



25 August 2006

The Secretary,
Senate References Committee
Environment, Communications, Information Technology and the Arts
PARLIAMENT HOUSE
CANBERRA ACT 2600

Dear Dr. Dewar,

RE: Inquiry into Australia's National Parks, Conservation Reserves and Marine Protected Areas

Attached is a **supplementary submission** by The Wilderness Society containing comments, as requested by the Committee, on some of the issues raised in the Snowy Mountains Bush Users group submission.

Yours sincerely

Virginia Young
National Strategic Campaigns Coordinator

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Comments from The Wilderness Society Inc on issues raised in SMBUG submission

The Senate ECITA References Committee requested comments from The Wilderness Society on issues raised in the Snowy Mountains Bush Users Group submission to the "National Parks" inquiry, in particular that of access relating to horse riding and motorized recreational transport.

The Society would also like to make a few brief comments on issues relating to wilderness protection.

1. Values and Objectives

SMBUG contends that "conservation, heritage and recreation" should be given equal weight in the management of the Kosciuszko National Park (KNP) and conservation should not be favoured to the detriment of heritage and recreation (SMBUG p2).

However, the primary purpose of national parks **is** nature conservation – this is particularly true in this day and age when threats to the future of many plant and animal species are increasing faster than our current ability to mitigate them. Recreation is an important, but **secondary** purpose of national parks, and only when such recreational activities are compatible with the primary purpose.

SMBUG take particular issue with wilderness gazettals, and contends that these have been enacted with little thought (SMBUG p2). This is incorrect.

Each proposed wilderness area was subject to:

- systematic scientific processes under the NSW Wilderness Act;
- the use of the internationally-acknowledged National Wilderness Inventory methodology and the procedures of the Australian Heritage Commission's Commonwealth Wilderness Program; as well as,
- extensive public consultation prior to determination of boundaries and subsequent gazettal. The community as a whole indicated support for the protection of wilderness values in KNP, and in doing so supported the preeminent role of managing highly intact landscapes for nature protection.

In addition, it should be stated that the Australian community values wilderness extremely highly (see Minister for the Environment's media release summarising Australian Heritage Commission wilderness survey results at Attachment 1).

2. Access

SMBUG contend that cultural sites in areas zoned as wilderness in KNP are unable to be accessed by "the aged, disabled, young and families, etc" (SMBUG, p3). This is also incorrect. The vast majority of people, for most of their lives, are capable of walking to such sites. Plenty of young people and families go bushwalking.

SMBUG also state that the NSW Government currently restricts their right of access to 57% of KNP (p6). Wilderness management prescriptions do no such thing. Access to **horses** is restricted; access to people remains 100%.

According to the NPWS, the new KNP Plan of Management acknowledges horse riding has a legitimate use within the park, and that horse riding will be allowed in all areas of the park where it was previously allowed, with the exception of two very small areas which were considered to be culturally or environmentally sensitive (see NPWS media release at attachment 2).

The Society understands that in other parts of KNP where access to horses is allowed, expenditure has been provided each year on trail maintenance and on installation of horse camps and road improvements to allow horse float access. Projects to be undertaken in the next five years include \$1 million to upgrade facilities for horse riders (see NSW Dept of Environment and Conservation media release at attachment 3).

In regards to the contention that horse riding in alpine areas is a “cultural heritage” issue, The Wilderness Society agrees with the Minister for the Environment’s recent decision that it is a **contemporary** recreation activity. (See Minister for the Environment Senator Ian Cambell’s decision on the request for emergency listing of the Kosciuszko and Snowy River National Parks on the National Heritage List, at attachment 4. Note in particular the highlighted sections numbered 24_33_51_57_59)

3. Economic value of National Parks

SMBUG contend on page 10 of their submission that land in the parks estate is “unproductive”.

This is patently not true. Protected areas are highly productive in nature and landscape conservation, clean air and water production, and low impact recreational opportunities – all of which tend to be low or non-existent on most private rural land. In addition national parks provide considerable tourism benefits and injection of funds from these activities to local communities and State Governments.

Attachment 1

Senator the Hon Robert Hill

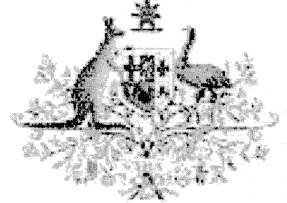
Leader of the Government in the Senate
Minister for the Environment and Heritage 1996 - 2001



Go back to: [Minister](#) > [2003](#) > [2002](#) > [2001](#) > [2000](#) > [1999](#) > [1998](#) > [1997](#) > [1996](#)

Media Release

Senator the Hon Robert Hill
Leader of the Government in the Senate
Minister for the Environment



Wild Rivers a Mainstream Issue

September 4, 1996

Federal Environment Minister Robert Hill has released the results of a new survey which indicates the strong attachment between the Australian people and our nation's wilderness and wild rivers.

The survey, commissioned by the Australian Heritage Commission (AHC), confirms that the overwhelming majority of Australians want to see action to conserve our wilderness and wild rivers.

Senator Hill says the survey confirms the importance of our natural heritage to the Australian people.

"Ninety nine per cent of people surveyed believe that wilderness should be conserved, while ninety seven per cent support the conservation of wild rivers.

"Ninety eight per cent of those interviewed consider that there is a duty to conserve wilderness for future generations, while eighty seven per cent believe that wilderness should be conserved for its own sake,

"Australians surveyed believe wilderness and wild rivers should be conserved to help maintain the variety of plant and animal species."

Senator Hill says a majority of respondents considered that Australia was not conserving enough wilderness and wild river areas.

"The \$1 billion Natural Heritage Trust will provide the long term funding base for building the national reserve system and for protecting wilderness and wild rivers,"

Senator Hill says the results also indicate Australia respect the cultural association of Aboriginal people with 'wilderness'.

"A majority of respondents considered indigenous people should be consulted on wilderness issues.

"Through the Commission's work we will ensure that indigenous perspectives are recognised and included in assessment and advice on wilderness Issues"

Senator Hill says the survey and its results form part of the AHC's Wild Rivers and wilderness projects.

Contacts: Senator Hill's Office, Matt Brown (06) 277-7640

Jane Morrison, Australian Heritage Commission (06) 217-2170

Highlights of Wilderness and Wild Rivers Research Results

Survey respondents (1059) were asked to say whether they agreed or disagreed with statements about wilderness and wild rivers (those rivers which remain largely undisturbed), The following are some of the highlights of these results set out in the table and drawn from *Wilderness and Wild Rivers Research*, prepared by Roy Morgan Research for the Australian Heritage Commission:

Values of wilderness areas and wild rivers recognised by Australians

- Most people strongly value wilderness areas and are concerned about their conservation.
- There is a high degree of recognition of the intrinsic value of these areas.
- Many focus group participants highlighted the need for some wilderness,
- Wild rivers should be conserved for their own sake.

