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WHC-98/CONF.201/INF.12 Paris, 19 June 1998 Original: English

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

BUREAU OF THE WORLD HERITAGE COMMITTEE

Twenty-second session UNESCO Headquarters, Paris, Room X (Fontenoy)

22-27 June 1998

<u>Australian Report on the State of Conservation of a Selected Number of its</u> <u>World Heritage sites</u>

At the request of the Australian authorities, the attached report is made available to the Bureau, in English only, to facilitate discussions on the state of conservation of Australian World Heritage sites under Agenda item 5.2





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No. OF PAGES (excluding cover sheet) 10	DATE: June 19, 1998		

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Letter follows.



Australian and World Heritage Group

Mr Bernd von Droste Director World Heritage Centre UNESCO 7 place de Fontenoy 75352 Paris 07 SP

Dear Mr von Droste Bernd,

THE GREAT BARRIER REEF, KAKADU NATIONAL PARK, TASMANIAN WILDERNESS, SHARK BAY AND THE WET TROPICS OF QUEENSLAND (AUSTRALIA)

I refer to your letter dated 23 April 1998 to Mr Peter Shannon of Australia's Permanent Delegation to UNESCO, and in particular, the letter from Ms Virginia Young of the Wilderness Society dated 26 November 1997 that you attached.

The Wilderness Society letter alleged that "the commercial exploitation (eg mining, fishing, logging and tourism projects) within or adjacent to" a number of Australian World Heritage properties posed a threat to those properties.

The particular properties to which the allegations related were the Great Barrier Reef, Kakadu National Park, the Tasmanian Wilderness, Shark Bay and the Wet Tropics of Queensland. The allegations are extremely vague and, accordingly, are difficult to address. I provide a summary of issues relevant to these properties.

I also take this opportunity to provide you with an update on the development of the proposed Jabiluka mining development in the vicinity of Kakadu National Park. As foreshadowed in the letter of the Minister for the Environment dated 10 April 1998, I would be grateful if you would make this information available to the World Heritage Bureau at its 22nd meeting.

> GPO Box 1567 Canberra ACT 2601 Telephone 06 217 2111 Facsimile 06 217 2095 The Environment Program of the Environment, Sport and Territories Portfolio

Great Barrier Reef

Port Hinchinbrook - Tourism resort development

The Australian government has worked closely with the Queensland government, local authorities and the developer to ensure that tourism and residential development at Port Hinchinbrook do not adversely affect the World Heritage values of the Great Barrier Reef.

The Commonwealth Minister for the Environment has insisted that strict environmental conditions be placed on the development to ensure the protection of World Heritage values. The environmental management regime governing the construction and operation of the Port Hinchinbrook development is, in fact, one of the most comprehensive ever developed for any coastal development in Australia. Unfortunately, the stringent conditions placed on the development have received little public acknowledgment or attention.

Specific and extensive measures have been adopted to ensure the protection of World Heritage values in the wider Hinchinbrook region. These measures have ensured that no significant impact on World Heritage values has occurred as a result of the work undertaken so far. The Great Barrier Reef Marine Park Authority (GBRMPA) has advised that the protective measures in place are adequate to ensure that World Heritage values will continue to be protected during the construction and operation of the resort.

Any potential direct, site-specific impacts are being addressed in a legally binding Deed of Agreement between the Commonwealth, the Queensland government, the local government (Cardwell Shire Council) and the developer of the resort (Cardwell Properties Pty Ltd). The Deed requires best practice engineering measures to be adopted during construction of the resort and contains specific provisions dealing with dredging, turbidity control, acid sulphate soil management and protection of the foreshore.

With regard to the issue of acid sulphate soils, an Independent Monitor (the Queensland Acid Sulphate Soil Inspection Team - QASSIT) has been appointed under the Deed to ensure that any acid sulphate soils uncovered as a result of the construction of the Port Hinchinbrook development are dealt with in accordance with an 'Acid Sulphate Soil Management Plan' approved by the Commonwealth. This plan was subject to independent scientific review before QASSIT approved the final plan.

