

PEAK ENVIRONMENTAL ENTERPRISES

and CONSERVATION CENTRE OF AUSTRALIA

90/113 Boyds Road Hurstbridge 3099
Ph (03) 9718 2998 Fax (03) 9718 1059 ABN 61 057 585 968

23rd February 2001

Andrea Griffiths
Secretary
Senate Environment, Communications Information Technology and
the Arts Legislation Committee
The Senate Parliament House
Canberra ACT 2600

Dear Secretary

Environment Bills Enquiry

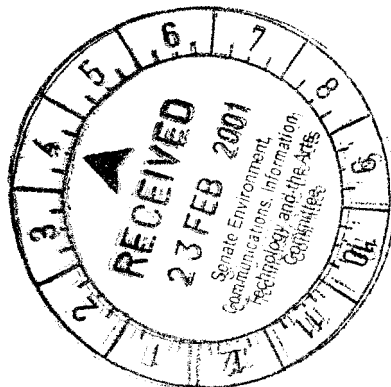
Thank you for your letter of 19th February, 2001 about the forthcoming hearing in connection with the heritage bills

I have noted the date and time for my evidence by teleconference. My telephone number for this purpose is (03) 9718 2998.

I attach my additional submission; faxed now and also posted (with the witness form).

Yours sincerely

Geoff Mosley



Addition to Submission w Senate ECITA Reference Committee
Inquiry into Environment and Heritage Bills

1. Introduction This further submission is concerned largely with the opportunity which the clause 324D (6) of the Environment and Heritage Legislation offers for improving the protection of the national heritage. This clause states that "the Minister may, by publishing a notice in accordance with the regulations, invite nominations of places within a specified theme". Read in conjunction with 324B (3), which states that "The National Heritage List must specify the national heritage values for which a place is included in the National Heritage List", the amendment would provide for the establishment of national systems of heritage places classified according to their main values.

2. Amongst the themes which could be used for this purpose. are: wilderness, wild rivers, cultural landscapes, significant coastlines, significant vegetation types (e.g eucalypts). In each case a considerable amount of information has already been assembled on a national basis and this could be readily used to assist the thematic classifications. The federal Government has already indicated an interest in using this thematic provision of the legislation. At the 27 November- 2 December, 2000 World Heritage Committee meeting in Cairns the delegate of Australia told the meeting that "... the identification of places representing the evolution. of eucalypts would be an appropriate early theme for assessment ...". Report of World Heritage Committee, Twenty-fourth session). For this submission I will limit my comments to the example of wilderness.

3. Wilderness: The Opportunity to Establish a National Wilderness System. Conservation organisations and official reports have long called for the establishment of a national wilderness system. This would give recognition to the special and varied values of wilderness across the nation and assist planning and coordination without changing either the legal status or the arrangements for administration. All states and internal territories have established wilderness reserves. Wilderness is already recognised as a criterion (BI) for the Register of the National Estate and the relevant pages from the criteria are attached (Appendix 1).

4. The National Wilderness Inventor and Support for A National Wilderness System. The idea of a national wilderness system was originally put forward by the Australian Conservation Foundation in 1975 in its publication Wilderness Conservation Protecting an Essential Freedom. It was endorsed and further developed at a series of national wilderness conferences held in 1977, 1979, 1983 and 1993. The latter two conferences also supported the compilation of an official Australian. inventory of wilderness 'areas. The resolutions from these conferences were adopted by the Council of the Australian Conservation Foundation. In 1986 the ACF commissioned a report by Prineas, Lembit and Fisher which was published with the title Australia's Wilderness An Inventory. In 1987 Sinclair in a report to the Department of Arts, Heritage and Enviroment recommended the establishment of a National Program for Wilderness Preservation. In the same year the National Environmental Law Association called for Commonwealth wilderness legislation- In 1991 the Colong Foundation published the

Wilderness Red Index (by 2001 it had been twice updated). In a 1992 report Wilderness in Australia Issues and Options prepared for the Department of Arts Sport, the Environment and Territories Robertson, Vang and Brown canvassed a number of different ways of establishing a national wilderness system including National Estate listing of wilderness areas and the development by a Commonwealth agency of a "Register of Australia's Wilderness Areas". The report contains detailed suggestions on the legislation and the register idea.

