



Approvals & Legislation Division

Mr Quinton Clements
Inquiry Secretary
Joint Standing Committee on the National Capital
and External Territories
Parliament House
CANBERRA ACT 2600

Dear Mr Clements

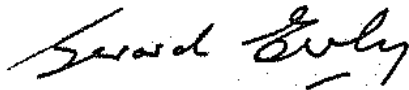
Thank you for your letter of 18 July 2002, inviting the Department of the Environment and Heritage to provide a written submission to the Joint Standing Committee in relation to its Inquiry on Australia's External Territories.

Please find the Department's submission attached. It focuses on the Department's role, responsibilities and ongoing interests in relation to Christmas Island, Cocos (Keeling) Islands and Norfolk Island.

I understand that the Committee will be dealing with issues concerning the Australian Antarctic Territories at a later time.

I would be pleased to discuss the contents of the submission during the Department's briefing to the Committee on 28 August 2002. Should clarification on any aspect of the submission be required before that date, please do not hesitate to contact me, or alternatively Mr Terry Soutberg, on (02) 6274 1238.

Yours sincerely



Gerard Early
First Assistant Secretary
Approvals and Legislation Division

23 August 2002



**A SUBMISSION
BY
THE DEPARTMENT OF THE ENVIRONMENT AND HERITAGE**

TO

**THE JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL AND
EXTERNAL TERRITORIES' INQUIRY INTO THE ANNUAL REPORT OF THE
DEPARTMENT OF THE ENVIRONMENT AND HERITAGE 2000-01
(AUSTRALIA'S EXTERNAL TERRITORIES)**

23 AUGUST 2002

1.0 INTRODUCTION

This submission is in response to an invitation by the Joint Standing Committee on the National Capital and External Territories for the Environment and Heritage Portfolio to brief the Committee according to its terms of reference on its role and responsibilities on Christmas Island, the Cocos (Keeling) Islands, and Norfolk Island.

We understand that the Committee will deal with issues concerning the Australian Antarctic Territories at a later time.

2.0 OVERVIEW OF PORTFOLIO ROLES AND RESPONSIBILITIES

The major roles and responsibilities of the Environment and Heritage Portfolio on Christmas Island, the Cocos (Keeling) Islands, and Norfolk Island fall within two key areas: to promote, protect and conserve the environment, including heritage, especially those aspects that are matters of national environmental significance; and to provide meteorological and related services.

The Portfolio's environmental responsibilities include the management of Commonwealth reserves on the Islands (eg. National Parks), the administration of environmental laws which are the responsibility of the Environment Minister, and the implementation of programs to promote and assist in the protection and conservation of the Island's environment and heritage values.

The Portfolio's environmental legislation applies to the external island territories in the same way it applies to the rest of Australia; with Norfolk Island, where appropriate, acknowledged as a self-governing Territory. Of particular relevance is the *Environment Protection and Biodiversity Conservation Act* (EPBC Act). The EPBC Act provides for the protection of the environment, particularly focussing on the protection of matters of national environmental significance (for example, threatened species, migratory birds, Ramsar wetlands) through a rigorous environmental assessment and approval regime. A number of infrastructure projects on Christmas Island are currently being considered under the EPBC Act.

The EPBC Act also establishes an integrated regime for biodiversity conservation and the management of important protected areas. The Act achieves this through such means as the establishment and management of protected areas, the protection of listed species, and the conservation of specific components of biodiversity.

The Department is represented on the Islands primarily through officers of Parks Australia whose primary responsibilities on the Islands are to: administer, manage and control Commonwealth reserves; protect, conserve and manage biodiversity and heritage in Commonwealth reserves; and make recommendations to the Minister in relation to the establishment and management of Commonwealth reserves. Parks Australia officers are also regularly involved in the provision of conservation advice to Government agencies and community groups on the Islands.

The Australian Heritage Commission, established under the *Australian Heritage Commission Act 1975*, a statutory authority within the Environment and Heritage Portfolio, is responsible

for, among other things, assessing natural and cultural heritage places in the territories and providing advice on the protection of heritage places, listed on the Commission's Register of the National Estate (RNE).

The Australian Heritage Commission has included 64 places, on Norfolk Island and the Indian Ocean Territories, in the Register of the National Estate. The Commission provides some 100-200 pieces of advice annually on proposals in these territories to Commonwealth agencies, the Norfolk Island Administration, Indian Ocean Territory councils and other bodies, and is also represented on the Management Board for the Kingston and Arthur's Vale Historic Area on Norfolk Island, a place of international significance.

Bills currently before Parliament will repeal the *Australian Heritage Commission Act 1975* and provide a new Commonwealth heritage regime within the EPBC Act. This will give rise to important changes in heritage protection in the territories.

The Bureau of Meteorology, under the authority of the *Meteorology Act 1955*, provides meteorological and related services for the Islands. In support of the Bureau's Australia-wide observation network, staff are stationed at Norfolk, Christmas and Cocos (Keeling) Islands. The Bureau operates as a self-contained agency within the Environment and Heritage Portfolio.

3.0 MANAGEMENT OF COMMONWEALTH RESERVES

The Director of National Parks (Commonwealth) is established under s14A of the EPBC Act. The Director's main functions are to manage Commonwealth reserves proclaimed under s344 of the EPBC Act, and administer Parks Australia.

In relation to the external territories being dealt with by this inquiry the Director of National Parks has responsibility for four Commonwealth reserves, these being:

- Christmas Island National Park,
- Pulu Keeling National Park in the Cocos (Keeling) Islands,
- Norfolk Island National Park, and
- Norfolk Island Botanic Gardens.

The EPBC Act provides the Director of National Parks with a range of regulatory mechanisms for controlling activities in Commonwealth reserves, in particular through the making and implementation of management plans specific to each reserve.

CHRISTMAS ISLAND

Christmas Island is located in the Indian Ocean at 10° 25'S and 105° 40'E. It is approximately 2600 km north-west of Perth, and 360 km south of the western head of Java. The island is around 135 sq km in area, of which about 85 sq km (63%) is covered by the Christmas Island National Park.

National Park and Conservancy

Role of Parks Australia

The Director of National Parks discharges the responsibility for management of the National Park through the Government Conservator and Parks Australia staff. In addition to its Park management role, Parks Australia has a range of other environmental management responsibilities on Christmas Island. Key functions include:

- Management of the Christmas Island National Park, including implementation of the Christmas Island National Park Management Plan, community liaison and education, issuing of permits and enforcement and compliance activities.
- Protection of wildlife throughout Christmas Island including monitoring of endangered and vulnerable species. Further, Part 9 of the EPBC Regulations provides for the protection of certain species on Christmas Island, these being all mammals, birds, reptiles, amphibians, certain species of crabs and shrimps, and all species that occur in certain habitats located on the Island, including native forest and rainforest. Protection of wildlife involves community liaison and education, enforcement activities, development and implementation of wildlife research and management programs and monitoring of endangered and vulnerable species.
- Participation in the development of the tourism industry through management of island conservation values.
- Liaison with and provision of assistance to other government agencies, community groups and prospective developers on environmental management, wildlife protection and heritage matters generally.

After 25 years, the management of the National Park and environmental management practices outside the Park have become well integrated with community life on Christmas Island. During the red crab migration period, some road closures take place to protect crabs using the area. This restricts movement around the Park and – potentially – the maintenance of some utilities.

Christmas Island National Park Management Plan

Under ss365-371 of the EPBC Act the National Park is managed according to a Management Plan. Management Plans are documents that set out conservation objectives, detail management prescriptions, seek to reconcile competing interests and identify management priorities.

The third Christmas Island National Park Management Plan (CINPMP) came into effect 13 March 2002. An implementation plan is being prepared to ensure the prescriptions of the Management Plan are implemented during the seven-year life of the Plan.

A summary of the Plan is provided in both Mandarin and Bahasa Malay so that it is accessible to all residents.

Hosnie's Spring in the National Park is listed as a Wetland of International Importance under the Ramsar Convention. As required by the EPBC Act Australia's obligations under the Convention were taken into account in the preparation of the Management Plan, which is consistent with the Australian Ramsar management principles made under the EPBC Act and set out in Schedule 6 to the EPBC Regulations.

Relationship with the Department of Transport and Regional Services (DoTaRS) and EcOz Environmental Officer

Parks Australia is responsible for the National Park and for a range of wildlife issues over Christmas Island generally. DoTaRS maintains jurisdiction over Vacant Crown Land and the mining lease on the Island and employs (on contract) an Indian Ocean Territory Environment Officer (EcOz Environmental Officer) to assist in the management of environmental issues for which it is responsible.

Parks Australia and DoTaRS are both represented on the Land Planning Strategy Committee of the Shire of Christmas Island.