Regular pH measurements are also collected at various locations around the Port Hinchinbrook site by the Environmental Site Supervisor (an employee of the Queensland Department of Environment). These measurements are provided to the Technical Advisory Group on which both GBRMPA and the overall independent monitor, Professor Peter Saenger (of Southern Cross University) sit. Since dredging began, there have been no recorded breaches of the pH limits of water leaving the site. In relation to the dredging of the marina access channel, I note that the area which has been dredged did not include any significant seagrass. A monitoring program set thresholds for turbidity during dredging. These limits have not been exceeded.

Less direct impacts potentially associated with the operation of the resort - for example, potential impacts associated with increased visitation to the area are being addressed through the development of a regional management plan for the Hinchinbrook area. The plan addresses broader issues associated with management of the region such as regulating boat traffic, implementing protective measures for dugong and other endangered species, and ensuring visitor numbers to Hinchinbrook Island are restricted.

The agreement on the development of a regional plan for the Hinchinbrook area is a significant achievement. Commonwealth involvement in the regional planning process will give it the capacity to address in an integrated manner the full range of developments that could impact on World Heritage values. The Commonwealth will be in a position to help implement a comprehensive management regime designed to protect World Heritage values in the region, and so prevent conflict over land use.

Significant conservation measures have already been implemented as part of the regional planning process. For example, a moratorium has been placed on the grant of new permits for tourism activities in the Hinchinbrook region. In addition, the Hinchinbrook region has been declared a Dugong Protected Area. In the Hinchinbrook Dugong Protected Area, gill net fishing will not be permitted. Gill net fishing has been identified as a significant threat to dugong.

Commonwealth consent to the relevant activities associated with the resort was given under Australia's World Heritage legislation in 1996. The consent decision was based upon the best available scientific advice, including the advice of independent scientists, the Australian Heritage Commission, the Great Barrier Reef Marine Park Authority and Environment Australia. Consistent with this advice, the Environment Minister concluded that, given the protective mechanisms contained in the Deed and the regional planning process, granting consent would be consistent with the protection, conservation and presentation of the relevant World Heritage values.

The Federal Court in Australia has confirmed the validity of the decision to grant consent under Australia's World Heritage legislation. The Federal Court recognised that the Minister's decision had been made on the basis of all available evidence and that the Minister had acted consistently with the relevant legislation. The High Court of Australia recently refused an application for special leave to appeal this decision by opponents of the development, on the basis that such an appeal would not have sufficient prospects of success.

Mining in the vicinity of the Great Barrier Reef Marine Park

There has been recent media attention about possible oil shale mining adjacent to the Great Barrier Reef. There are no proposals to mine oil shale anywhere near the Great Barrier Reef. The Prime Minister of Australia has guaranteed that there will never be mining, mineral exploration or drilling that would affect the Great Barrier Reef. The Minister for the Environment has also said that he considered that proposals for mining in the Great Barrier Reef World Heritage Property would be incompatible with the conservation of World Heritage values.

The recent media reports concern a pilot plant for testing the viability of recovery of oil from oil shale which is being constructed near Gladstone. The oil shale feedstock for this pilot plant is to be recovered from a small open cut pit, located on the mainland. The construction of this pilot plant has undergone an environmental impact assessment process under Queensland legislation (in 1993). There are no proposals to proceed with a full scale production facility in the foreseeable future. Such proposals would certainly require further environmental impact assessment. Commercial-scale production is not contemplated at this stage. If a decision were taken at some future point to proceed with a commercial facility, then the impacts on the World Heritage values of the Great Barrier Reef would be comprehensively addressed in any impact assessment process.

The media has also speculated about parts of three mineral exploration leases that have been granted by the Queensland government which do extend within the boundary of the World Heritage Property. The Commonwealth has made it very clear that mining will not be allowed anywhere that could detrimentally affect the Great Barrier Reef.

Fishing

The GBRMPA is working with the Queensland government and the industry to ensure fisheries management in the Great Barrier Reef World Heritage Area is consistent with Australia's World Heritage obligations.

In support of conservation programs to better protect threatened species, the GBRMPA promotes appropriate measures to reduce the effects of fishing on turtle and dugong numbers. Significant conservation measures have already been implemented as part of the regional planning process. For example, as discussed above, a moratorium has been placed on the grant of new permits for tourism activities in the Hinchinbrook region and the region has been declared a Dugong Protected Area in which gill net fishing will be prohibited. \$1 million has been provided by the Commonwealth to offset the impacts of prohibiting this fishing. The Commonwealth government has also provided funds of \$50,000 for an urgent research program for satellite tracking of dugong on the Great Barrier Reef, clearly demonstrating its commitment to protecting this species. Agencies are presently developing a strategy for a dugong recovery program.