5. The Australian Heritage Commission began to carry out surveys of wilderness quality for the National Wilderness Inventory of Australia (NWI) in 1986. The NWI is a digital data base that can be used to produce maps of wilderness quality. They show the general location and extent of land that could be protected as wilderness but do not delineate boundaries for potential wilderness reserves. In July, 1989 Prime Minister, Bob Hawke in his statement on the environment said funding for the programme would be increased to allow rapid completion of the Inventory. In 1992 most States and Territories endorsed the National Forests Statement which inter alia agreed to the protection of forest wilderness. In December, 1992 Prime Minister, Paul Keating announced the Commonwealth's commitment to establishing a national system of parks and reserves (the national reserves system). In his election statement of March, 1993 Paul Keating promised further expenditure to "identify and encourage protection of near pristine rivers and to complete and maintain the National Wilderness Inventory". Also in 1993, the Fourth National Wilderness Conference urged the completion of the inventory for a number of reasons including "as one of the information sources in establishing a National Wilderness Protection System". In June, 1995 Minister for Environment, John Faulkner at a launch to mark the completion of the wilderness quality assessment across the nation said that while the original intention was to enable the Australian Heritage Commission to "consistently identify wilderness areas for inclusion on the Register of the National Estate" it had become a "multi-purpose conservation tool".

6. In its submissions on the annual federal budget in 1994-1996 the ACF called for the Commonwealth to take specific action to establish a National Wilderness Protection System. Its 1995/96 submission called for the expenditure of \$6 million on this Program over 3 years envisaging that it would include the setting up of a special federal wilderness unit. The 1995/96 budget allocated the sum of \$4 million for a Wilderness and Wild River Program, the Minister saying that it would perform a number of functions including "see(ing) increased entries on the National Estate ... and increas(ing) community awareness of the .. importance of wilderness". Between 1995 and 1999 a Wilderness and Wild Rivers Section carried out wilderness delineation work as part of the Commonwealth Wilderness Program (CWP). This was aimed at both updating the NWI data and putting lines on maps to delineate wilderness. This was done for all parts of Australia except Western Australia and the resulting information is more precise, more up to date and more useful for wilderness protection purposes than the NWI wilderness quality maps. For instance it confirmed the larger wilderness area at Wilsons

Promontory National Park indicated by a 1996 RFA survey. It is understood that the resource base created by the CWP work constitutes over a thousand maps

7. In September, 1996 new Environment Minister, Robert Hill launched the result of a July, 1996 Roy Morgan Survey carried out for the Australian Heritage Commission which showed 99% support for roadless wilderness areas and said that the \$1 billion National Heritage Trust would provide for the building of the national reserve system and for protecting wilderness and wild rivers. The Roy Morgan Survey also showed that 72% of respondents agreed or strongly agreed that it "is important to spend money on wilderness areas even if they are seldom visited". In the period between 1997 and 2000 most of the focus was on the comprehensive regional assessments carried out prior to the entering into regional forest agreements. In some cases the RFA work on wilderness showed that the earlier inventory work had underestimated the extent of wilderness. An example was Wilsons Promontory National Park where an additional 11,000 hectares of wilderness was `found` through the RFA work. The National Reserve System was developed with the main emphasis being on gaining better representation of each of Australia's 80 biogeographic regions. The NWI has now been renamed the Australian Land Disturbance Database (ALDD). This data base is operated by ERIN (the Environment Australia data base section.) but it is not being kept up to date. Unfortunately, the more up to date material from the CWP has not been entered onto the ALDD. The Wilderness Wild Rivers Section was disbanded in June, 1999 when funding finished.