Community safety - Duty of care in parks

The EPBC Act requires that the Christmas Island Management Plan has regard for the encouragement and regulation of the appropriate use, appreciation and enjoyment of the Park by the public, and outlines measures to prevent injury to visitors. The obligation on Parks Australia to provide a duty of care may necessitate the erection of safety structures or the closure of areas of the Park, as well as the provision of safety information for Park visitors.

The facilities provided for visitors are designed to promote enjoyment and safety in the Park and to meet the demands of anticipated visitor numbers.

The main risk to people in the Park has been identified as accidents (refer CINPMP, p141) with 16 management prescriptions in the Management Plan seeking to address this risk. In summary these prescriptions include: prohibition of hazardous activities, promotion of safety codes and practices, maintenance of roads, tracks, infrastructure, visitor safety awareness and education, installation of signage and restriction of access to areas of the Park considered hazardous.

Tourism - Parks as a base for tourism

The island's natural environment, much of which is now protected within the Park, is a major feature of interest to island visitors. The Park therefore has the potential to play a key role in the economic development of the island as an eco-tourism destination. Reflecting this role, Park staff are involved in a range of tourism related initiatives on the island. For example, Parks Australia is actively involved in the Christmas Island Tourism Association (CITA).

The greatest use of the Park to date has been for sightseeing. Most visitors are local residents, and their families and friends. Further, special interest groups regularly visit the island to view the endemic birds and to dive in the Park, while many visitors come during the red crab migration specifically to see this phenomenon.

Parks Australia actively supports the development of tour operations within the Park. Parks Australia's policy towards tourism is to preserve the unspoilt character of the landscape whilst providing opportunities for the enjoyment of the island's natural and cultural attributes.

Utilities – that are sourced from or traverse the park

Domestic water is sourced in the Park (from a natural subterranean water supply) and several electricity lines traverse the Park. New utilities will also traverse the Park primarily utilising existing service corridors to service the new Immigration Reception and Processing Centre (see Environment Protection Section).

Heritage

The Christmas Island National Park is listed in the RNE for its natural heritage values and contains areas of cultural heritage significance. Included are areas relating to Chinese and Malay tradition. While tourism at this time is mainly nature-based, there is some potential for cultural heritage values to take on a greater significance as tourism and awareness on the Island grows. Further information is provided in the Heritage Section.

Key issues for National Park and conservation management

Parks Australia are involved in a number of key issues impacting on the management of the Park and on environmental management responsibilities for Christmas Island generally. These include:

Christmas Island Rainforest Rehabilitation Program

Phosphate deposits have been mined on Christmas Island for over a century. Phosphate Resources Limited (PRL) of Christmas Island commenced operations in 1990. In 1997, PRL and the Commonwealth signed the current mining lease, which covers 2,054 hectares. The mining lease constrains mining to previously mined areas, requires appropriate environmental management and requires payment of a conservation levy – based on rate of phosphate production.

The levy is being used by Parks Australia to fund the Christmas Island Rainforest Rehabilitation Program (CIRRP). Funds are used to undertake rehabilitation work and fund staff, and associated nursery equipment and vehicles. The levy has been in place since 1990. A key reason for these environmental protection measures and the establishment of the CIRRP was mitigation of the impact of past mining operations on the threatened and endemic seabird Abbott's Booby. Abbott's Booby is listed as endangered under the EPBC Act.

At the direction of the Minister for Regional Services, Territories and Local Government, the levy is now collected by DoTaRS and used for rehabilitation work to be carried out on a competitive tender/contract basis.

The Christmas Island National Park Management Plan requires the rainforest rehabilitation works to continue within the Park. Parks Australia staff will continue to be involved in planning and supervising the rehabilitation works to, in particular, promote a continued focus on works which enhance the conservation status of the Abbott's Booby.

Crazy Ant issues including proposed Aerial Baiting Control Program

The exotic, invasive yellow crazy ant *Anoplolepis gracilipes* has formed very large colonies on Christmas Island since the mid 1990's, which are having a range of impacts on the ecology of the Christmas Island rainforest. Ground baiting programs have proved extremely effective at killing crazy ants, but crazy ant colonies are widespread and extend over about 2500ha. Aerial baiting by helicopter is considered the only feasible method of controlling crazy ant colonies, and is planned for September 2002. The baiting is intended to be undertaken on both the National Park (1607 Ha) and Vacant Crown Land (536 Ha).

COCOS (KEELING) ISLANDS

Pulu Keeling National Park is Australia's smallest Commonwealth National Park. The Park includes the 1.2 square kilometre land area of North Keeling Island (the 'Northern Atoll'), and a marine area extending 1.5 kilometres from the Island. The Island is remotely located in the humid tropical zone of the Indian Ocean at latitude 12° 12'S longitude 96° 54'E. It is situated 2,770km north-west of Perth and twenty-four kilometres north of the main Cocos (Keeling) Islands, the 'Southern Atoll', which is made up of 26 islands.

It is the main islands that contain the Cocos (Keeling) Islands population. The North Keeling Island remains uninhabited and is leased by the Cocos (Keeling) Islands Shire Council to the Director of National Parks.

National Park and Conservancy

Role

The Director of National Parks discharges the responsibility for management of the National Park through the Government Conservator and Parks Australia staff. In addition to the Park management role, Parks Australia has a range of other environmental management responsibilities on the Cocos (Keeling) Islands. Key functions include:

- Management of the Pulu Keeling National Park, including implementation of the Pulu Keeling National Park Management Plan, community liaison and education, issuing of permits and enforcement and compliance activities.
- Protection of wildlife throughout the Cocos (Keeling) Islands including monitoring of endangered and vulnerable species. Further, Part 9 of the EPBC Regulations provides for the protection of certain species on Cocos (Keeling) Islands, these being all mammals, birds, reptiles, amphibians, certain species of crabs and shrimps, and all species that occur in certain areas in the Territory. Protection of wildlife involves community liaison and education, enforcement activities, development and

implementation of wildlife research and management programs and monitoring of endangered and vulnerable species.

- Participation in the development of the tourism industry through management of the National Park and island conservation values.
- Liaison with and assistance to other government agencies, community groups and prospective developers on environmental management, wildlife protection and heritage matters generally.

Pulu Keeling National Park Management Plan 2004 (in preparation)

Under ss365-371 of the EPBC Act the Pulu Keeling National Park is to be managed according to a Management Plan. Management Plans are documents that detail management prescriptions, seek to reconcile competing interests and identify management priorities.

The first management plan came into effect in 1999, and has an implementation plan which is reviewed annually. Parks Australia has commenced the planning process for the development of a draft new Management Plan to be in place in March 2004. Public submissions are currently being sought in relation to the current Plan, issues to be covered by the new Plan, and how the Park should be managed. A further period for public comment will occur following the release of the draft Plan.

A complete translation of the current Plan is provided in Bahasa Malay so that it is accessible to all Cocos residents. This practice will continue with the new plan.

Relationship with DoTaRS, ECOZ Environmental Officer

Parks Australia is responsible for the National Park and for Wildlife issues over Cocos (Keeling) Islands generally. DoTaRS maintains jurisdiction over Vacant Crown Land and employs (on contract) an Environment Officer (EcOz Environmental Officer) to assist in the management of environmental issues for which it is responsible.

Community safety - Duty of care in parks

The EPBC Act requires that the Pulu Keeling National Park Management Plan have regard to the encouragement and regulation of the appropriate use, appreciation and enjoyment of the Park by the public, and outlines measures to prevent injury to visitors. The obligation on Parks Australia to provide a duty of care may necessitate restriction of access to the Park and the provision of safety information for Park visitors.

Visitation to the Park is limited due to its fragility, distance from the main islands and weather conditions which often prohibit private vessel usage.

Tourism – parks as a base for tourism

The Park's natural environment, all of which is protected, is a feature of interest to island visitors. The Park therefore has the potential to play a role in the economic development of the island as an eco-tourism destination. Reflecting this role, Park staff are involved in Tour Operator training, with visitor safety, protection of wildlife and the oversight of suitable and effective quarantine measures the main priorities.

The greatest use of the Park to date has been for sightseeing and local fishing.

Parks Australia's policy towards tourism is to preserve the unspoilt character of the landscape whilst providing opportunities for the enjoyment of the island's natural and cultural attributes.

Heritage

The National Park is listed in the RNE mainly for its natural heritage values, but also for cultural heritage values. The "Emden" shipwreck – located in the marine zone of the Park - is a First World War site recognised in the RNE and a place of interest to divers. The Malay graves on the island are of considerable historical interest. Further information is provided in the Heritage Section.

Key issues for National Park and conservation management

Parks Australia are involved in a number of issues impacting on the management of the Park and on environmental management responsibilities for Cocos (Keeling) Islands generally. Of particular concern is the poaching of the Red-footed Booby bird. The colony of Red-footed Booby's (*Sula sula*) on the island is one of the largest in the world. Parks Australia staff continue to deter poaching of protected seabirds in accordance with Parks Australia's compliance and enforcement plan. Illegal use of firearms is an ongoing issue exacerbated by the large number of guns that exist on Island.