Kakadu National Park

Mining

As discussed in the detailed background to the Jabiluka mine proposal set out in my letter dated 21 November 1997, mining is not permitted within the Kakadu National Park World Heritage property. The proposal to mine uranium ore at Jabiluka adjacent to the World Heritage property relates to mining leases covering a very small area that pre-date the establishment of the World Heritage property.

As discussed in my previous letter, the mining proposal at Jabiluka was subject to a comprehensive environmental impact assessment process under the *Environment Protection (Impact of Proposals) Act 1974* (EPIP Act) in 1997. On the basis of that assessment, the government allowed the proposal to proceed, subject to 77 stringent environmental conditions.

Under the preferred option assessed by the government at that time, the underground Jabiluka mine (Ranger Mill Alternative) (RMA), a mine would be established at Jabiluka with the ore being transported to a pre-existing mine outside the World Heritage property (the Ranger mine) for milling and processing. Under this proposal there would be no tailings dam on the Jabiluka site, visual effects would be minimised and a policy of not releasing any polluted water would be implemented.

Over the 17 years of independent scrutiny of the operations of the existing Ranger mine by the Commonwealth's Supervising Scientist (part of the Commonwealth Department of the Environment), no significant environmental impact outside the immediate mine area has been detected. This clearly demonstrates that mining operations can occur in areas adjacent to Kakadu National Park without adversely affecting the conservation values of the Park, provided that stringent conditions are applied.

Given the strict environmental conditions imposed on the Jabiluka project by the Commonwealth government, the Minister for the Environment is confident that the unique values of Kakadu National Park will not be adversely affected by the Jabiluka (Ranger Mill Alternative) project. The Supervising Scientist will play a key role in assessing the ongoing environmental performance of the Ranger and Jabiluka operations.

As part of this ongoing assessment, the project proponent, Energy Resources of Australia Ltd (ERA), is required to undertake additional environmental studies and prepare six monthly reports identifying the progress being made on implementation of these studies. The first report has been received and assessed by the Department of the Environment. The Department has concluded on the basis of this report that ERA's progress against the environmental requirements is satisfactory. While access restrictions have precluded the collection of some data, and some data is yet to be reported, studies currently being undertaken by ERA are expected to deliver sufficient information to meet these requirements. ERA is currently considering an alternative method of milling the ore at Jabiluka, rather than transporting the ore to the existing mill at Ranger. On 25 April 1998, Senator Hill directed ERA to prepare a public environment report (PER) on the Jabiluka mine (Jabiluka Mill Alternative) (JMA). As major elements of the current proposal were comprehensively examined in the 1997 Jabiluka environmental impact statement, the PER will focus specifically on impacts associated with the proposed milling operations and on significant changes to the proposal previously addressed. The PER is available for public comment for four weeks from 9 June 1998.

ERA applied to the Northern Territory government for approval to construct a portal and access decline (ie the mine entrance) at Jabiluka with associated infrastructure. The initial works to open the mine itself are common to both the RMA and JMA milling operations. The Commonwealth has previously informed ERA that there is no environmental impediment to ERA commencing work on elements that are common to both alternatives. On 2 June 1998, the Northern Territory government announced its approval for ERA to begin work on the mine entrance. Given that ERA had satisfactorily implemented the Commonwealth's environmental requirements, the Commonwealth had previously advised the Northern Territory government that the work on the mine entrance could proceed, provided that caveats on disposal of water from de-watering bores and construction of silt traps were taken into account. This work can be undertaken without compromising the continuing collection of baseline data, and in no way prejudges the outcome of the assessment process for the JMA.

The traditional owners gave consent to mining at Jabiluka in 1982 in an agreement ('the 1982 Agreement') entered into under the Aboriginal Land Rights (Northern Territory) Act 1975. The Northern Land Council and the Board of Management for Kakadu National Park endorsed the proposal.