8. Conclusion Concerning Wilderness and Thematic Listing As stated, wilderness is a criterion for entry on the Register but very few areas have been entered onto the Register for their wilderness value and in the case of some areas of high wilderness quality that are listed (e.g Wilsons Promontory National Park) there is no mention of wilderness in the significance statement. The National Reserve System has not recognised wilderness areas as being a separate class of heritage places with distinctive values. Wilderness protection, as with other specified types of conservation such as the protection of the coast has strong public support. Both major parties supported the work in the 1990s although the Wilderness and Wild Rivers Section had to cease its work when funding was discontinued in 1999. The proposed provisions for theme based nominations and specified values provides scope for these omissions with regard to wilderness to be remedied.

An enormous amount of research material collected at considerable expense can readily be used on wilderness, the coast, eucalypts and and other important themes.

9. It would make the intention of thematic classification clearer if a new clause (4) was added to 324B as follows:

(4)The National. Heritage List may group national heritage places by specified themes.

10. The regulations specifying the criteria for national heritage places have not yet been published. It is important that the

regulations include a list of specified themes to which persons or bodies making nominations (324H (6) can refer and that this list includes specific mention of wilderness and wild rivers.

9. Limiting Heritage Assessments to Matters of Value In my first submission (items 4, 5 and 7B) I referred to the problem experienced by the Australian Heritage Commission in resisting pressure to consider matters other than heritage values when making assessments of nominated properties. I argued for specific provision to be made for this in the new legislation. I have now noted that there is such a provision (324F (3) in the Environment and Heritage Legislation Amendment Bill (No.2) 2000. This is very welcome since it should provide protection for the Heritage Council against pressures from persons, bodies and Governments with an interests other than Heritage protection. As the ACF said in writing about one of these cases "it is important that the Australian Heritage Commission list areas strictly on the objective basis of whether or not they meet the criteria". If this legislation is not passed it would be useful for the Australian Heritage Commission Act to be amended by the inclusion of a similar clause.

Geoff Mosley

23rd February, 2001

**CRITERIA FOR THE
REGISTER OF THE NATIONAL ESTATE:**

APPLICATION GUIDELINES

**AUSTRALIAN HERITAGE COMMISSION
APRIL 1990**

CRITERION B:

ITS POSSESSION OF UNCOMMON, RARE OR ENDANGERED ASPECTS OF AUSTRALIA'S NATURAL OR CULTURAL HISTORY

B.1 Importance for rare, endangered or uncommon flora, fauna, communities, ecosystems, natural landscapes or phenomena, or as a wilderness.

Explanatory notes

This criterion applies to aspects of the natural environment which are rare or relatively rare. Places may include geological formations, landforms or biota which are rare at any scale from regional to international. Relative significance will depend on both abundance and distribution of the relevant feature or phenomenon.

Places may be eligible under this criteria by virtue of a rare combination of characteristics of its class or type or by its superlative status on a particular characteristic (e.g. highest, hilt, deepest, oldest, youngest, etc). Caution should be exercised in assessing the significance of any comparisons made. For example, the site of the world's tallest hardwood, if substantiated, may be regarded as significant, but the world's tallest example of any other particular hardwood species probably would not.

This criterion will include those environmental features or phenomena:

- in which the whole type is rare or uncommon;
- which, although the type may be relatively abundant, are demonstrably among the few of the type which can be regarded as of outstanding, significance, i.e. at least national significance.

Wilderness is considered under this criterion as a rare and endangered aspect of the Australian environment. Relative wilderness quality is established by reference to the following attributes:

- remoteness from access;
- remoteness from settlement;
- biophysical naturalness; .
- aesthetic naturalness;
- size and shape. .

Wilderness quality can be assessed on a continuum from nil to very high. Thresholds for various specific criteria can be established to take account of regional variation, particularly minimum size.