People's views on Statements relating to the values of Wilderness Areas

Statements	Strongly agree/ agree %,	Strongly disagree/ disagree/ %
Base: All respondents (1,059)		
'Wilderness areas should be conserved for their own sake not because, people want to use them'	86	11
'Wilderness areas can be a great source of inspiration'	92	3
'Wilderness areas can contribute a lot to scientific studies'	92	4
'Wilderness areas offer great opportunities for recreational activities'	60	32

'We have a duty to future generations to conserve wilderness'	98	2
'We can afford to lose a few wilderness areas'	18	77
'Economic development is more important than conserving wilderness areas'	12	80
'Wilderness areas are of special importance to Aboriginal people'	56	30
'We need wilderness areas to help maintain the variety of plant and animal species'	98	1
'We should keep some wilderness areas free from roads at all costs'	85	12
'It is important to spend public money on wilderness areas even if they are seldom visited'	72	21
'Wilderness areas should be made easily accessible'	39	54

Source: Table 7: , *Wilderness and Wild Rivers Research*, prepared for the Australian Heritage Commission, Roy Morgan Research, Canberra. July 1996.

Extent to which Australians feel wilderness areas and wild rivers need to be conserved

- Ninety nine per cent of felt that it is was very important or important to conserve wilderness areas.
- Ninety eight per cent of respondents agreed that we have a duty to future generations to conserve wilderness areas and we need wilderness areas to help maintain a variety of plant and animal species,
- Ninety seven percent supported the conservation of wild rivers.
- The majority of respondents (53 per cent) considered that Australia is not conserving enough wilderness areas; 51 per cent considered that Australia is not conserving enough wild rivers.

Appropriate and inappropriate activities for wilderness areas

- **Appropriate activities:**

-Bushwalking (90% of respondents)

-Aboriginal people living in or using wilderness areas where they have traditional links (83% of respondents)

- **Inappropriate activities**

-Introduction of roads and tracks (85%)

- Mining (82% of respondents)
- Four-wheel driving (81% of respondents)
- Building tourist accommodation in wilderness areas (71% of respondents)

In addition to these activities, focus group participants thought that the following activities were inappropriate:

- grazing access for cattle, damaging impacts of deer, pigs and goats
- use of trailbikes in wilderness areas because of the damage they do, and
- powerboats on wild rivers because of pollution and damage to river banks.

Indigenous Association with Wilderness Areas

- Majority of participants believed that Indigenous people should be consulted on wilderness issues because of their special relationship with the land and their role as custodians of knowledge and information.

Extent to which the Marine Environment is regarded as wilderness

Seventy three percent of survey respondents thought of the sea and the marine environment as being wilderness.

Conducted by Roy Morgan Research, on behalf of the Australian Heritage Commission during May/June 1996, the study was undertaken primarily to find out Australians' views of 'wilderness' and 'wild rivers'. Results were obtained from a series of four focus groups, held in metropolitan and rural areas, and a computer assisted telephone survey undertaken of a national random sample of 1059 adults.

Attachment 2

Department of Environment and Conservation (NSW)

Horse riders have faired well

Media release - Tuesday, 27 June 2006

The NSW National Parks and Wildlife Service (NPWS) today expressed disappointment at the response of some people within the local horse riding community over the recently released Kosciuszko Plan of Management, believing that horse riders have faired well under the new plan.

NPWS Director Southern Alistair Henschman said that the plan acknowledges horse riding had a legitimate place within the park.

"Horse riding will be allowed in all areas of the park where it was previously allowed with the exception of two very small areas considered to be culturally and environmentally sensitive," Mr Henschman said.

"The plan continues to provide for horse riding over a very large area with the exception of 170 hectares at Mt Morgan and Nicole Gorge near Blue Waterholes."

"In addition there are no new restrictions on riding along the Snowy River as claimed by one local rider, and bookings will only be required for overnight stays initially at two popular horse camps."

"Horse riders will also be allowed to ride 'off trail' unlike other parks where riding is restricted generally to management trails."

"Horse riding, like many other activities, does have an impact on the environment. This is a well-established, well-researched, scientific fact. However, the new park plan attempts to manage for this."

"The plan allows for the introduction of a booking system for a range of recreational activities when we have evidence suggesting the activity is no longer environmentally sustainable and this might include things such as walking, camping and cycling."

"Any booking system for horse riders will only be for overnight stays within the park. This is being done for a number of reasons. We want to spread the environmental load by avoiding overuse at peak times so the system will only really apply during some of the school holidays."

"The other reason is to protect the experience. Some horse riders have suggested to us that on occasions some horse camps were overcrowded. We have had situations where one horse camp was overcrowded while another was virtually empty. A booking system allows for us to manage this and it is no different to the approach taken in the management of the many other camping areas around the state."

"As well as introducing the booking system we will be upgrading and improving facilities for horse riders using a large part of the \$47 million five year funding package announced recently by the State Government."

"This plan was developed using the collective knowledge and wisdom of many people from outside the NPWS, particularly other users and representatives of the community. Our objective has always been to achieve a justifiable balance between the needs of the park and the needs of the community and I think we have achieved this," Mr Henschman said.

Media inquiries: [Stuart Cohen](#)

Page last updated: 28 June 2006

Attachment 3

Department of Environment and Conservation (NSW)

A new direction for the Kosciuszko

Media release - Thursday, 15 June 2006

A blueprint to guide management of Australia's second oldest National Park – Kosciuszko - over the next twenty years was released by NSW Environment Minister Bob Debus today.

The Kosciuszko National Park Plan of Management presents actions to improve the natural and cultural state of the park and address key pressures on the park such as the impact of climate change.

Kosciuszko National Park, created in 1944, encompasses more than 670,000 hectares, is the largest national park in NSW and one of the most complex conservation reserves in Australia.

The park contains the continent's highest mountains, popular ski fields, extensive forest and woodlands, unique glacial landscapes and plants and animals which are found nowhere else.

"The State Government has delivered a plan of enormous scope that takes management of the park in a new direction," Mr Debus said.

"It recognises the fact that many people have a strong attachment to the Kosciuszko.

"With that in mind we have come up with a balanced and fair blueprint that strives to protect the unique landscape and wildlife of the Kosciuszko while catering for the many recreational pursuits that have traditionally taken place within the park."

Mr Debus said that under the plan the Snowy River based Pinch Horse camping area would remain open to horse riders with new toilet facilities, an upgraded camping area and horse corrals.

Improved horse camping facilities have also been developed at seven sites in the north of the park – Bullocks Hill, Coinbil Hut, Ghost Gully, Long Plain Hut, Old Snowy Camp, Rocky Plain and Wares Yards.