The rights under the 1982 Agreement were transferred to ERA in 1991. In accordance with the 1982 Agreement, ERA has negotiated with the relevant Aboriginal representatives to amend the Jabiluka mining project. The amended version is environmentally superior to the 1982 proposal

Under the 1982 agreement, the amended mining project has been considered by a Committee made up of representatives from: the Northern Land Council, the Aboriginal community affected by the mining proposal, ERA, and the Commonwealth and Northern Territory governments. On 7 May 1998 the Committee decided to accept the changes proposed to the development of Jabiluka with ERA agreeing to provide additional benefits to the local Aboriginal community above the royalties which Jabiluka is expected to provide. These benefits include employment and training opportunities, provision of new housing for about 65 Aboriginal families, assistance for Aboriginal businesses, funding of a Women's resource centre; a bridging education unit for local Aboriginal children; traineeships and university scholarships for Aboriginal students, and for adult education. The proponent predicts that Aboriginal communities will receive approximately \$210 million in royalties (in addition to the benefits outlined above). While the majority of Aboriginal people in the Park have not opposed the mining activities, the traditional owners of the area that includes the lease, the Mirrar people, are opposed to it. The senior traditional owner's father signed the original agreement for mining in 1982. However, the present senior traditional owner, Ms Margarula, considers that this was under duress. The Mirrar are opposed to mining on the basis of its social impact on the Aboriginal people, and because of cultural and natural heritage concerns. A number of these issues are or will be the subject of litigation. The Commonwealth and the mining company have sought to address these concerns in the course of the development of the mine proposal.

Kakadu was inscribed on the World Heritage List for both its natural and cultural values. These values and their key attributes are set out in Attachment A, which is an extract from the environmental assessment report prepared in relation to the Jabiluka proposal.

Each of these values and attributes was carefully and specifically considered during the environmental assessment to ensure Australia did not allow its World Heritage obligations to be breached. As discussed above, 17 years of independent scrutiny by the Commonwealth's Supervising Scientist of the nearby Ranger mine has not detected any impact on the above values as a result of uranium mining operations.

Less than one percent of the lease area will be required by the mining operations. They will not directly affect sites with cultural heritage values within the lease area. The art sites and other sites with evidence of Aboriginal occupation which occur within the lease area (but not within the World Heritage area) will be stringently protected by provisions in the environmental impact statement and the governments conditions from any indirect impacts. One natural site of significance - Boyweg - is within the area of the lease. The extent and nature of its significance is being assessed by the Northern Territory Aboriginal Areas Protection Authority, and ERA has undertaken to move any facilities that may affect it. The operational area of the lease is less than 0.005% of the area of the Park and pre-dates it. The significance of the lease area did not form part of the nomination for either cultural or natural values.

The question of the potential impacts of the Jabiluka proposal on living traditions of outstanding universal significance has been specifically addressed in a comprehensive and independent study of the social impact of development on Aboriginal communities in the Kakadu region. The study produced a Community Action Plan to both mitigate impacts and to realise the opportunities that Kakadu represents for reflecting the meaning of a reconciled Australian society. An agreed strategy for dealing with the recommendations of the study is currently being developed.

In relation to other issues regarding the Kakadu National Park World Heritage Area, the Minister for the Environment has indicated that he would like a representative of the Northern Territory government on the Kakadu National Park Board of Management. The traditional owners have alleged in recent media statements that this would amount to a breach of the leases over Kakadu that they have granted to the Commonwealth. The Commonwealth is fully aware of the need to fulfil its obligations under the three Kakadu leases and is not of the view that the leases have been breached. Further, the Commonwealth does not consider that measures such as those which it has announced, lessen the power of the Board in relation to management of the Park. The Minister has indicated that he will consult with the traditional owners prior to implementing any change to the composition of the Board through Commonwealth environmental legislation. The Board has sought access to the proposed legislative changes and the Minister has agreed to this course of action.

Tasmanian Wilderness

Logging

There are no forestry operations permitted within the boundaries of the Tasmanian Wilderness World Heritage Area. Outside the World Heritage property, forestry activities in Tasmania have been considered under the Tasmanian Regional Forestry Agreement (RFA) signed by the Commonwealth and Tasmanian governments on 8 November 1997. The RFA established a reserve system for Tasmania's Forest Estate. The Parties agreed under the RFA to jointly participate in the further World Heritage assessment of relevant Australia-wide themes. Any further World Heritage nominations for any part of the Forest Estate arising out of this work will be from areas classified as "Dedicated Reserve" under the new reserve system. The RFA also provides that policy, management and funding arrangements for such areas must be finalised between Tasmania and the Commonwealth before any World Heritage Nomination proceeds.