Scope

General

- Any environmental feature or phenomenon which is one of the few of its type which can be regarded as 'outstanding'.

Climate

- Rare or uncommon evidence of one or more glacial features;
- Rare or uncommon evidence of former shorelines.

Geological

- Rare or uncommon one or more geological features - rock type and composition, sequences/unconformities;
- Rare or uncommon one or more fossils.

Landform

- Rare or uncommon one or more landforms.

Biological/Ecological

- Rare or uncommon associations, assemblages or communities;
- Habitats of rare or uncommon flora and fauna species or populations.

Landscapes

- Rare or uncommon landscape (i.e combination 'of or interrelationship between other environmental factors).

Wilderness

- Areas in any bioclimatic zone or in any topography which are assessed as attaining a threshold level of wilderness quality against the criteria above. The wilderness concept is also relevant to marine areas, but little methodological work has been carried out.

Inclusion guidelines

Places may be eligible if the rarity is a natural phenomenon or if it is the result of human activities, ie. areas of remnant vegetation may be eligible.

The rarity of phenomena will be judged in the context of similar phenomena, elsewhere in the region, State, nation or internationally. Clearly, phenomena rare at national level have greater significance than those rare at regional level.

Places with phenomena, uncommon or rare in one State would be registered on this criterion if their distribution or frequency is restricted in other States.

Habitats of species of flora and fauna, the rarity status of which is documented by recognised references or after adequate survey (e.g. rare plants: Leigh et al; rare fauna IUCN Red Book)

Places in which a previously undescribed species, attribute or phenomenon occur, but such registrations may be subject to review if subsequent information indicates the species, attribute or phenomenon. is not rare or uncommon, but merely poorly recorded

Places with features or phenomena which are regarded, without doubt, as being 'outstanding' and a rare example by virtue of its widespread recognition.

Exclusion guidelines

Habitats of locally endangered species are not eligible unless highly disjunct (Criterion A1).

Places with a phenomenon rare in one State would not be registered if it is plentiful in other States, unless highly disjunct or otherwise atypical (in which case Criterion A1 Would apply).

Places with a phenomenon uncommon or rare in one region would not be registered if its distribution or frequency is restricted in other regions, unless rare or very rare in its several locations.

Habitats of species whose status is not established at the level of rarity claimed (e.g. rare at State level) by recognised references or systematic survey at an appropriate level of resolution should not be registered.

Places with features or phenomena claimed to be 'outstanding' are not eligible under this criterion if there is any doubt, but may be assessed against other criteria appropriate to the significance of the features or phenomena:

Places claimed to be representatives of features or phenomena are not eligible under this criterion.

Examples of places which are or might be registered using this criterion.

Climate

- Mt Bellenden Ker (Qld) - rare perennially cool moist climatic regime in the tropics.

Geological

- Wolf Creek Meteorite Crater (WA) - meteorite impact site.
- East Cave (Tas.) - longest cave in Australia.
- Anne-A-Kananda Cave (Tas.) - deepest cave in Australia.

Landform

- Bungle Bungle Range (Purnululu) (WA) - outstanding example of sandstone tower landscape.
- Ulura (Ayers Rock-Mt Olga) (NT) - outstanding example of monolith.

Biological/Ecological

- Barrow Island (WA) - habitats of rare species.

Landscapes

- Uluru (Ayers Rock-Mt Olga) (NT) - monolith in arid dunefields.

Wilderness

- South West Tasmania -
- Kosciusko-Namadgi National Parks (NSW/ACT).
- Big Desert Wilderness (Vic.).
- Tanami Desert (NT)
- Prince Regent River Nature Reserve (WA).
- Great Sandy Desert (WA).
- Australian Antarctic Territory.

NOTE: Caution must be exercised at all times with regard to the information provided about the location of rare features which are vulnerable to unregulated collection. This applies in particular to rare plants and fossils.