"Improved horse camps will provide convenience for users, reduce erosion and damage to creeks and surrounding vegetation."

The plan also recognises the rich Aboriginal and European history of the Kosciuszko.

"The mountains, their people and their exploits have become part of Australian folklore and helped shaped our national identity," he said.

Mr Debus said the plan is the first plan of management in Australia to address the impacts of global warming.

"The Department of Environment and Conservation will be actively engaged in more international climate change research and is already researching programs of climate manipulation such as cloud seeding and artificial snow making," he said.

The Iemma Government recently announced that \$47 million would be spent in the Kosciuszko National Park over the next five years to fund actions in the plan, to improve visitor facilities and upgrade infrastructure.

It is part of a \$250 million "Towards Centenary" program to improve the park over the next thirty years.

Projects to be undertaken over the next five years include:

- \$40 million for the Perisher Range Resorts to rebuild essential infrastructure for water, sewage, roads and waste management
- \$1.3 million to protect the park through feral animal and weed control, soil conservation and rehabilitation works
- \$1.2 million to upgrade park entry stations to ease traffic congestion and improve shuttle services
- \$1 million for new camping areas, lookouts, walking tracks, toilets in the northern part of the park
- \$1 million to restore Kiandra Courthouse and the Yarrongobilly Caves area
- \$1 million to upgrade facilities for horse riders such as improved camping areas and relocation of the Bicentennial National Trail at Geehi/Tom Groggin. Money will also be spent to improve visitor information and education opportunities, park promotion and cross country skiing facilities
- \$500,000 to rebuild historic huts razed during the 2003 bushfires
- \$500,000 for stabilisation and rehabilitation works on the main range including an upgrade to walking tracks
- \$500,000 to the management of Aboriginal Heritage within the park
- \$200,000 for increased funding to volunteer wildlife care groups and, in conjunction with the RTA, create wildlife road corridors through reduced speed zones, improved signage and barriers

Mr Debus said the Kosciuszko plan has been developed following one of the most comprehensive consultation processes ever undertaken for any national park in Australia.

It involved regional workshops organised by the National Parks and Wildlife Service, meetings of a twenty-one member community forum representing major stakeholder groups, the Aboriginal Working Heritage Group, 18 eminent scientists, two national parks regional advisory committees and the State Advisory Council.

"All should be congratulated for their hard work and thoughtful contribution to the consultation process."

The Kosciuszko Plan of Management is available on the national parks website

www.nationalparks.nsw.gov.au

Media inquiries: [Chris Ward](#)

Page last updated: 15 June 2006

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Attachment 4

**STATEMENT OF REASONS FOR DECISION UNDER SECTION 324F OF
THE *ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT*
1999**

I, Ian Gordon Campbell, Minister for the Environment and Heritage, provide the following statement of reasons for my decision, under section 324F of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), not to include Snowy River National Park (SRNP), Victoria and Kosciuszko National Park (KNP), New South Wales, in the National Heritage List.

Legislation

1. Section 324F of the EPBC Act provides:

- (1) This section applies (despite subsection 324C(2)) if the Minister believes that:
 - (a) a place wholly in the Australian jurisdiction has or may have one or more National Heritage values; and
 - (b) any of those values is under threat.
- (2) The Minister may, by instrument published in the Gazette, include in the National Heritage List the place and the National Heritage values the Minister believes the place has or may have, whether or not the Minister has, under this Subdivision, given the Chair of the Australian Heritage Council a written request for the Council to assess under section 324G whether the place meets any of the National Heritage criteria.
- (3) Within 10 business days after including the place in the National Heritage List under this section, the Minister must give the Chair of the Australian Heritage Council a written request for the Council to assess under section 324G whether the place meets any of the National Heritage criteria.
- (4) However, subsection (3) does not apply if the Minister has already received from the Australian Heritage Council an assessment under section 324G whether the place meets any of the National Heritage criteria.
- (5) If the Minister includes the place in the National Heritage List under this section, he or she must:
 - (a) within 10 business days, publish, on the Internet and in each other way required by the regulations (if any), a copy of the instrument published in the Gazette; and
 - (b) take all practicable steps to:
 - (i) identify each person who is an owner or occupier of all or part of the place; and
 - (ii) advise each person identified that the place has been included in the National Heritage List; and
 - (c) within 10 business days, advise each person (if any) who nominated the place or requested the Minister in writing to include the place in the List under this section that the place has been included in the List.

- (6) If a person requests the Minister in writing to include a place in the National Heritage List under this section and the Minister has not done so within 10 business days after receiving the request, the Minister must:
- (a) publish on the Internet notice of those facts; and
 - (b) advise the person that the Minister has not included the place in the List; and
 - (c) give reasons why the Minister has not done so to the person and to anyone who requests them.

This subsection has effect (despite subsection (1)) whether or not the Minister has the belief described in that subsection in relation to the place and its heritage values (if any).

["The Australian jurisdiction" is defined to include the land, waters, seabed and airspace in Australia (s.5(5) EPBC Act).]

2 Subsection 324D (1) of the EPBC Act provides:

- (1) A place has a National Heritage value if and only if the place meets one of the criteria (the National Heritage criteria) prescribed by the regulations for the purposes of this section. The National Heritage value of the place is the place's heritage value that causes the place to meet the criterion.

3 The regulations state as follows:

- (1) For section 324D of the Act, sub regulation (2) prescribes the National Heritage criteria for the following:
- (a) natural heritage values of places;
 - (b) indigenous heritage values of places;
 - (c) historic heritage values of places.
- (2) The National Heritage criteria for a place are any or all of the following:
- (a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history;
 - (b) the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history;
 - (c) the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history;
 - (d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:
 - (i) a class of Australia's natural or cultural places; or
 - (ii) a class of Australia's natural or cultural environments;
 - (e) the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
 - (f) the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period;
 - (g) the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;

- (h) the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history;
 - (i) the place has outstanding heritage value to the nation because of the place's importance as part of indigenous tradition.
- (3) For sub regulation (2), the *cultural* aspect of a criterion means the indigenous cultural aspect, the non-indigenous cultural aspect, or both.