NORFOLK ISLAND AND NORFOLK ISLAND BOTANIC GARDEN

Norfolk Island National Park covers 650ha in two sections. The Mt Pitt section on Norfolk Island itself covers 460ha and includes a Forestry Zone, which is managed in part for forestry. The other section comprises 190ha on neighbouring Phillip Island. The Norfolk Island Botanic Garden comprises 5.5ha of remnant rainforest.

National Park and Conservancy

Role and Responsibilities

The Director of National Parks discharges the responsibility for management of the Norfolk Island National Park and the Norfolk Island Botanic Garden through the senior Parks Australia officer on Norfolk Island. Parks Australia currently has a staff of six allocated to the Norfolk Island Conservancy. These officers and a range of specialists, casual employees and contractors conduct the work of the Conservancy. Key functions include:

- the preparation and implementation of the Norfolk Island National Park and the Norfolk Island Botanic Garden Management Plan,
- community liaison and education on environmental protection and conservation matters,
- provision of environmental advice to the Norfolk Island Administrator, and
- liaison and cooperation with the Norfolk Island Government and private landholders on nature conservation issues throughout the Territory.

National Park Administration

The management of the National Park and Botanic Garden is guided by the Norfolk Island National Park Advisory Committee (NINPAC). Members of the Committee are appointed by the Administrator on the advice of the Director of National Parks and the Norfolk Island Legislative Assembly. The Committee meets twice each year.

Conservation related programs on Norfolk Island

The following programs are undertaken by Parks Australia in the Territory:

- *Rehabilitation of the natural environment*

This program involves:

- Weed Control of African Olive, Guava, Hawaiian Holly, Lantana, Crofton Weed (William Taylor), Formosan Lily and other minor weed species,
- Propagation of a wide range of native plant species in the Forestry nursery,
- Planting of more than 40 species of native and endemic plants in weeded areas of the National Park and the Botanic Garden.

- *Maintenance of Visitor Facilities and other assets*

The conservancy has developed and maintains:

- All roads and tracks within the National Park and Botanic Garden
- Barbeques and picnic facilities at various locations
- All interpretive signs in the National Park
- Perimeter fences around the Park and the Garden

- *Threatened Species Management*

Of the some 15 species and subspecies of birds endemic to Norfolk Island only seven definitely remain. Two species, the White-breasted White-eye (*Zosterops albogularis*), and the Island Thrush or Grey-headed Blackbird (*Turdus poliocephalus poliocephalus*) have not been sighted for some time and may be extinct. Two of the remaining species are endangered, namely the Norfolk Island Morepork or Boobook Owl (*Ninox novaeseelandiae undulata*) and the Norfolk Island Green Parrot (*Cyanoramphus novaezelandiae cookii*). Of the 178 species of plants that are native to Norfolk Island, at least 42 are thought to be threatened. Two species, *Solanum bauerianum* and the endemic *Streblorrhiza speciosa*, are considered to be extinct.

The conservancy manages three recovery programs, for

- the Norfolk Island Green Parrot (captive and wild breeding programs),
- the Norfolk Island Morepork (Boobook Owl) (wild breeding program), and
- 46 plant species nominated for listing as threatened species under the EPBC Act.

To control predators of endangered animals Parks Australia conducts a rat control program, monitoring over 770 rat-bait stations throughout the Park and Garden and a cat control program.

Capital Works

Each year a capital works program of approximately \$100,000 is implemented to improve the facilities associated with the national park and the recovery programs. Since 1998 this has focused on the repair of Mt Pitt Road, which collapsed in several sections after severe storms.

Publications

Parks Australia has compiled a range of publications relating to Norfolk Island and the National Park, including:

- Various interpretive pamphlets,
- The Norfolk Island Environment Book,
- Flora of Australia, Volume 49,
- A Walking Track Guide for Norfolk Island, and
- A Norfolk Island Weed Control Manual.

Other Activities involving Parks Australia

Co-operative programs with individuals and local community groups have been initiated including:

- A subsidised cat-desexing clinic,
- The conservation of remnant lowland rainforests. This program was established by fencing and weeding remnant rainforest areas on four leases in the Mission Road Rainforest catchment area, using Commonwealth funds,
- Assisting the formation and continued support of the Norfolk Island Landcare Group.

4.0 BIOLOGICAL DIVERSITY CONSERVATION

In addition to providing regulatory powers for the administration and management of Commonwealth Reserves, the EPBC Act contributes to the conservation of biodiversity on the Islands through mechanisms such as the listing of nationally threatened native species and ecological communities, migratory species and marine species, and the preparation of national recovery or wildlife conservation plans, and threat abatement plans for key threatening processes. Statutory timeframes are provided for under the EPBC Act for public consultation and comment in relation to the above identified measures.

Under the EPBC Act, the Minister for the Environment and Heritage has obligations to ensure that a recovery plan is in place for all listed species and ecological communities. Preparation of recovery plans is required within certain time frames for those species/ecological communities that occur wholly or partly in Commonwealth areas. For species not occurring on Commonwealth land the Minister may make or adopt plans in conjunction with relevant State and/or Territory governments.

In addition to their protection as matters of national environmental significance, species and ecological communities listed under the EPBC Act receive protection under the Act through regulatory provisions prohibiting the killing, injuring or taking of listed species/ecological communities in a Commonwealth area without a permit. These regulatory provisions apply

on Christmas Island, Cocos (Keeling) Islands, and Norfolk Island as they do on mainland Australia.

Under the EPBC Act, the Minister for the Environment and Heritage has obligations to ensure that within 90 days of listing a key threatening process the Minister must decide if a threat abatement plan should be made or adopted. This decision is based on whether having and implementing a plan is the most "feasible, effective and efficient way to abate the process". The Minister will consult the Threatened Species Scientific Committee and interested government agencies before making this decision.

The EPBC Act provides for the making of conservation agreements between the Commonwealth Environment Minister and another person for the protection and conservation of biodiversity in an area of land or sea. A conservation agreement may provide for:

- activities that promote the protection and conservation of biodiversity;
- financial, technical or other assistance from the Commonwealth; and
- monitoring compliance with the agreement.

Conservation agreements are legally binding on the Commonwealth, all other parties to the agreement, and any parties that gain an interest in any part of the area after the agreement is entered into.

The Department has programs available under the Commonwealth's National Heritage Trust to assist in the enhancement and conservation of biological diversity on the Islands.

An overview of the above measures employed by the Department for each of the Islands is presented below.

CHRISTMAS ISLAND

Christmas Island has a significant number of endemic species (i.e. not found elsewhere else). The island supports the last remaining nesting habitat of the Abbott's Booby, many endemic species of plants and animals, and the world's largest remaining population of the robber crab.

The Island supports a wide range of unique and unusual species and habitats, and is of great international conservation and scientific interest. Although the island has been mined for phosphates for much of the past century, most of its natural ecosystem remains intact.

Listed Species

There are currently 11 species found on the island listed under the EPBC Act as nationally threatened and/or being an internationally protected migratory species.

Five recovery plans are currently in preparation for the following species:

- Christmas Island Goshawk,
- Christmas Island Shrew,
- Abbott's Booby,
- Christmas Island Frigatebird, and
- Christmas Island Hawk-owl

Environment Australia is developing plans for these species through consultants who liaise and consult with Island Management. The development of plans requires the involvement of interested and affected persons and also a public consultation phase.

Natural Heritage Trust (NHT) and related funding programs

NHT funds were provided to the Shire of Christmas Island to assist in the development of Management Plans for four beaches on the Island.

COCOS (KEELING) ISLANDS

Sixty-one indigenous plant species have been recorded on Cocos (Keeling) Islands. The decline in birds on the southern (or main) atoll was almost certainly due to habitat change or due to clearing over the last 160 years, intense hunting by people and predation by cats and rats. Today there are still very few birds on the main atoll.

Birds however remain in large numbers on North Keeling Island due to its isolation, the difficulty of landing, the absence of any feral animals and access restrictions placed by the former Clunies-Ross family up to the mid 1970s. The Cocos Buff-banded Rail (*Rallus phillipensis andrewsi*) is the only endemic bird in the Territory, and is now probably extinct on the main atoll, although it is still commonly found on the North Keeling Island.

Listed Species

The Cocos Buff-banded Rail is listed as 'endangered' under the EPBC Act, with a draft interim recovery plan for the species in place.

Natural Heritage Trust (NHT) and related funding programs

Funding was provided to enable the Cocos (Keeling) Island community to assist in their evaluation of individual and collective fishing practices.