There are a number of areas in Tasmania classified as Dedicated Reserve adjacent to the existing World Heritage Area. Under the terms of the RFA, these areas may be available for boundary modifications. As required under the RFA, discussions between the two governments in relation to this issue have commenced. I will keep the World Heritage Centre informed of any progress in relation to possible boundary extensions.

At its 21st meeting in Paris in June 1997, the Bureau of the World Heritage Committee commended Australia on the comprehensive approach adopted in negotiating the RFA.

Shark Bay

Mining

On 29 November 1996 the Western Australian State government's Department of Minerals and Energy granted an exploration permit over waters within the Shark Bay World Heritage property to Moondance Energy Pty Ltd, Tap Oil NL and Omega Oil under the WA Petroleum (Submerged Lands) Act 1982.

The Commonwealth Minister for the Environment was not informed about the granting of the petroleum exploration permit until January 1997. The Western Australian Department of Minerals and Energy was not obliged to inform the Commonwealth of the proposal to release an area for petroleum exploration in State waters, and appeared to be unaware that the permit was located within the World Heritage area.

The Commonwealth Minister for the Environment immediately sought advice from the Western Australian Environment Protection Authority (EPA) regarding environmental aspects of proposed petroleum exploration and development activities within the Shark Bay World Heritage Property. The EPA is currently establishing a panel of pre-qualified consultants to assess the development proposals and prepare environmental strategies.

The purpose of this is to advise on the compatibility of petroleum exploration and development activities with the conservation of the World Heritage values of the Shark Bay World Heritage Property. No decision to allow exploration activities under the permit will be made until advice has been received from the EPA from an assessment of the potential environmental impacts of exploration currently being conducted under Western Australian legislation.

Wet Tropics of Queensland

Logging

The commercial exploitation of forestry resources within the Wet Tropics of Queensland World Heritage property is prohibited by regulations made under the *World Heritage Properties Conservation Act 1983.* These prohibit removing a tree or part of a tree for the purposes of commercial exploitation of forestry resources in the Wet Tropics World Heritage Area. In late 1997, native vegetation clearing took place in the Daintree area and there were concerns that some of this may have been undertaken for commercial purposes on private land within the boundaries of the World Heritage property.

The Douglas Shire Council regulates clearing on private land in the Daintree area, not all of which is World Heritage listed. An interim Council law requires a person to obtain a permit to clear native vegetation in some parts of the Shire, including the area north of the Daintree River. The Commonwealth understands that much of the clearing that took place in late 1997 was carried out under permit from the Council.

Based on the concern that clearing may have been occurring within the World Heritage property, the Commonwealth Minister for the Environment appointed a senior officer from the Wet Tropics Management Authority as an inspector under the World Heritage Properties Conservation Act 1983 to determine the nature of any vegetation clearance occurring on private properties within the World Heritage Area.

The investigator reported three significant cases of rainforest clearing in the area north of the Daintree River - two within the World Heritage area and one outside it. On the advice of the inspector, the Minister for the Environment determined that World Heritage values were not at risk and that no further action was required in relation to these incidents. Australia is not aware of any other examples of significant clearing in the Daintree region.

The Wet Tropics World Heritage Area Plan of Management was endorsed by the Wet Tropics Ministerial Council on 16 April 1998 and will come into effect on 1 September 1998. The Plan is the culmination of years of development and consultations with all stakeholders and strengthens considerably the ability of the Wet Tropics Management Authority to prevent clearing of native vegetation within the World Heritage Area. By removing the ability of land managers such as Local Council's and the Queensland Department of Natural Resources to regulate clearing without scrutiny from the Wet Tropics Management Authority, and by developing better coordination between agencies, the clearing of land within the World Heritage Area is unlikely to occur in the future.

Yours sincerely

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Sharon Sullivan Head Australian & World Heritage Group June 1998

Attachment

Environmental Assessment Report

PROPOSAL TO EXTRACT, PROCESS AND EXPORT URANIUM FROM JABILUKA OREBODY NO. 2: THE JABILUKA PROPOSAL

Environment Assessment Branch Environment Australia

August 1997

World Heritage values of Kakadu National Park

Kakadu is listed as a World Heritage area against the following cultural and natural criteria:

<u>Cultural Criteria</u>

The Park is listed for cultural criteria (i) and (vi).