Background

4. I received a request from Richard Wallace and Leisa Caldwell on behalf of the Snowy Mountains Horse Riding Association (SMHRA) for a large area including SRKNP and Alpine National Park to be included in the National Heritage List under the provisions of section 324F (Emergency Listing) of the EPBC Act. Upon a request for clarification and my Department's recommendation that Alpine National Park is dealt with separately under existing processes, I received a confirmation from SMHRA on 22 July 2005 that the request relates only to SRNP and KNP.
5. SMHRA claimed that SRNP and KNP has National Heritage values under six National Heritage criteria. SMHRA cited the threat posed to potential National Heritage values by the regulation of horse-riding in SRNP and KNP. The specified threat was perceived to be the regulation of horse-riding through management plans in SRNP and KNP and the removal of summer seasonal horse-riding associated with alpine mountain grazing by the decision of the Victorian Government to discontinue cattle grazing in Alpine National Park.
6. In a letter dated 25 July 2005, the Victorian Department of Sustainability and Environment (DSE) responded to the claims made by SMHRA. DSE noted that there was a wide array of natural and cultural values associated with Snowy River National Park and that these should be considered in the context of the Alps as a whole. DSE stated that there had been no cattle grazing in Snowy River National Park since its declaration in 1979. DSE also stated that decisions on Alpine National Park grazing licences were unrelated to the management of Snowy River National Park. DSE noted that horse riding is not under any threat in Snowy River National Park and made it clear that horse riding is identified and permitted in the management plan. DSE also noted that the Bicentennial National Trail (for horse-riding) runs through the park and that brumby-running activities are permitted within the park.
7. In a letter dated 25 July 2005, the NSW Heritage Office (HO) responded on behalf of the NSW Government on the matters raised by SMHRA. The HO noted the extensive planning framework that exists for dealing with Kosciuszko National Park and that the Park includes a number of state-listed heritage places. The HO noted that there was a wide array of natural and cultural values associated with Kosciuszko but considered SMHRA's application deficient in detail as to why the place was significant for horse-riders. The HO also noted that horse riding was an activity and that an activity could not be listed. The HO stated that there was no threat as under the new Kosciuszko National Park management plan, horse riding was still permitted in the park in ways that did not comprise the significant natural values.

8. In a letter dated 25 July 2005, comments were received from Mr Pat Davison, Monaro Ngarigo Cheruipirn Council of Elders (NCCE) on the matters raised by SMHRA. NCCE stated their opposition to any horse-riding in KNP because of their impact, along with feral horses, on culturally sensitive areas to Indigenous peoples, the First Peoples' of Australia.
9. SMHRA was provided with the respondents' comments. In a letter dated 29 July 2005, SMHRA responded to comments by DSE, HO and NCCE. SMHRA claimed that the respondents had failed to understand the nature of the request for emergency listing. SMHRA noted that the planning processes in both NSW and Victoria had failed to acknowledge the heritage of "the Man from Snowy River" and that there is no evidence for damage from the activity of horse riding. SMHRA claimed that the failure of the NSW Government to provide a clear answer on horse riding indicated their intention of reducing or removing such activities. SMHRA reiterated the significant intangible cultural heritage associated with SRNP and KNP and the threat posed by the removal of horse riding from 75% of the park and the threat of potential further reductions.

Evidence or other material on which the decision-maker's findings were based

10. The evidence or other material upon which my findings were based were provided in a brief from the Department of the Environment and Heritage, dated 29 July 2005, including references to the following:
 - Comments by SMHRA on matters raised by DSE, HO and NCCE
 - Confirmation by SMHRA on the area to be considered in the request
 - Comments by DSE on the matters raised by SMHRA
 - Comments by HO on the matters raised by SMHRA
 - Comments by NCCE on the matters raised by SMHRA
 - Aboriginal Affairs Victoria, 2005a Extract of registered Aboriginal cultural heritage places, SRNP (17 January 2005)
 - Aboriginal Affairs Victoria, 2005b Extract of registered Aboriginal historical places, SRNP (17 January 2005)
 - Argue, D. 2000 *Cultural Heritage Research and Implementation Strategy, Australian Alps National Parks*, draft report prepared for the Cultural Heritage Working Group of the Australian Alps Liaison Committee (p.26)
 - Australian Heritage Assessment Tool 2004 *Analysis of significant natural heritage above a 2% threshold in the map sheets covering SRNP and KNP*
 - Australian Heritage Database Register of the National Estate records, 2005
 - Australian Heritage Commission 2002. *Howqua River Fish Fossil Site* in Register of the National Estate, Australian Heritage Database, 2002
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- Department of Conservation and Environment, 1992b. *SRNP, Cobberas-Tingaringy Unit – Management Plan*
- Department of Conservation and Environment, 1992c. *SRNP, Dartmouth Unit – Management Plan*

- Department of Conservation and Environment, 1992d. *SRNP, Wonnangatta-Moroka Unit – Management Plan*
- Department of Conservation and Environment, 1992e. *Flora and Fauna Guarantee - Scientific Advisory Committee Final Recommendation on a nomination for listing of: Alpine Bog Community, Fen (Bog Pool) Community, Caltha intraloba Herbland Community, Riekoperla intermedia – stonefly and Thaumato-perla alpina - stonefly*
- Department of the Environment and Heritage 2004 website: www.australianalps.deh.gov.au/publications/edukit/seasonal
- Department of the Environment & Heritage 2005a Australian Natural Heritage Assessment Tool analysis
- Department of the Environment & Heritage 2005b Species Profile & Threats Database (SPRAT)
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Findings on material questions of fact

11. The place nominated by SMHRA is wholly within the “Australian jurisdiction”.
12. There were two questions that I had to address in considering the request for emergency National Heritage Listing of SRNP and KNP, Victoria and New South Wales, under s.324F of the EPBC Act:
 1. whether I believe that the Parks or may have one or more National Heritage values; and
 2. whether I believe that any of those values is under threat.

(a) Possession of National Heritage values

13. I began by considering all the evidence provided to me about the heritage values in the nominated places. In order for me to form a belief that the places have or may have one or more National Heritage values, I needed to consider whether each place met one or more of the National Heritage criteria prescribed by the regulations.
14. In doing so, I noted that each criterion indicates that the place must have “outstanding heritage value to the nation”. This reflects the intention of the Act as explained in the Explanatory Memorandum for the Environment and Heritage Legislation Amendment Bill (No. 1) 2002 to distinguish between places that would properly be regarded as places of State or local significance compared with those that are of national significance. The Explanatory Memorandum goes on to quote the *Consultation Paper on the Reform of Commonwealth Environment Legislation* issued by the then Minister in 1998, which stated the need for “the preparation of a national list of heritage places of exceptional value and importance to the nation as a whole”.
15. In contrast, the registration criterion for the Register of the National Estate required in the *Australian Heritage Council Act 2003* is that the place has a “significant heritage value”, a much lower threshold. Accordingly, the Register of the National Estate includes more than 13,000 places of national, State and local significance.
16. I concluded from this that the intent of the legislation was that a high threshold of heritage significance was required for a place to meet a National Heritage criterion and that the requirement for the place to have outstanding heritage value to the nation implied a threshold higher than that which might be sufficient for a place to be of State, Territory, or local significance.
17. SMHRA claims that SRNP and KNP have outstanding heritage value to the nation for their demonstration of a tangible part of Australia’s cultural history relating to the story of the Man from Snowy River, summer seasonal horse riding as part of mountain grazing and associated cultural practices under criterion (a). SMHRA claims that this cultural heritage is nationally rare under criterion (b) and endangered by current and proposed management of the Parks. SMHRA also claims possible heritage values under criteria (c), (d), (g) and (h). I noted that although SMHRA included Alpine National Park in their application, they had subsequently agreed that Alpine National Park would be considered in the current assessment by the Australian Heritage Council and the current application related to SRNP and KNP only.