NORFOLK ISLAND

Norfolk Island has been subject to extensive land clearing for agriculture and housing. Much of Norfolk Island's landscape has been transformed from that of a densely vegetated subtropical oceanic island to a highly modified pastoral landscape characterised by grazed kikuyu pastures bordered by remnant woodland. Of the 15 species and subspecies of birds endemic to Norfolk Island only seven definitely remain.

Listed Species

Six species (four birds, 2 reptiles) that occur on Norfolk Island, Phillip Island, or on other islands and islets in the Norfolk Group are currently listed under the EPBC Act as being nationally threatened. This number does not include listed species, such as the Campbell Albatross, whose habitat range includes the Norfolk Island region.

Environment Australia is currently preparing a recovery plan for the Norfolk Island Green Parrot (listed under the EPBC Act as 'endangered') under consultation with the Norfolk Island Government. The development of this plan requires the involvement of interested and affected persons, and also a public consultation phase.

Forty-six plant species that occur on Norfolk Island are currently being considered for listing as threatened species under the EPBC Act. The public comment period for the nominations closed in July 2002.

In relation to the listing of one or more of the nominated species, Environment Australia will seek the cooperation of the Norfolk Island Government in the preparation and implementation of any recovery plans, specifically with regard to those species whose distribution occurs outside the Norfolk Island National Park.

Natural Heritage Trust (NHT) and related funding programs

Funding was provided to the Norfolk Island Government to assist in the development of a Waste Management and Disposal Strategy for the Island.

5.0 ENVIRONMENT PROTECTION

The principal Commonwealth environmental protection regime for Christmas Island, Cocos (Keeling) Islands, and Norfolk Island is the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Other sections of this submission deal with the protected area, biodiversity conservation and heritage protection provisions of the EPBC Act. Under the assessment and approval provisions of the EPBC Act, actions that are likely to have a significant impact on a matter of national environmental significance are subject to a rigorous assessment and approval process. An action includes a project, development, undertaking, activity, or series of activities.

The current six matters of national environmental significance (NES) are:

- World Heritage properties;
- Ramsar wetlands of international significance;
- listed threatened species and ecological communities;
- listed migratory species;
- Commonwealth marine areas; and
- nuclear actions (including uranium mining).

Actions that are likely to have a significant impact on the environment if taken on Commonwealth land, or on the environment of Commonwealth land, and actions taken by the Commonwealth that are likely to have a significant impact on the environment anywhere in the world, may also require approval under the EPBC Act.

The EPBC Act does not apply to activities that had prior authorisation before the Act commenced, or are a lawful continuation of a use of land, sea or seabed which were occurring before the Act commenced. The Act does however apply to enlargement, expansion or intensification of such continuing uses.

The EPBC Act repealed the *Environment Protection (Impact of Proposals) Act 1974* (EPIP Act).

The Western Australian *Environment Protection Act 1986* (WA) (CI) (the EP Act) operates on Christmas Island and Cocos (Keeling) Islands as applied Commonwealth law under the administration of the Department of Transport and Regional Services (DoTaRS). Both the EPBC Act and the EP Act operate concurrently on the Islands.

Actions of interest on Christmas Island and Cocos (Keeling) Islands that have been subject to the EPBC Act or the EPIP Act are described below. No actions on Norfolk Island have been subject to these processes under the EPBC Act. Advice has also been provided on many of these proposals by the Australian Heritage Commission under the AHC Act.

CHRISTMAS ISLAND

Proposed Immigration Reception and Processing Centre (IRPC)

On 3 April 2002 the Minister for the Environment and Heritage, following an application by the Minister for Immigration and Multicultural and Indigenous Affairs, and Minister for Regional Services, Territories and Local Government, granted exemptions from certain provisions of the EPBC Act, in relation to the proposed IRPC and associated infrastructure on Christmas Island on national interest grounds. The exemptions have the effect of disapplying the formal processes of assessment and approval, and wildlife permitting provisions, under Chapter 4 and Part 13 of the EPBC Act respectively.

However, in giving the exemptions the Government committed to best practice environmental management measures which will be implemented in relation to the establishment and operation of the IRPC. These measures include:

- the development of an environmental management plan for the construction and operation of the IRPC and associated infrastructure;
- the appointment of a suitably qualified environmental manager;
- monitoring for protected species; and
- the application of any necessary mitigation measures to protect the environment.

These measures will be undertaken in consultation with Environment Australia.

The *Environment Protection and Biodiversity Conservation Regulations 2000* that protect biodiversity in Commonwealth areas on Christmas Island will continue to apply. Any works that may affect the Christmas Island National Park will also need to be consistent with the management plan for the Park and will require appropriate authorisation.

Through these measures protection will be provided to the National Park and the important flora and fauna on Christmas Island including the Abbott's Booby and red crab.

Asia Pacific Space Centre Pty Ltd (APSC) Satellite Launch Facility

In May 2000, the then Minister for the Environment and Heritage, the Hon Senator Robert Hill, wrote to the Minister for Regional Development, Territories and Local Government, and the Minister for Industry, Science and Resources, providing more than 65 environmental recommendations in relation to the construction and operation of the proposed Satellite Launch Facility on Christmas Island.

The recommendations were prepared as a result of an environmental impact assessment process carried out under the EPIP Act, which included the preparation of an Environmental Impact Statement by the proponent (APSC).

Specific issues addressed in the recommendations include:

- the development of an environmental management plan and an extensive monitoring program to detect negative environmental impacts upon the island's flora and fauna;
- investigation of additional buffer zones between the launch facility and important habitat and the Chinese Temple and Shrines located nearby, and
- The development of Launch Facility employee environment, and cultural education and community consultation plans.

In November 2001, the Minister for the Environment and Heritage agreed that APSC could proceed with the earthworks stage of the facility, based on an interim Environmental Management Plan and additional commitments. Environment Australia maintains an ongoing involvement with this proposal, in association with the DoTaRS and the Department of Industry, Tourism and Resources. This involvement includes the provision of environmental advice and the review of environmental management plans.

Phosphate mining – current and proposed activities

Current phosphate mining on Christmas Island was assessed under the EPIP Act in 1996.

Environment Australia (EA) has received two proposals under the EPBC Act for additional mining and exploration on Christmas Island. Both actions were referred by Phosphate Resources Limited (PRL) and have been determined by the Environment Minister to be 'controlled actions' requiring formal assessment and approval under the EPBC Act. The first referred action to explore mineable phosphates reserves on vacant Crown land is to be assessed by public environment report (refer to EA's Website for public notification EPBC 2000/43). The second referred action for surface mining, transport and off-site processing of phosphate at nine sites on the Island, and associated rehabilitation activities, construction and infrastructure works, and operational activities is to be assessed by environmental impact statement (EIS) (refer to EA's Website for public notification EPBC 2001/487). The assessment guidelines for the EIS are soon to be finalised.

Other proposed actions

A number of other infrastructure proposals on Christmas Island are subject to assessment and approval under the EPBC Act, including:

- Christmas Island Airport Upgrade (EPBC 2001/434) - draft EIS prepared,
- Christmas Island Road Upgrade (EPBC 2001/436). This proposal involves the realigning and resealing Linkwater Road between Golf Course - Casino (Gaze) Road and Lily Beach Road - assessment is to be based on Preliminary Documentation.
- Christmas Island Additional Port Facility (East Coast) (EPBC 2001/435) – assessed by Public Environment Report (PER) (given approval on 21 August 2002).
- Construction of a Telstra Mobile Phone Tower (EPBC 2002/694) – determined as a controlled action, assessment approach to be determined.

The action by Parks Australia to undertake a trial, evaluation and, if appropriate, an aerial baiting control program for the Yellow Crazy Ant on the Island was determined under the EPBC Act not to be a controlled action, provided it was undertaken in the manner specified scheduled to the determination (EPBC 2002/722).

The Department is discussing with DoTaRS a proposal to undertake a strategic assessment of future activities on Christmas Island under Division 1, Part 10 of the EPBC Act.

COCOS (KEELING) ISLANDS

No actions have been referred to-date for Cocos (Keeling) Islands under the EPBC Act. A number of activities were considered under the EPIP Act, including:

- Cocos (Keeling) Islands Rumah Baru Jetty
- Cocos (Keeling) Islands Lagoon Navigation project
- Cocos (Keeling) Islands Pulu Cocos Resort

6.0 HERITAGE MANAGEMENT AND PROTECTION

Current Regime

All mainland States and Territories have overarching heritage protection legislation that complements land planning and development control. Heritage is also a major commitment in many local government-planning instruments. Norfolk Island does not have a heritage council or any comparable system to identify and manage heritage places. The only heritage protection for Indian Ocean Territories is provided under the *Australian Heritage Commission Act 1975* (AHC Act) and the EPBC Act.

The AHC Act provides for the nomination, assessment and listing of places in the Commonwealth's Register of the National Estate. Section 30 of the AHC Act obliges Commonwealth Ministers, departments and authorities, including companies owned by the Commonwealth, to protect places in the Register of the National Estate (RNE).