Criterion (i): Represent a unique artistic achievement, a masterpiece of the creative genius

Criterion (vi): Be directly or tangibly associated with events or with ideas or beliefs of outstanding universal significance

The cultural sites of Kakadu National Park exhibit six attributes that place them among the greatest bodies of sites in the world:

- They are of great antiquity and have a continuous temporal span from the Pleistocene Epoch until the present.
- They exhibit great diversity, both in space and through time, yet the overwhelming picture is one of continuous cultural development.
- The art sites in themselves represent a unique artistic achievement.
- The cultural tradition demonstrated in the art and archaeological record is a living tradition that continues today.
- The state of preservation of sites is generally very good and, because the sites are protected by national park status, this level of preservation is likely to continue.
- The sites compare favourably with similar types of sites in Australia and elsewhere.

This combination of attributes makes Kakadu's cultural sites rare, if not unique, in the world.

Natural Criteria

The Park is listed for natural criteria (ii), (iii) and (iv).

Criterion (ii) Outstanding examples representing significant ongoing geological processes, biological evolution and man's interaction with his natural environment.

Kakadu National Park contains examples representing ongoing geological processes, biological evolution and evidence of human interaction with the natural environment.

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- Kakadu National Park incorporates coastal riverine and estuarine floodplains, sites of ongoing geological processes.
- The park represents a series of interacting ecosystems and contains a wide variety of environmental gradients and contiguous landscapes, within which ecological processes are perpetuated.
- The archaeological remains and rock art of Kakadu National Park bear remarkable witness to past environments in northern Australia and to human interaction with these environments.
- The early art illustrates species that are long extinct and provides a record of the changing species composition of the various environments within the region over tens of thousands of years.
- Archaeological evidence indicates that Aboriginal people actively managed the landscape, for example, through the use of fire.

Criterion (iii) Unique, rare or superlative natural phenomena, formations or features or areas of exceptional beauty.

Kakadu National Park contains features of great natural beauty and magnificent, sweeping landscapes.

- The park contains internationally important wetlands, which are of considerable conservation significance for many species.
- The park is unique in that it incorporates the entire catchment of a river system.
- The spectacular escarpment and its outliers extend for hundreds of kilometres. Large waterfalls surge over the escarpment edge during the wet season, and small streams have cut cool, moist gorges that are inhabited by a once more widespread tropical and ancient flora.
- The escarpment has provided natural galleries in which Aboriginal people have been able to record and express their culture and religion for thousands of years.
- Views from the plateau are breathtaking: a vast expanse of eucalypt forest and woodland intermingled with a diversity of other habitats in close proximity to each other.
- The southern-most landscape incorporates low rolling hills of diverse geology, confined creeks and rivers, which are important dry season refuges for much of the park's wildlife, and vegetation types that differ from those of the park's northern landscape.

Criterion (iv) The most important and significant habitats where species of plants and animals of outstanding universal value from the point of view of science and conservation still survive.

Kakadu National Park plays a vital role in ensuring the continued existence of many species of outstanding conservation and scientific value, and is regarded as a key conservation region for Australian biota.

- Kakadu National Park is representative of the ecosystems of a vast area of northern Australia and contains habitat types not found anywhere else.
- The park has the widest range of habitats and the greatest species diversity of any similar-sized area in monsoonal north Australia.
- Some 58 species of flora in the park are of particular conservation significance and 46 of these have been listed by a national consensus of rare or threatened species as having special significance.
- Nine plant species and several plant associations are restricted in distribution to the park.
- Kakadu National Park contains more vertebrate species than other similar-sized areas in northern Australia, with over one-quarter of the known terrestrial mammal species of Australia, about one-third of Australia's total bird fauna and freshwater fish species, about 15 per cent of Australian reptile and amphibian species, and a great diversity of insect species.
- For rare and endangered mammals, the northern part of the NT (where Kakadu is located) is one of four regions in Australia of comparable diversity.
- Of the many fauna species of particular conservation significance in Kakadu National Park, 14 have been recognised by national and international authorities as having special status; and 117 migratory species are listed under international conservation agreements.
- A number of fauna species in the park are of outstanding scientific value because they are of taxonomic or zoogeographic significance.

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