18. SMHRA provided substantial supporting documentation and discussion on their perception of current management issues.
19. I noted that SMHRA identified six National Heritage criteria in support of their claims that the place has National Heritage value. I then examined the available information on each criterion claimed.

Criterion (a): the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history

20. I noted that the SMHRA stated in their application that the place is significant for criterion (a) for its demonstration of a tangible part of Australia's cultural history relating to the story of the Man from Snowy River, that is summer seasonal horse riding as a part of mountain grazing and associated cultural practices.
21. My Department advised me that SRNP and KNP together with Alpine National Park in Victoria and Namadgi National Park in ACT form a complex cultural landscape of features relating to a range of past European activities including logging, mining, summer seasonal alpine grazing (also known as transhumant grazing), hydro-electricity generation and scientific exploration.
22. I first considered the heritage of horse-riding associated with summer seasonal alpine grazing. The national story of grazing and pastoralism is a central component of Australia's economic and cultural history that involves a number of important stories about moving stock regularly, often over long distances, such as the epic journeys of the overlanders along routes like the Birsdvile Track and the Canning Stock Route. There are many associated events, a culture of music and dress associated with pastoralism, and there are films, poetry and literature that celebrate the story. I noted that the story of alpine grazing is nationally distinctive within this tradition, being closely associated with the rugged topography and high altitudes of the highest part of Australia. My Department advised me that alpine grazing was phased out of areas in KNP above 1300 m in 1958 with all the snow leases finally terminated in 1972. I noted that KNP had high country pastoral properties such as Coolamine and Currango that have high integrity and tell a particular story of high country alpine grazing. I also noted that SRNP has some history of sub-alpine seasonal grazing, but in particular was used as a major stock route to the alpine grazing leases as well as for stock traveling from inland NSW to Gippsland. I noted that the Willis Customs House site and its associated history are an important part of the story. I also noted that there is a significant collection of huts in KNP relating to land use practices such as grazing, mining, hydro-electricity generation and recreation. I noted that KNP has long been popularly associated with the Paterson poem "The Man from Snowy River" and a plethora of similar images, stories, rituals, festivals, horsemanship, practices and trades, bush-craft and hut construction skills, lifestyles, and folklore. My Department advised me that SRNP has a similar history and heritage with a richness of features.
23. I found that KNP, like the Alpine National Park, has a rich array of features such as huts and relictual snow lease landscapes but, in particular, has the high mountain grazing properties of Coolamine and Currango of high integrity. I also noted that features also occur but to a lesser degree in other parts of the Australian Alps, notably Namadgi National Park. I noted that practices such as alpine grazing, mining and

trapping were conducted in the high country of Tasmania. I found that the nature and character of the alpine environment in Tasmania is different from that of mainland Australia and that the traditions of pastoralism and living are consequently also different (DEH 2004). I also found that, although significant, the Tasmanian story lacks the same recognition in popular imagination that is demonstrated in the Australian Alps. I concluded that there is sufficient evidence available relating to the past practice of high country grazing, with summer snow leases grazing, as being a significant component of Australia's grazing story, and a part of the story of developing an understanding of the land and its resource use, to conclude that KNP may have outstanding heritage value to the nation under criterion (a). I recognise that droving through SRNP is significant, but there is insufficient evidence for me to conclude that it was of outstanding heritage value to the nation under criterion (a).

24. I then considered the nominator's claim that the continuance of horse riding and visitation to the features associated with the history of alpine summer seasonal grazing comprised an important element of this value. I noted that horse riding directly associated with the practice of alpine summer seasonal grazing ceased in 1973 in Kosciuszko National Park and in 1979 in Snowy River National Park. I noted that horse riding activities since that time have acted to memorialise past activities, rather than being a relict of those activities. I found that while these recreational horse-riding activities have significance to individuals, this significance could not be considered of outstanding value to the nation. I could find no compelling evidence that the contemporary recreational activity of horse-riding is the same as that associated with the past practice of seasonal alpine grazing and therefore I could not conclude it was of outstanding heritage value under criterion (a).
25. I then turned my attention to the Snowy Mountains Scheme. I noted that the Scheme was constructed between 1949 to 1974, covering an area of 7000 square kilometres, and is regarded as one of the greatest engineering feats in Australia (Wigmore 1968, Gare 1992, Raymond 1999, Crabb 2003). My Department advised me that most of the scheme falls within the area of KNP. I noted that the Scheme is associated with important national stories such as the development of multiculturalism in Australia. I found that there is no other comparable feature in Australia and that the Scheme is widely held as occupying a special place in the history of Australia (Wigmore 1968, Gare 1992, Raymond 1999, Crabb 2003). I concluded that KNP may have outstanding heritage value to the nation under criterion (a) because of the Snowy Mountains Scheme.
26. I then turned my attention to Indigenous values. While the nominator made no reference to Indigenous values, I considered that Indigenous history is pertinent to an assessment of the potential national heritage values of the place. I first considered the information available on Aboriginal use and occupation in the Pleistocene period. I noted that Aboriginal occupation in sub-alpine environments during the last glaciation (occurring during the Pleistocene) is a nationally rare example of human adaptation to a cold environment. I found that this adaptation only took place in the Australian Alps and Tasmania. My Department advised me that there is a marked contrast in the pattern of early occupation in these areas. Evidence from the fringes of the Australian Alps (Birigai (ACT), Cloggs Cave (Buchan, Victoria), New Guinea II (Snowy River National Park)) indicates low intensity occupation of rock shelters during this period, interpreted as demonstrating occasional use of the area (Flood et al 1987; Ossa et al 1995). In contrast, the sub-alpine Pleistocene sites in south-west Tasmanian have a high density

of stone artifacts which are associated with large numbers of bones of Bennett's wallaby (Cosgrove et al 1990). Cosgrove et al (1990) suggest that the Tasmanian pattern represents concentrated and perhaps year round use of the region. The evidence therefore demonstrates two contrasting adaptations to sub-alpine environments in Australia during the Pleistocene, which are equally important. I concluded that SRNP may be of outstanding heritage value to the nation under criterion (a) for sub-alpine occupation by Aboriginal people during the Pleistocene.