Under the EPBC Act, the definition of 'environment' includes its social and cultural aspects, and is not limited to the natural environment. Consequently, actions taken on Commonwealth land on the Islands that have, will have, or are likely to have a significant impact on heritage values, or actions taken outside Commonwealth land that have, will have, or are likely to have a significant impact on heritage values on Commonwealth land, are subject to control under the EPBC Act. The Act also regulates actions by the Commonwealth or a Commonwealth agency that have, will have, or are likely to have a significant impact on heritage values.

New Regime

The Commonwealth has introduced new Bills into Parliament that propose to repeal the AHC Act and establish the Australian Heritage Council. They will also amend the EPBC Act to provide for the identification, conservation and protection of places of national heritage significance, and the identification and management of Commonwealth Heritage places. The new heritage provisions will establish a National Heritage List and a Commonwealth Heritage List. National Heritage places will become a matter of national environmental significance and attract the protection provided by Part 3 of the EPBC Act. In the first six months of the operation of the new regime, Commonwealth places on the RNE may be transferred directly to the Commonwealth Heritage List if they meet specified criteria. Commonwealth Heritage places will be protected by the provisions regulating actions involving Commonwealth land, and other requirements, of the EPBC Act.

Implications of New Regime for Territories

Under the new heritage regime, land owned by the Commonwealth or a Commonwealth agency on Norfolk land is included in the definition of a 'Commonwealth area'. Hence, not all heritage places on Norfolk Island can be included in the Commonwealth List. All of the land in the Indian Ocean Territories is, however, included in a 'Commonwealth area'.

Whilst the Shire Council of Christmas or Cocos (Keeling) Islands is an authority that is currently subject to the AHC Act, it is not a 'Commonwealth agency' for the purposes of the EPBC Act. It would not be subject to s.28 of the current EPBC Act, or to the range of provisions proposed to apply to Commonwealth agencies under the new heritage regime. For

these reasons, the new heritage regime provides that Shire Councils must ask the Minister for advice before providing a planning or building approval for a development that might have a significant impact on the heritage values of a Commonwealth Heritage place. This will ensure that the Islands have access to the heritage advice that is usually provided by States and Territories and many local governments.

Commonwealth agencies that own or control heritage properties in the external territories will be required to develop a heritage strategy for managing those properties along with plans of management.

The *Historic Shipwrecks Act 1976* applies to historic wrecks in Commonwealth waters around the islands. This legislation automatically protects wrecks and associated relics where they are more than 75 years old. The Commonwealth Minister can also declare any wrecks or relics that are less than 75 years old to be protected by the Act. In addition, where circumstances place an historic shipwreck at particular risk, a protected zone of up to 797 metres radius may be declared around the wreck. Entry into protected zones and the conduct of activities within a zone are prohibited in the absence of a permit. The purpose of the Act is to protect shipwrecks and relics from actions that may result in damage, interference, destruction, or removal from Australian waters. People may still use wrecks for recreational purposes provided that they do not interfere with the shipwreck or remove items from it.

Heritage issues in relation to each of the Islands are given below.

CHRISTMAS ISLAND AND COCOS (KEELING) ISLANDS

Summary of Heritage places

Christmas Island has ten places entered on the RNE, eight of which are historic precincts and one is an individual heritage building. The historic precincts are associated with the colonial period of the island and early housing and industrial areas while under control of the British Phosphate Commission. There are also places associated with the industrial processes of phosphate mining on the island. Entries also provide evidence of the Chinese presence, which exhibits architectural styles imported from Singapore and rarely found in other parts of Australia, and other places important to the Malay community. Rare evidence of WW2 activities and Japanese occupation are also listed.

The remaining place is a natural heritage area, which covers more than three quarters of the island. The Christmas Island Natural Areas place is listed in the RNE for its significant natural heritage values, and includes the surrounding ocean and sea floor within 500m of the Mean Low Water Mark (MLWM). The place includes the major areas of natural vegetation of the island, excluding the mining and settlement areas. The place's natural heritage values include its spectacular red crab migrations, notable avifauna populations, and significant tropical rainforests. It is recognised internationally for its unique ecological processes. The marine portion of the place is significant for its fringing coral reefs, suite of tropical fish and turtles.

Other places identified in the Christmas Island Development Control Plans (DCPs), a plan developed by the Christmas Island Administration and the AHC, are not yet assessed for statutory listing and protection. The DCPs proposed eight additional RNE group entries, mostly related to the island's industrial heritage, but also including cemeteries, Chinese temples and housing developed by the British Phosphate Commission. There are also eight individual items proposed for entry on the RNE. These include a number of pre-WW2 places, some of which are significant residential buildings located within existing RNE precincts.

Cocos (Keeling) Islands has 21 places entered on the RNE, six of which are historic precincts, which include evidence of various housing types provided to Australian workers and administrators representing different phases of development; the kampong on Home Island as the home of the Cocos-Malays; and evidence of the Clunies-Ross occupation of the islands in the nineteenth and twentieth century, including coconut plantations and copra processing works. The remaining individual places include various cemeteries and memorials relating to the strategic occupation of the islands; the air strip and associated support buildings; remaining evidence of military activities associated with the allied occupation of the islands during WW2; and other strategic communications, quarantine and military sites. There is also one natural area entered on the RNE - North Keeling Island.

There is one known historic shipwreck, SMS Emden, within the vicinity of Cocos (Keeling) Island. A protected zone with a radius of 500 metres has been declared around this wreck under the *Historic Shipwrecks Act 1976*. Entry into this zone and the conduct of activities within it are prohibited without a permit.

Other, unknown wrecks may also be located in the vicinity of Christmas and Cocos (Keeling) Islands and are automatically protected under this legislation if over 75 years old.

A listing of places entered or nominated for entry in the RNE is provided at Attachment A.

Advice provided under the Acts

There have been 42 referrals under the AHC Act from Christmas Island during 2001/02. These include the Immigration Reception and Processing Centre (IRPC), Space Launch Facility and associated infrastructure, phosphate mining, and the upgrade of existing accommodation facilities.

Cocos (Keeling) Islands have referred ten places under the AHC Act, relating to public utilities, asset disposal and lease, and minor development and maintenance works.

The Shire Councils of Christmas Island and Cocos (Keeling) Islands are Commonwealth authorities for the purposes of the AHC Act and are therefore bound to consider their s.30 obligations when making a decision that affects a place on the RNE. The AHC provides heritage advice to Councils and proponents that would normally be provided by State Heritage Councils and/or local heritage advisors.

Other strategic advice

To provide the Shire Council and the community with advice on historic heritage conservation and management, the AHC and the Christmas Island Administration have produced DCPs for Christmas Island heritage precincts. DCPs are also being finalised for the Cocos (Keeling) Islands with particular reference to West Island. It is common for DCPs to

be developed for such urban precincts on mainland Australia and they provide detailed controls and guidelines for proposed development affecting a building, object or structure or place that is listed as a heritage item and/or is located within a heritage precinct. The DCPs also recommend an appropriate management framework and provide practical implementation advice. Illustrated guidelines have been included within each of the precinct DCPs to address the most commonly occurring issues and pressures identified for the precinct, such as extensions to verandahs.

These documents provide a basis for communities and Shire Councils to manage heritage with more certainty and relieve pressure on statutory referral processes. The DCPs will also allow DOTARS to meet its obligations under the new heritage regime to identify heritage assets that they manage on the islands and develop management plans for them.

Funding For Heritage

The Department of the Environment and Heritage administers the Cultural Heritage Projects Program (CHPP) on behalf of the Commonwealth Minister for the Environment and Heritage. The program supports the conservation of heritage-listed places as well as the identification of Indigenous places for listing and/or improved conservation planning.

The Department has received relatively few applications for CHPP assistance for Christmas Island and the Cocos (Keeling) Islands, and limited funding has been provided. This may be in part due to the remote location and associated difficulties in meeting the Department's application and management expectations in terms of providing realistic quotations and program schedules for proposed works. Elsewhere in mainland Australia, owners of heritage properties can apply for grants from State government heritage and tourism programs as well as obtain other local government incentives such as rate rebates and transfer property rights. The Department is currently re-examining the CHPP in light of the proposed new Commonwealth heritage regime under the EPBC Act, including its funding levels.

Heritage Tourism

Natural and cultural heritage tourism is a growing industry and can provide benefits to local economies if managed and interpreted appropriately. With Christmas Island's history of contract employment and varying workforce arrangements, visitors are returning to see places in which they or their families lived and worked. To date we understand that heritage tourism has not been a major source of revenue, although diving and deep-sea fishing provide some income to the islands.

