canberra Times*, 12 December 1987). In his announcement, Senator Richardson said that

- the Government would provide jobs, funding for a public works program and some lump sum compensation for workers affected by cessation of logging
- activities such as grazing, mining and provision of roads and water supplies could continue provided they did not involve clearing rainforest or threatening animal life

- any ex gratia payments to operators would be contingent on the immediate cessation of logging in the area and
- listing would not affect ownership of land, buying and selling of land or clearing land to build a house or driveway.

criticism. The announcement of the proposed World Heritage listing has attracted some critical comment. Although generally supportive of the announcement, the Australian Conservation Foundation expressed concern that private land with unique rainforest had been excluded. The Acting Director, Mr Bill Hare said:

> We are also concerned that with the emphasis on logging and the future of the timber industry in the region, little attention has been paid to the damage that continuing mining and grazing activities cause to the integrity of the World Heritage values of the area (*Canberra Times*, 12 December 1987).

The Queensland Premier, Mr Michael Ahern, criticised the lack of consultation prior to the announcement (*Canberra Times*, 12 December 1987). The Queensland government subsequently launched a High Court challenge to restrain the federal government from proceeding with the proposed World Heritage listing (*Sydney Morning Herald*, 24 December 1987). At the same time, the federal government formally submitted the nomination for listing to the headquarters of UNESCO in Paris. The Chief Justice of the High Court, Sir Anthony Mason, refusing to grant the Queensland government an injunction, said that the risk of potential damage to World Heritage values, assuming there were any, was significant (*Canberra Times*, 9 January 1988). In refusing the injunction, the Chief Justice took into account Queensland's long delay in taking court action: it had known in June 1987 of the Commonwealth's plans but had not commenced legal proceedings until 23 December.

government action. The federal government has now acted to give legal protection to the area nominated for World Heritage listing. Senator Richardson has had a proclamation under the World Heritage Properties Conservation Act 1983 signed by the Governor General. The proclamation will legally protect the rainforests from commercial felling, road-making and excavation work (*Australian*, 21 January 1988).

tasmanian forests. Another environmental issue which has become the battleground for a dispute between the Commonwealth and a State is the preservation of the forests in the Lemonthyme and Southern Forest areas. The federal Parliament enacted the Lemonthyme and Southern Forest (Commission of Inquiry) Act which prohibits logging in those two areas until at least June 1988 pending the outcome of an inquiry being conducted by former New South Wales judge Mr Michael Helsham. The Act came into effect on 8 May. On 29 May 1987, the federal government began proceedings in the High Court seeking an injunction against the Tasmanian government (*Canberra Times*, 30 May 1987). The Chief Justice, Sir Anthony Mason, refused to make the order for an interim injunction when the Tasmanian Forestry Commission gave an assurance that logging in the region would not resume before 10 August (*Age*, 10 June 1987). The weather conditions during the winter made logging within that time virtually impossible.

After the end of winter, the federal government sought and obtained interim injunctions enforcing the protection period provided for in the Lemonthyme and Southern Forests Act (*Australian*, 4 September 1987). Before this, the Tasmanian government had indicated its intention not to appear before the inquiry into logging of the forests (*Australian Financial Review*, 14 August 1987). However, after the injunctions were granted, the Tasmanian government as well as the Tasmanian Chamber of Mines announced that they would appear before the inquiry (*Canberra Times*, 4 September 1987). The High Court has heard argument on the constitutional validity of the federal Act (*Australian Financial Review*, 14 October 1987) but has not yet handed down its decision.

interim report. In December, the Helsham inquiry handed down its first interim report which identified four areas which, according to the report, did not qualify for World Heritage listing. The federal government released those areas from the ban on logging. The Australian Conservation Foundation, the Wilderness Society and the Tasmanian Conservation Trust now propose to challenge the interim report in the Federal Court (*Australian*, 17 December 1987). One ground of appeal will be that the inquiry failed to address the question of the potential World Heritage value of the surrounding forests and how logging in those blocks would affect the integrity of those values (*Age*, 17 December 1987).

recent legislation. The Wilderness Act 1987 of New South Wales is, as has been pointed out, the latest in a long line of environmental protection legislation. Various aspects of such legislation are discussed by Mr Ross Cranston in a recent book, *Law, Government and Public Policy* published by Oxford University Press. The book examines the part played by law in public policy. In particular, it concentrates on Acts of Parliament, which may never be considered by the courts. The chapter on the environment examines various aspects of environmental legislation. For example, some parts of particular statutes may not be enforceable through the courts. Sections setting out the objects of legislation are an example of non-enforceable legislation. Thus s 3 of the Wilderness Act 1987 provides that the objects of the Act are

- to provide for the permanent protection of wilderness areas
- to provide for the proper management of wilderness areas and
- to promote the education of the public in the appreciation, protection and management of wilderness.

The book also examines the various forms that environment protection legislation takes and the various means provided for enforcing such legislation.

The Wilderness Act is restricted to land which is identified as wilderness by the Director of National Parks and Wildlife and owned by the Crown or a Statutory Authority. In relation to those types of land, the Minister can enter into a 'wilderness protection agreement' with the statutory authority or the responsible Minister.

The terms which a wilderness protection agreement may contain include:

- restricting the use of the area
- not permitting specified activities in the area

- prohibiting access by motor vehicles, motor boats or other forms of transport except where necessary for health or safety or essential management reasons or in emergencies (s 12).

A wilderness protection agreement must aim at

- restoring (if applicable) and protecting the unmodified state of the area and its plant and animal communities
- preserving the capacity of the area to evolve in the absence of significant human interference and
- permitting opportunities for solitude and appropriate self-reliant recreation (s 9).

If land is subject to a lease or mortgage, a wilderness protection agreement cannot be entered into without the consent in writing of the lessee or mortgagee. It was this limited impact of the wilderness legislation which gained it the support of the National Party as well as the Liberal Party. Among the criteria which the National Party required before it would support the legislation were that there would be no forced resumption of land by the State government and that leasehold was to be considered as private property (*Sydney Morning Herald*, 20 November 1987).

* * *

media law

> Blink, blink, HOSPITAL, SILENCE.
> Ten days old, carried in the front door in his
> mother's arms, first thing he heard was
> Bobby Dazzler on Channel 7;
> Hello, hello, hello all you lucky people and he
> really was lucky because it didn't meant a thing
> to him then . . .
>
> Bruce Dawe, 'Enter Without So Much As Knocking'

Three issues in relation to broadcasting law have been in the news in the last few months:

- deregulation of advertising time standards
- limits for ownership of radio stations
- the role of the Australian Broadcasting Tribunal.

advertising standards. The general trend towards deregulation has been reflected in the announcement by the Australian Broadcasting Tribunal that television licensees are now free to compete with each other to find the best ways to fit advertising into their programming schedules. The new rule is intended to respond to suggestions that a better mix of advertising and programming would result from the removal of the advertising standards which previously existed. The system will operate for a two year trial period at the end of which the Tribunal will assess any need for new standards. This may be necessary if, for example, there is

- an overall increase in the number or rate of interruptions of programs
- an increase in the amount of interruption to drama and similar programs beyond three breaks in a half hour or five in an hour
- persistence with different advertising practices despite audience objection or