27. I then turned my attention to Holocene occupation of SRNP and KNP by Aboriginal people. My Department advised that there is physical evidence of Indigenous use of the nominated area in the form of surface artefact scatters and open campsites and scarred trees. Stone quarries, stone features and burial areas have also been recorded in KNP, while a rock art site has additionally been recorded in SRNP (Grinsbergs, 1992; Goulding et al, 2000; Flood, 1980; Freslov et al, 2004, McConnell et al, 2002a, 2002b, Lourandos 2000: 199, 248-255). I noted that excavations at Birigai rock shelter (ACT) suggest that use of sub-alpine environments increased from about 4,000 years ago (Flood et al 1987). There is also evidence from archaeological excavations adjacent to the Thredbo River, Kosciusko National Park that demonstrates occupation from approximately 4,300 years BP (Kamminga et al, 1989). I noted that this was originally interpreted as part of a pattern of seasonal occupation of the high country based on the 'hunting' of Bogong moths, based largely on a reading of ethnohistorical evidence. My Department advised me that more recent interpretations, including new field findings from KNP, suggest an alternative model of Aboriginal occupation of the Alps with a major Aboriginal exploitation zone situated between 700 and 1100 metres above sea level characterised by base camps situated in open montane forests. This area was used all year round with periodic forays into high altitude areas in summer and periodic moves to lower altitude areas in winter (Chapman 1977; Grinbergs 1993). Artefact scatters have been recorded up to the alpine tree-line zone at 1830m, and rare occurrences of isolated artefacts occur above this altitude (Flood, 1980). This model is broadly supported by recent survey results from parts of Alpine National Park and SRNP (Freslove et al, 2004, Hall 1990). The evidence for year round occupation of the upper areas of the Australian Alps corresponds with the evidence from Tasmania which suggests that high altitude areas could be used by Aboriginal people all year round (Cosgrove, 1984; Ryan 1996; Jones 1974: 342). This indicates a convergence during the Holocene in the adaptations of Aboriginal people living in the high country of the Australian Alps and Tasmania. I could find no evidence to suggest that Aboriginal occupation in the Australian Alps during the Holocene period was unique, or markedly different from Aboriginal use of the mountains and high country area in Tasmania. I concluded that there was no evidence that SRNP and KNP may have outstanding heritage value to the nation under criterion (a) for Indigenous occupation in the Holocene period.
28. I then considered the information available on Aboriginal moth collection in the Australian Alps. My Department advised me that, while there is little evidence for a consistent pattern of Aboriginal transhumance within Australia's alpine or sub alpine environments, there is some historical evidence and oral history accounts of Aboriginal people moving to the high country of the Australian Alps between November and January for the seasonal collection of Bogong moths and associated ceremonies (Flood, 1980; Waters, 2004; Goulding, 2002). While focusing on the high country of Kosciuszko National Park, in particular Bogong Mountain (refer Bennett 1834, Scott, 1869:46-47, Helms 1895:394-395, Jardine, 1901), the evidence suggests that moth

collecting also occurred in the Brindabella and Tinderry Mountains (Canberra region), and the Victorian high plains (Flood, 1980:61-70). My Department advised me that there were no specific historical references to SRNP. The historical accounts suggest that Aboriginal people from different mountain tribal groups often travelled long distances to attend the gatherings that occurred as part of the Bogong moth collection e.g. from the Upper Murray area in Victoria; the Tumut areas to the west, Queanbeyan in the north, and the Monaro area to the east (Flood, 1980:71-72). There is also a suggestion that coastal tribes, for example from the Eden and Bega area, traveled to the mountains for these gatherings (eg: Payten, 1949:1; Dawson, n.d.:13). Aboriginal people met at the foot of the main range/s in early summer for ceremonies before moving into the mountains to collect moths, and utilise other seasonally abundant resources. These gatherings appear to have had an important social function, mediating and maintaining social and political links between tribal groups as people came together for ceremonies, corroborees and intertribal battles (Young et al, 2000:56-57; Flood, 1980:74-75). I found that the annual gathering of Aboriginal people for ceremonies and Bogong moth feasts occurred across the Australian Alps. On the evidence before me, I found that the annual gathering of different Aboriginal groups for ceremonies and Bogong moth feasts in the KNP may be of outstanding heritage value to the nation in demonstrating large-scale Aboriginal social gatherings linked to the utilisation of a specific resource.

29. I then turned my attention to natural heritage values. I noted that SRNP and KNP together with Alpine National Park in Victoria and Namadgi National Park in ACT, form the main alpine/sub-alpine area in mainland Australia. My Department advised me that SRNP and KNP provide the most extensive and some of the best-documented examples of sub-alpine and alpine ecosystems in Australia (Good 1989). I also noted the presence of alpine and montane specialists such as the Mountain Pygmy-possum (*Burramys parvus*) and Alpine Tree Frog (*Litoria verreauxii alpina*) (DEH 2005a, DEH 2005b) in KNP. My Department advised me that SRNP and KNP each constitute significant areas for species richness and endemism in temperate Australia, and ranks within the top 50 places in Australia for such values. My Department advised me that that SRNP and KNP comprised some of the most important areas in southern Australia for plant species richness and endemism across a wide variety of plant groups including pin cushions and worts (caryophyllaceae), heaths (ericaceae), eucalypts (*Eucalyptus*), orchids (orchidaceae) and pimeleas (thymelaceae). I was also advised that SRNP and KNP comprised some of the most important areas in temperate Australia for species richness and endemism in animals, including dragonflies and damselflies (odonata), freshwater mussels and snails (bivalvia and gastropoda), land snails (gastropoda), huntsman spiders (sparassidae), pygmy-possums (burramyidae) and nymphalid butterflies. I also found that the parks contained a significant concentration of species with Gondwanan ancestry or primitive taxonomic features. I found that alpine and sub-alpine ecosystems, the high level of endemism and species richness in the parks, and the presence of alpine and montane specialist fauna and flora in KNP, are nationally unique and are fundamental to understanding the evolution of Australia's alpine, sub-alpine and montane environments.
30. I noted that the only other major areas of alpine/sub-alpine environment in Australia occur in the South West and Central Plateau of Tasmania. I noted that SRNP and KNP are markedly different to these areas in Tasmania in their physical and biological characteristics. While the bulk of Tasmanian alpine and sub-alpine endemic species are Gondwanan in origin, the endemic alpine flora of the Australian Alps is largely more

recently derived and nationally unique in being similar to alpine flora elsewhere in the world (DEH 2004). I also noted that the alpine flora of SRNP and KNP is far richer than comparable areas in Tasmania and is dominated by large floriferous herbs or tussock grasses rather than Tasmania where most alpine vegetation is dominated by shrubs or bolster plants (DEH 2004).