NORFOLK ISLAND

Summary of Heritage places

On Norfolk Island there are 17 places, individually included in the RNE for natural and/or cultural heritage values, which are protected by the AHC Act. In addition to the Kingston and Arthur's Vale Historic Area (KAVHA), historic places include two freehold areas with convict era archaeological remains and St Barnabas Church Area, a mixture of freehold and Commonwealth land. Thirteen RNE places with natural heritage values, including large

reserves and islands, are all Commonwealth land. They include the largest nature conservation area on the island, Mount Pitt Reserve Conservation Area (measuring 425ha and essentially the Norfolk Island National Park). The significance of natural heritage places on the Island lies mainly in the presence of remnant native vegetation and nesting habitat for seabirds and endemic bird species. One place, a historical Pitcairn-period shop on a freehold block, has been identified as having national estate values, but not yet listed. There are also 17 places that are nominated, but not yet assessed for entry in the RNE. The nominated places include sites of convict-era archaeological evidence, the HMS Sirius shipwreck site, a Pitcairner house, as well as nine large cultural landscape areas. A list of places on, and nominated to, the RNE for Norfolk Island is given in Attachment B.

The HMS Sirius shipwreck near the Norfolk Island shoreline is protected by the *Historic Shipwrecks Act 1976* (Cth).

The proposed new heritage legislation enables the Minister to decide to include existing Commonwealth places on the RNE in the proposed Commonwealth Heritage List, if they meet specified criteria. This would enable consideration to be given to Commonwealth heritage listing of the Commonwealth parts of KAVHA, one part of the St Barnabas Church area, and the 13 natural heritage RNE places that include many public reserves on the island.

The majority of the Kingston and Arthur's Vale Historic area is Commonwealth land (reserves or Crown Leasehold), although it also contains freehold land.

Commonwealth heritage advice

The main Department with s.30 obligations related to Norfolk Island is the Department of Transport and Regional Services. For example, the proposal to transfer land from Commonwealth ownership is an action that might have a significant adverse effect on national estate values and has led to referrals to the AHC for comment. The Administrator of Norfolk Island, as a Commonwealth authority, also frequently refers proposals to the AHC for comment, particularly because of the decision-making roles that the Administrator has under the *Norfolk Island Act 1979* (Cth) and other legislation that may affect places in the RNE. For example, public reserves declared under the *Public Reserves Act 1997* (NI) are under the care and control of the Administrator, and many such reserves are included in the RNE.

In the last year, 50 pieces of formal s.30 advice on Norfolk Island matters were provided under the AHC Act. More than half were provided with respect to matters in the Kingston and Arthur's Vale Historic Area (KAVHA), but others related to proposals for RNE sites outside KAVHA, wider Commonwealth land management and public reserve plans of management. The AHC provides the majority of its advice to the KAVHA Management Board, the Office of the Administrator of Norfolk Island, and the Department of Transport and Regional Services.

Grants

Under the Commonwealth Cultural Heritage Projects Program (CHPP), incorporated non-profit bodies, private owners and local government authorities are eligible applicants, and the CHPP is open to eligible applicants on Norfolk Island. However, a difficulty is understood to be an absence of incorporation provisions on the Island, as non-incorporated associations are not eligible. Also, State/Commonwealth proponents are ineligible and the Norfolk Island Government is a State rather than local government body under CHPP. This means in

practice that only private owners of places on the Island, and a smaller group of non-government bodies incorporated on the mainland but with a presence on the Island, like church bodies, are eligible to apply for funding.

As Norfolk Island does not have its own territory heritage list, unlike mainland jurisdictions, the number of places for which funding might be sought under the CHPP is limited to those entered in the RNE. Also, as there is no operational territory based heritage system on the Island that could assist the development of proposals, and provide a framework for project management, difficulties arise in ensuring proposals can be achieved and to budget. Such a management framework can help to compensate for the Island's limited access to expertise for specialist projects due to its relative remote location. In addition, unlike mainland jurisdictions, Norfolk Island does not have a State government heritage grants program.

Through the Historic Shipwrecks Program, the Commonwealth administers the Historic Shipwrecks Act 1976 in cooperation with delegated agencies in the States, the Northern Territory and on Norfolk Island. The Director of the Norfolk Island Museum is one of the Minister's delegates under the Act. Funding is provided on an annual basis to delegated agencies to implement the Act and for projects to conserve and protect historic shipwrecks in Australian waters. Approximately \$400,000 is available through the Program each year, and over the last four years, four projects for Norfolk Island received \$46,458. The main focus of the funding is conservation of the HMS Sirius shipwreck and its relics.

Tourism

The 1997 Commonwealth Grants Commission report on Norfolk Island found that tourism is the largest industry on the Island. The Island's largest heritage areas, the Kingston and Arthur's Vale Historic Area (KAVHA) and the Norfolk Island National Park, are particular tourism drawcards.

The Norfolk Island local heritage and planning system

Unlike the statutory heritage systems that complement planning systems in all mainland States and Territories, Norfolk Island does not have a system to identify and manage heritage places, or an expert heritage body to advise on these matters. In the absence of this framework, the current Norfolk Island Plan (NI Plan 1996) places some reliance on the existing Commonwealth heritage system. For example, the Plan's conservation policy states that actions affecting places in the Register of the National Estate (RNE) should accord with advice of the Australian Heritage Commission (AHC). It also states that places of cultural significance should be protected from the impacts of adjacent development. To practically implement such heritage protection, mainland systems typically link the planning and development approvals process with a heritage process. While the NI Plan 1996 appears to create such a linkage, it does not do so. That is, while the Plan states that planning approval under the Heritage Act 1996 (NI) is required for activity that substantially affects a heritage item, the operative provisions of the heritage legislation have never come into force.

A revised draft Norfolk Island Plan and associated planning legislation, including a Heritage Bill 2002, is currently being considered by the Norfolk Island Legislative Assembly. The package has some problems. For example, it does not set out criteria to assess heritage nominations, or establish an expert heritage council, or include associated regulations. A council would be needed to assess heritage register nominations and comment on development applications that may affect heritage values. Such heritage councils exist in all

mainland States and Territories and are resourced to provide assessments for State or Territory listing of heritage places, and to advise on development applications that might adversely affect the heritage values of heritage places. The work of heritage councils is underpinned by State heritage agencies, and often by local government heritage listings and a network of local heritage advisers resourced by government. The Australian Heritage Commission has provided comments on the proposals, and has offered to assist the Norfolk Island Government to develop a Norfolk Island heritage system.

THE PROTECTION AND MANAGEMENT OF THE KINGSTON AND ARTHUR'S VALE HISTORIC AREA (KAVHA)

Numerous studies have acclaimed KAVHA as a place of local, national and international significance, including the 1995 Study of World Heritage Values – Convict Places. It contains the only known site of prehistoric Polynesian settlement in Australia. Its cultural landscape, including buildings and other evidence of settlement in 1788-1814 and 1825-1855, is an outstanding example of the development of global convict transportation. Its place in Australia's earliest European settlement, its association with the HMS Bounty history and settlement by the Pitcairners from 1856, as well as other historic, archaeological, aesthetic, social and scientific values, contribute to the heritage importance of KAVHA.

While the heritage values of KAVHA were recognized by its entry in the RNE, in a 1998 referendum the Norfolk Island community declined to participate in a nomination of Australian convict sites for inscription on the World Heritage list. However, KAVHA may be considered for inclusion in the National Heritage list if the heritage amendments to the EPBC Act are passed.

Legislative regime for KAVHA Commonwealth land and freehold land

KAVHA covers approximately 250 hectares and its tenure is predominantly Crown land (including reserves and leasehold), although it also includes freehold land. The AHC Act applies to actions and decisions by Commonwealth agencies, like DOTARS and the Administrator of Norfolk Island, but not to actions by, for example, individual freeholders who own a fifth of KAVHA.

When the heritage amendments to the EPBC Act are passed and the AHC Act is repealed, RNE places in Commonwealth areas could then be included in the Commonwealth List. Heritage protection of these places will rely on sections 26, 27A and 28 of the EPBC Act.

The Norfolk Island Plan 1996 generally prohibits development within KAVHA that is not consistent with the KAVHA Conservation Management Plan (CMP). For proposals in the visual setting of KAVHA, it also requires special consideration to be given to siting and landscaping, in conjunction with a KAVHA Management Board (KMB) approval. These provisions usually, but not always, result in referral of applications affecting KAVHA by the NI Planning Board to the KMB for comment.

The revised draft Norfolk Island Plan of 2002 would require referral to the KMB of applications for development within KAVHA. However, unlike the existing Plan, it does not require the referral of development applications for lands surrounding KAVHA, that might affect its heritage values, to the KMB for comment.

The MOU, KAVHA Management Board and CMP

In view of the importance of KAVHA, the fact that it comprises both Commonwealth and freehold land, and is of great interest to both the Commonwealth and the Norfolk Island Government, a Memorandum of Understanding (MOU) between the Commonwealth and Norfolk Island Governments established the KAVHA Management Board (KMB) in 1989. Key objectives of the Board are to coordinate the Governments' interests in KAVHA and advise the Governments and Administrator on care and control of KAVHA. A primary function is to provide advice on the management of KAVHA in accordance with the KAVHA Conservation Management Plan (CMP) of 1988.

The CMP is currently being reviewed by the Board, which comprises 2 Commonwealth and 2 Norfolk Island Government representatives. The AHC is currently represented on the KMB.

Given the joint government responsibilities for the area, joint management arrangements would continue to be needed to appropriately manage the heritage values of KAVHA as a whole. However, the current MOU is now outdated and needs to consider the new heritage regimes if KAVHA and its setting are to be protected holistically.

Funding

The Commonwealth, through DOTARS, has contributed annually to funding of a conservation works program in KAVHA that helps its conservation, interpretation and sustainable use.

Tourism

KAVHA is probably the most important and frequented tourist destination on Norfolk Island, and is therefore extremely important to the Island economy. The KMB has developed a KAVHA Business Plan that recognises the need for high level management, consistent with the KAVHA CMP, of KAVHA's heritage and tourism profile and reputation. The KMB has also established very high quality historical research and signage to interpret, present and promote KAVHA's heritage values to the community and visitors.

7.0 THE COMMONWEALTH / NORFOLK ISLAND LAND INITIATIVE

On 9 June 2000, Senator Macdonald in his capacity as the former Minister for Regional Services, Territories and Local Government announced at the biannual Inter-Government Meeting with the Norfolk Island Government, a Commonwealth / Norfolk Island Land Initiative which would see the withdrawal of the Commonwealth from ownership of Crown land on Norfolk Island held as:

- residential leasehold and rural residential leasehold, which would be offered to lessees as freehold title on payment of an appropriate consideration; and
- rural leasehold, which would be transferred to the Norfolk Island Government.

In announcing the Land Initiative, the Commonwealth had indicated that those lands under its ownership forming part of the Kingston and Arthur's Vale Historic Area (KAVHA) would

not be included in the land transfer due to the Area's heritage importance. Crown Reserve land would also be excluded from the Initiative.

In relation to the Norfolk Island National Park and the Botanical Gardens, the Commonwealth is of the view that although their divestment to the Norfolk Island Government may become a matter for discussion in the future, such a divestment would not proceed at this time.

The Commonwealth, in outlining the Land Initiative, stipulated that the transfer of Crown land was dependent upon the Norfolk Island Government completing a number of prerequisite conditions, including a co-operative review of the Norfolk Island Plan, the preparation of Plans of Management for Public Reserves, and the implementation of the Island's local heritage regime. The Department and the AHC have to-date given comment on the draft revised Norfolk Island Plan, and the draft Plans of Management for some of Norfolk Island's Public Reserves.

The Norfolk Island Government is yet to fully establish and make operational its own legislation to protect heritage on the Island. The Australian Heritage Commission has offered assistance to the Norfolk Island Government on a number of occasions to help in the development and implementation of such a regime.

Decisions related to the transfer of those portions of land which contain places included in the Commission's Register of the National Estate (RNE), such as Anson Bay Poil Shorthorn Stud Area and the Anson Point Nesting Ground, may be subject to the operation of the *Australian Heritage Commission Act 1975* (AHC Act).

In response to a s.30 referral by DoTaRS under the AHC Act, the AHC advised DoTaRS on 30 November 2000 that three portions proposed for disposal were in two RNE places at Anson Bay, and some 66 portions were located within one or more of the places nominated to the RNE. The nominated areas on Norfolk Island include nine cultural landscape areas nominated in 1996. The assessment of these nominations was not progressed by the AHC on the basis that a better conservation outcome would be achieved by conducting a joint assessment with the Norfolk Island once the Norfolk Island heritage regime was set in place.

The AHC also advised that documentary studies suggested that there are, or are likely to be, heritage values on lands that have been neither registered nor nominated. The AHC advised in May 2000 and November 2000 that the divestment process for Commonwealth property should include assessment of natural and cultural heritage values, appropriate conservation planning and protection of identified values through an operational Norfolk Island heritage regime.

To ensure the provision of ongoing protection for environment and heritage values following the disposal of Commonwealth property under the Land Initiative, particularly in the absence of a fully operational and effective Island heritage system, consideration is being given to the possible use and effectiveness of applying conservation mechanisms, such as covenants and conservation agreements, to land proposed for transfer.

The Minister for the Environment and Heritage has indicated on a number of occasions that he does not consider it appropriate to undertake the divestment of Commonwealth land with significant heritage values until the Commonwealth can be certain that the Norfolk Island Government has in place an appropriate regulatory heritage regime. He has noted a particular concern that the Norfolk Island Government is yet to fully establish and make operational its

own heritage legislation, observing that this legislation would also enhance access to funding assistance under the CHPP and that the AHC had offered assistance to develop the system.

Officers from both the Department of the Environment and Heritage and the Department of Transport and Regional Services with specialist knowledge of Norfolk Island are working collaboratively to ensure that the transfer proceeds in a manner which protects the important natural and cultural heritage values of Norfolk Island.

8.0 METEOROLOGICAL AND RELATED SERVICES

The Bureau of Meteorology, under the authority of the *Meteorology Act 1955*, provides meteorological and related services for the Islands. In support of the Bureau's Australia-wide observation network, staff are stationed at Norfolk, Christmas and Cocos (Keeling) Islands. The Bureau operates as a self-contained agency within the Environment and Heritage Portfolio.

The Bureau provides the Island communities (Christmas Island, Cocos (Keeling) Island and Norfolk Island) with a range of meteorological observation, forecast and warning services. These services include:

- Public weather forecast information.
- Maritime forecasts and Gale/storm warnings for shipping.
- Tropical cyclone advice and warning information.
- Forecasts in support of aviation activities.

CHRISTMAS ISLAND

The Bureau's Meteorological Office is located beside the 'arrivals' lounge in the main terminal building. In addition, a meteorological observing site was established next to the airstrip in 1985. The Christmas Island Administration (CIA) provide the office space for the Meteorological Office, however there is no lease and no formal tenure for any Bureau interests on Christmas Island.

The Bureau has one employee on the island, who is provided with a house by the CIA. The meteorological observation station is equipped with an automatic weather station plus ceilometer, visibility meter and cloud base searchlight.

The Bureau's activities on Christmas Island include:

- Environmental monitoring in support of tropical cyclone watch and forecast responsibilities.

- Routine support for day-time aviation activity plus night-time operations on request. The recent increase in airborne coastal surveillance has increased RAAF, Navy and Coast Watch air traffic.
- Rainfall measurement. Four Bureau-supplied rain gauges and data loggers are located on Island Administration land in support of local environment issues such as land slip warnings and water supply monitoring.

It is likely that upcoming Spaceport operations will also require upper air information. Upper air soundings by balloon will require local generation of hydrogen gas and would use environmentally clean techniques.

COCOS (KEELING) ISLAND

The Bureau of Meteorology maintains a meteorological facility and associated staff housing on Cocos Island. Bureau operations on the island began in the 1940s and the current Meteorological Office was built in 1978. Tenure at this site is linked to agreements made in the mid-1970s when the property was handed over to the Department of the Special Minister of State.

There are two weather observing staff (with their families) living in Bureau-owned housing. These houses were purchased from the Cocos Island Administration a few years ago. The houses are some fifty years old and housing replacement is programmed over the next two years.

The Bureau's activities on Cocos Island/s include:

- Monitoring in support of aviation operations, tropical cyclone watch and forecast responsibilities.
- Meteorological monitoring. The station is equipped with an Autosonde incorporating its own automatic weather station, plus ceilometer, visibility meter, cloud base searchlight and standard set of meteorological instrumentation as per mainland sites.
- Rainfall measurement. There are two locations, one on each of West Island and Home Island, with Bureau-supplied rain gauges, which are read daily by local residents.
- Radiosonde flights as part of the GCOS Upper-Air Network (GUAN), a programme of the World Meteorological Organization.
- Operation of a monitoring station for the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) as part of the Comprehensive Nuclear Test Ban Treaty (CTBT).

- Assistance with geodetic survey programmes of the former Australian Geophysical Survey Organisation, now known as Geoscience Australia.
- The generation of hydrogen gas for weather balloons. The gas is generated by an 'Electrolyser' fitted with waste-water collection and neutralisation processing facility before local discharge.

NORFOLK ISLAND

The Bureau of Meteorology has had a presence on Norfolk Island since 1939. The Bureau maintains a staffed meteorological facility and is in the process of constructing a new facility at the airport.

The Bureau provides housing for its staff of four weather observers, and their families, on the island. The Bureau owns one of these sites and the other sites are leased from the Norfolk Island Administration Board. The Bureau intends to build two houses as part of its replacement program during this financial year (2002-03).