31. On the basis of this evidence, I concluded that the species richness and endemism exhibited by a wide array of freshwater and terrestrial species, the presence of a specialist endemic alpine fauna and flora and the presence of some of the best examples of sub-alpine and alpine communities in Australia in SRNP and KNP may have outstanding heritage value to the nation under criterion (a).
32. I considered the variety of spectacular landforms and geologically significant sites that occur within SRNP and KNP. My Department advised me that the SRNP and KNP, together with Alpine National Park and Namadgi National Park, form a large series of uplifted plateaus that are the most prominent manifestation in Australia of the globally rare intra-plate mountain phenomenon (Bishop 1988, Rosengren and Peterson 1989). The uplifted plateaus are highly unusual on a world scale because of the combination of an intra-plate location and an extremely narrow continental shelf. The nature and timing of their origin in the context of their intra-plate location has generated intense international scientific interest. I also noted that part of the KNP was the only area of mainland Australia to undergo glaciation during the Pleistocene. I noted that in marked contrast to Tasmanian alpine and sub-alpine landforms, the Australian Alps are rounded soil mountains, having been subject to minimal glaciation and substantial Holocene donations of topsoil from the plains to the west (DEH 2004). The glacial landforms of the KNP that resulted from this glaciation include cirques, moraines, lakes, erratics and ice-scratched surfaces. They are outstanding examples from a glaciation that developed under extremely marginal conditions, and contribute to understanding the nature of climates during the Pleistocene (Galloway 1989, 2004, Good 1992a, Rosengren and Peterson 1998). On the basis of this evidence, I concluded that the geological features of SRNP and KNP may have outstanding heritage value to the nation under criterion (a).

Criterion (b): the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history

33. I noted the nominator's claim against criterion (b) that the place possessed uncommon, rare or endangered aspects of Australia's cultural history based on the diminishing access of horse-riders to SRNP and KNP by park management. I considered the cultural historic values associated with the past practice of seasonal alpine grazing and its association with horse-riding in the expression of these values. I have already acknowledged the past practice of high country grazing, and summer snow leases grazing, as being a significant component of Australia's grazing story in KNP. I noted however that grazing has been absent from KNP since 1973 and SRNP since 1979 and subsequent horse-riding has been primarily recreational. I could find no convincing evidence that contemporary recreational horse riding was an uncommon, rare or endangered aspect of Australia's cultural history. I was therefore not able to conclude that horse riding in either park was an uncommon, rare or endangered aspect of Australia's cultural history in the context of criterion (b).

Criterion (c): the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history

34. I noted that SMHRA made reference to criterion (c). I could not determine the nature of the values being claimed and did not consider the matter further under criterion (c).

Criterion (d): the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of: (i) a class of Australia's natural or cultural places, or (ii) a class of Australia's natural or cultural environments

35. SMHRA claimed that the parks possess values relating to criterion (d). My Department advised me that SRNP and KNP, together with Alpine National Park, Namadgi National Park and Brindabella National Park represent the only examples of the past heritage of summer seasonal alpine grazing in mainland Australia. I have previously noted that Alpine National Park has the strongest concentration of features associated with these past practices. I noted my previous finding under criterion (a) that the only other example of such grazing in Australia, in Tasmania, occurs in a different alpine environment, and lacks the popular identification exhibited by the Australian Alps. I concluded that KNP may have heritage value against criterion (d) for alpine grazing properties.
36. I noted that SRNP and KNP together with the other national parks in the Australian Alps provide the most extensive and best documented examples of sub-alpine and alpine ecosystems in Australia (Good 1989). I found that alpine and sub-alpine ecosystems of the parks and alpine and montane specialist fauna and flora of KNP are nationally unique and are fundamental to understanding the evolution of Australia's alpine environments. I found that the ecosystems and species present in SRNP and KNP represent an important element of this understanding. I found that the sub-alpine and alpine environments of SRNP and KNP may have outstanding heritage value to the nation under criterion (d).

Criterion (e): the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group

37. I considered the aesthetic characteristics of the place. I noted that the KNP, like the Alpine National Park, has mountain vistas, both winter (snow covered) and summer (flower covered) that have long been valued by the metropolitan and rural population of south-eastern Australia, as a place of inspiration, rejuvenation and adventure (DEH 2004). The aesthetic characteristics are also valued by the whole Australian community as demonstrated by tourist images and by the way the landscape is portrayed in Australian art and literature (DEH 2004). The landscape of the KNP has long featured in Australian artistic history (DEH 2004). I found that there was no comparable landscape elsewhere in mainland Australia, nor Tasmania, as it is different in its character, particularly in landform, and could not be directly compared. I noted that in an inspirational landscapes study conducted by my Department (Crocker 2005), KNP is

included in a suite of 28 landscapes in Australia that were considered outstanding for their aesthetic appeal. I noted the occurrence of Little Rivers Gorge in SRNP but determined there was insufficient evidence to establish whether it has outstanding heritage values to the nation. On the basis of this evidence, I concluded that the natural landscapes of KNP may have outstanding heritage value under criterion (e) to the Australian community.

Criterion (f): the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period

38. I noted that no claim was made against this criterion.

Criterion (g): the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons

39. SMHRA claimed that SRNP and KNP possess values relating to criterion (g), being the recognition of the SMHRA and Mountain Cattlemen Association of Victoria (MCAV) as a distinct community with a special association with the parks. I noted that SMHRA claimed that this association was expressed in the interest of continuing traditional practices of visiting the mountains and traveling through them on horseback.
40. In my previous decision on the association between the local community of mountain cattlemen and the Alpine National Park, I noted the association of mountain cattle people with the grazing areas of the Alpine National Park was deemed to have significance due to a long association with the park and the past practice of seasonal alpine grazing. I noted that in the case of the SRNP and KNP the community included, but was not restricted to, members of MCAV and SMHRA. I further recognised that rural communities around the entire fringe of the Australian Alps have a shared association with the Australian Alps, expressed in organisations such as MCAV and SMHRA. However, I found that although there is evidence of an association of SMHRA and MCAV with the SRNP and KNP, the evidence was not sufficiently strong to establish that this association is well recognised beyond the region. I was therefore unable to conclude that the association is of outstanding heritage value to the nation against Criterion (g).
41. I then turned my attention to the question of the role of horse riding in this association. I noted that SMHRA considered that the significant heritage of summer seasonal grazing would only continue to exist with regular visits by descendants to their former pastoral areas within SRNP and KNP. I noted that SMHRA themselves recognised that pastoral activities ceased in KNP in 1973 and SRNP in 1979. I noted that in spite of the absence of pastoral activity, the regional community still has an intimate association with the place and that this association is still widely recognised. I noted that the bush-skills and horsemanship of the community remain valued in the region in spite of pastoralism being absent from SRNP and KNP and that this is recognised by their involvement in park management activities such as the removal of feral animals. I concluded that the association of community with place was derived from the long history of pastoralism, rather than the presence or absence of a contemporary activity. I

also concluded that while visits by family members to an area with which they have a long association was of enormous significance to the family, that did not translate to significance to the nation as a whole.