The Bureau's activities on Norfolk Island include:

- Monitoring in support of aviation operations, tropical cyclone watch and forecast responsibilities.
- Manual radiosonde and wind-tracking balloon releases.
- Operation of a combined wind-finding and weather-watch WF100 radar.
- Rainfall measurement. Bureau-supplied rain gauges are located at three sites and read daily by local residents.
- Radiosonde flights as part of the Global Climate Observing System (GCOS) Upper-Air Network (GUAN), a programme of the World Meteorological Organization.
- A surface air-sampling programme, commencing in 2002-03, as part of the Remote Atmospheric Measurement Project (RAMP) under the auspices of the US Department of Energy.
- The generation of hydrogen gas for weather balloons. The gas is generated by an 'Electrolyser' fitted with waste-water collection and neutralisation processing facility before local discharge.

End of Submission

ATTACHMENT A

**Places entered or nominated for entry in the
Australian Heritage Commission
Register of the National Estate
on**

Christmas Island and Cocos (Keeling) Islands

**Australian Heritage Commission
Register of the National Estate Database**

Page 1

Christmas Island and Cocos Keeling Island Places

DB No	File No	Status	Name of Place	Nearest Town
101124	9/04/001/0022	03-60	Administration Building Forecourt	Cocos (Keeling) Isl...
101130	9/04/001/0028	03-60	Captain Ballards Grave	Cocos (Keeling) Isl...
101129	9/04/001/0027	03-60	Co-op Shop	Cocos (Keeling) Isl...
101121	9/04/001/0019	03-83	Direction Island (DI) Houses	Cocos (Keeling) Isl...
101128	9/04/001/0026	03-60	Early Settlers Graves	Cocos (Keeling) Isl...
101119	9/04/001/0017	03-83	Government House	Cocos (Keeling) Isl...
101126	9/04/001/0003	03-60	Home Island Cemetery	Cocos (Keeling) Isl...
101131	9/04/001/0029	03-60	Home Island Foreshore	Cocos (Keeling) Isl...
101125	9/04/001/0023	03-60	Home Island Industrial Precinct	Cocos (Keeling) Isl...
016458	9/04/001/0005	03-60	North Keeling Island	Cocos (Keeling) Isl...
016876	9/04/001/0004	03-60	Oceania House and Surrounds	Cocos (Keeling) Isl...
101110	9/04/001/0009	03-60	Qantas Huts (former)	Cocos (Keeling) Isl...
101111	9/04/001/0010	03-60	RAAF Memorial	Cocos (Keeling) Isl...
101116	9/04/001/0014	03-84	Sergeants Mess Memorial	Cocos (Keeling) Isl...
101134	9/04/001/0031	03-60	Six Inch Guns	Cocos (Keeling) Isl...
101132	9/04/001/0030	03-60	Slipway and Tank	Cocos (Keeling) Isl...
101122	9/04/001/0020	03-83	Type 2 Residences	Cocos (Keeling) Isl...
101123	9/04/001/0021	03-83	Type T Houses Precinct	Cocos (Keeling) Isl...
101120	9/04/001/0018	03-83	West Island Elevated Houses	Cocos (Keeling) Isl...
101138	9/04/001/0032	03-60	West Island Housing Precinct	Cocos (Keeling) Isl...
101115	9/04/001/0013	03-60	West Island Mosque	Cocos (Keeling) Isl...
018575	9/03/001/0011	03-60	Bungalow 702	Drumsite
018571	9/03/001/0005	03-60	Drumsite Industrial Area	Drumsite
018577	9/03/001/0009	03-60	Phosphate Hill Historic Area	Poon Saan
018574	9/03/001/0006	03-60	Poon Saan Group	Poon Saan
013658	9/03/001/0002	03-60	Administrators House Precinct	Settlement
006143	9/03/001/0001	03-60	Christmas Island Natural Areas	Settlement
018572	9/03/001/0007	03-60	Industrial and Administrative Group	Settlement
018573	9/03/001/0008	03-60	Malay Kampong Group	Settlement
018509	9/03/001/0004	03-60	Settlement Christmas Island	Settlement
018576	9/03/001/0010	03-60	South Point Settlement Remains	South Point

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... End Of Report ...

ATTACHMENT B

Places entered or nominated for entry in the

Australian Heritage Commission

Register of the National Estate

on

Norfolk Island

Register of the National Estate Database Norfolk Island RNE Listed Places (Status 03-)

DB No	File No	Class	Status	Name of Place	No.	Street	Nearest Town
013637	9/00/001/0002	Historic	03-60	Kingston and Arthurs Vale Conservation Area		Quality Row	Kingston
013639	9/00/001/0004	Historic	03-60	Cascade Agricultural Settlement Site		Cascade Rd	Cascade
013640	9/00/001/0005	Historic	03-60	St Barnabas Church Area		Bay Rd	Burnt Pine
013641	9/00/001/0006	Natural	03-60	Mount Pitt Reserve Conservation Area		Mount Pitt Rd	Burnt Pine
013642	9/00/001/0007	Natural	03-60	Anson Bay Reserve		Anson Bay Rd	Burnt Pine
013643	9/00/001/0008	Natural	03-60	Selwyn Reserve		Anson Bay Rd	Burnt Pine
013644	9/00/001/0009	Natural	03-60	Hundred Acres Reserve & Escarpment		New Farm Rd	Longridge
013645	9/00/001/0010	Natural	03-60	Crystal Pool Reserve & Escarpment		Rocky Point Rd	Longridge
013646	9/00/001/0011	Natural	03-60	Bumbora Reserve & Adjacent Area		Bumbora Rd	Longridge
013647	9/00/001/0012	Natural	03-60	Bucks Point Reserve & Escarpment		Martins Rd	Kingston
013648	9/00/001/0013	Natural	03-60	Two Chimneys Reserve & Escarpment		Two Chimneys Rd	Middlegate
013649	9/00/001/0014	Natural	03-60	Quarantines and Cascade / Phillipsburg Site		Cascade Rd	Cascade
013650	9/00/001/0015	Natural	03-60	Anson Point Nesting Ground		Anson Bay Rd	Kingston
013651	9/00/001/0016	Natural	03-60	Phillip Island			Kingston
013652	9/00/001/0017	Natural	03-60	Nepean Island			Kingston
013653	9/00/001/0018	Natural	03-60	Anson Bay Poll Shorthorn Stud Area		Anson Bay Rd	Burnt Pine
013638	9/00/001/0003	Historic	03-60	Longridge Agricultural Settlement Site		Rocky Point Rd	Longridge
103650	9/00/001/0034	Historic	03-05	Kingston and Arthurs Vale Commonwealth Tenure Area		Quality Row	Kingston

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... End Of Report ...

Register of the National Estate Database Norfolk Island - nominated to RNE (01-) or identified (07-)

DB No	File No	Class	Status	Name of Place	No.	Street	Nearest Town
014484	9/00/001/0019	Natural	01-01	Crown Lease 51B		Collins Head Rd	Kingston
014893	9/00/001/0020	Historic	07-09	Aunt Amys and Clothing Club		Collins Head Rd	Kingston
014896	9/00/001/0021	Historic	01-02	Orange Grove		New Farm Rd	Longridge
014897	9/00/001/0022	Historic	01-05	Queensborough Site		Douglas Dr	Burnt Pine
014898	9/00/001/0003	Historic	01-02	Longridge Agricultural Settlement Extension Area		Rocky Point Rd	Longridge
014899	9/00/001/0004	Historic	01-02	Cascade Station		Cascade Rd	Cascade
014900	9/00/001/0014	Historic	01-02	Phillipsburgh and Cascade Landing Sites		Cascade Rd	Cascade
019130	9/00/001/0023	Historic	01-01	HMS Sirius Shipwreck			Kingston
019466	9/00/001/0024	Natural	01-01	Norfolk Island Botanic Garden		Mission Rd	Burnt Pine
100945	9/00/001/0025	Natural	01-02	Norfolk Island Coastline			Kingston
100946	9/00/001/0027	Historic	01-02	Red Road Cascade Area		Red Rd	Cascade
100947	9/00/001/0026	Historic	01-02	Ball Bay Landscape		Marshs Rd	Kingston
100948	9/00/001/0028	Historic	01-02	Steels Point Landscape Area		Stockyard Rd	Cascade
100949	9/00/001/0029	Historic	01-02	Bloody Bridge Landscape Area		Driver Christian Rd	Kingston
100950	9/00/001/0030	Historic	01-02	Western Landscape Area		Headstone Rd	Burnt Pine
100951	9/00/001/0031	Historic	01-02	Duncombe Bay Landscape Area		Anson Bay Rd	Burnt Pine
100952	9/00/001/0032	Historic	01-02	Bumboras Landscape Area		Bumbora Rd	Longridge
100953	9/00/001/0033	Historic	01-02	Mission Road Landscape Area		Mission Rd	Burnt Pine

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... End Of Report ...