Criterion (h): the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's history

42. SMHRA claimed that SRNP and KNP possess values relating to criterion (h), being the association of SRNP and KNP with A. B. (Banjo) Paterson, Elyne Mitchell, Miles Franklin and Betty Casey Litchfield.
43. I first considered A. B. Paterson. I noted that Paterson wrote a number of poems about the Australian Alps as part of an expansive and diverse portfolio of poetry about bush life generally in Australia. I noted that, with the exception of the Snowy River, there are few definable localities in his poetry about the Australian Alps, which has, for example, contributed to the controversy surrounding the identification of the "The Man from Snowy River". My Department advised me that Paterson himself indicated in his later life that he was writing a generic poem celebrating a way of life rather than about a specific place or person. I also noted that there are a large number of other localities around Australia with equally strong and perhaps stronger ties to Paterson's poetry, career and life, including a number of areas in NSW and Queensland in the Murray Darling Basin. I also considered that there are a number of works equally associated with Paterson, most notably "Waltzing Matilda". While I have previously found that there is an association between Paterson and the Australian Alps, I could not establish any special association with either SRNP or KNP. I therefore concluded that there was insufficient evidence for me to find a special association with the life or works of A. B. Paterson with SRNP or KNP.
44. I then considered Miles Franklin. I noted that, as SMHRA record, Miles Franklin is strongly associated with the northern region of KNP and the Brindabellas. I noted that most of this region falls outside the nominated area. I could not conclude that the association with KNP was sufficiently extensive for it to be considered of outstanding heritage value to the nation.
45. I then considered Elyne Mitchell. I noted that, as SMHRA record, Elyne Mitchell lived on a property near Towong. I noted that this area falls outside SRNP and KNP.
46. I then considered Betty Casey Litchfield. I noted that, as SMHRA record, Betty Casey Litchfield was closely associated with her property at Coolringdon, outside SRNP and KNP. I concluded that there was insufficient evidence for me to find a special association with the life or works of Betty Casey Litchfield with SRNP or KNP.
47. There was not sufficient evidence available for me to conclude that these individuals are sufficiently associated specifically with SRNP or KNP to find that the place may have outstanding heritage value to the nation under Criterion (h).

Criterion (i): the place has outstanding heritage value to the nation because of the place's importance as part of Indigenous traditions

48. I noted that no claim was made against this criterion.

Conclusions on Possession of National Heritage values

49. I was able to form the belief that the KNP may have historic National Heritage values under criteria (a) and (d), that KNP and SRNP may have Indigenous National Heritage values under criterion (a), natural National Heritage values under criteria (a) and (d), and KNP may have aesthetic National Heritage values under criterion (e).

(b) Threat to National Heritage values

50. I then considered whether the potential National Heritage values identified above were under threat. The application for emergency National Heritage listing was made on the basis of the threat posed to potential National Heritage values by the regulation of horse-riding in both SRNP and KNP. The specified threat was perceived to be the regulation of horse-riding through the implementation of management plans in each park.

51. I first considered the potential historic values identified under criterion (a). I noted KNP's association with the intangible qualities of alpine transhumant grazing and the development of an understanding of the land and its resource use. I also noted the place's association with the national story of multiculturalism in the development of the Snowy Mountains Scheme. I noted that contemporary horse riding is one of many recreational activities that has been regulated and permitted under successive management plans. I found that horse riding is a licensed activity by Park authorities in New South Wales and that the draft management plan for KNP does not exclude horse-riding as an activity. I found that the regulation of horse-riding in KNP did not pose a threat to the potential historic heritage values. I could not establish that recreational horse-riding activities in KNP, either commercial or private, were necessary to express the intangible qualities related to the past practice of alpine transhumant grazing. I found that that the regulation, removal or encouragement of the activity of horse riding had no effect on the potential historical values identified under criterion (a). I therefore concluded that there was no threat to the potential historic heritage values under criterion (a).

52. I then considered the potential historic heritage values under criterion (d). I noted the place's outstanding array of physical features associated with the past practice of alpine transhumant grazing. I found that the regulation of horse-riding in KNP, which has been ongoing for a considerable time, did not pose a threat to these features. I therefore concluded that there was no threat to the potential historic heritage values under criterion (d).

53. I noted that potential Indigenous National Heritage values in SRNP identified under criterion (a) comprise values relating to occupation of the high country by Indigenous people during the Pleistocene Period and the significance of Bogong moth ceremonies in KNP. I noted that Indigenous communities have expressed concern about the damage caused by horse riding to areas of cultural significance for Indigenous communities. I noted potential values identified under criterion (a) would not be affected by the regulation of horse riding. I therefore concluded that there was no threat to potential Indigenous heritage values identified under criterion (a).

54. I noted that potential natural National Heritage values identified under criterion (a) and (d) comprise geological and ecological values. I noted that the geological values identified under criterion (a) are robust in nature and not affected by the regulation of horse-riding. I noted the potential ecological values under criteria (a) and (d) would not be threatened by the regulation of horse-riding. I therefore concluded that there was no threat to potential natural heritage values identified under criterion (a) and (d).
55. I noted that the potential National Heritage values identified in KNP under criterion (e) comprise the aesthetic values based on an appreciation of the physical beauty derived from the natural aspects of the alpine landscape. I concluded that the outstanding natural beauty of the alpine landscape identified under criterion (e) is not threatened by the regulation of horse-riding activities.

Conclusions on Threats to potential National Heritage values

56. I had previously concluded that KNP may have historic National Heritage values under criteria (a) and (d), that KNP and SRNP may have Indigenous National Heritage values under criterion (a), natural National Heritage values under criteria (a) and (d), and KNP may have aesthetic National Heritage values under criterion (e).
57. I therefore decided that there was no threat to the potential heritage values of SRNP or KNP posed by the regulation of horse-riding activities.

Reasons for decision

58. In the light of my finding under the heading Possession of National Heritage values above, I believe that SRNP and KNP may have National Heritage values.
59. After considering the information under the heading Threat to National Heritage values, I concluded that the regulation of horse-riding activities in Kosciuszko and Snowy River National Parks is not a threat to the potential National Heritage Values.
60. In the light of these conclusions, I decided I should not include SRNP or KNP in the National Heritage List pursuant to section 324F of the EPBC Act.

[signed]

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MINISTER FOR THE ENVIRONMENT AND HERITAGE

7 August 2005