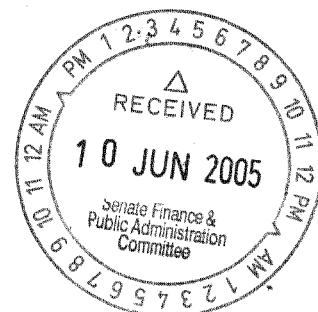


**Australian Government****Department of the Environment and Heritage**

Mr Alistair Sands
Finance and Public Administration References Committee
Australian Senate
Parliament House
CANBERRA ACT 2600



Dear Mr Sands

Inquiry into matters relating to the Gallipoli Peninsula

I wrote to you on 31 May 2005 advising that the Department of the Environment and Heritage would make a submission to the Inquiry into matters relating to the Gallipoli Peninsula.

I am writing to provide the Department's submission, which is attached.

As advised in my earlier letter, I am the contact officer in the Department for the inquiry. If you have any questions in relation to the submission or, should the Committee decide to invite the Department to give evidence at the public hearing on 17 June 2005, please contact me on 6274 2121, fax: 6274 2095, email david.young@deh.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read "D Young".

David Young
First Assistant Secretary

10 June 2005



Australian Government

Department of the Environment and Heritage

Inquiry into matters relating to the Gallipoli Peninsula

**Submission to the Senate
Finance and Public Administration Committee**

by the

Department of the Environment and Heritage

10 June 2005

Terms of Reference

On 11 May 2005, the Senate referred the following matters to the Finance and Public Administration References Committee for inquiry and report by 30 June 2005:

(a) the circumstances surrounding the request by the Australian Government to the Turkish Government in August 2004 to undertake work to ease congestion on the Gallipoli Peninsula;

(b) the role of the Minister for Foreign Affairs (Mr Downer), the Department of Foreign Affairs and Trade, the Department of Veterans' Affairs, the Attorney-General's Department, the Office of Australian War Graves, the Department of the Prime Minister and Cabinet and Environment Australia in the road works, and related construction activity, at ANZAC Cove in the lead-up to ANZAC Day on 25 April 2005;

(c) the heritage protection of ANZAC Cove, including the proposed joint historical and archaeological survey of ANZAC Cove and proposals for the establishment of an international peace park, as well as national and world heritage listing for the area; and

(d) any other related matters.

INTRODUCTION

This submission addresses Terms of Reference (c). Terms of Reference (a) deals with matters relating to a request by the Australian Government to improve access to the Anzac Commemorative area in advance of Anzac Day 2005, for which the Department of the Environment and Heritage (DEH) has no responsibility. Terms of Reference (b) seeks advice about the role of the Minister for Foreign Affairs and various Government Departments, including DEH, in road works and related construction activity, at ANZAC Cove in the lead-up to ANZAC Day on 25 April 2005. DEH had no role in the road works. DEH has no additional comments to make under Terms of Reference (d).

Terms of reference: DEH comments

(c) the heritage protection of ANZAC Cove, including the proposed joint historical and archaeological survey of ANZAC Cove and proposals for the establishment of an international peace park, as well as national and world heritage listing for the area;

Heritage protection of Anzac Cove

Anzac Cove is a part of the sovereign territory of Turkey. Consequently, any protection and management arrangements for the area are matters within the sovereign responsibility of the Government of Turkey.

DEH understands that at present Anzac Cove is part of the Gallipoli National Park, which has also been declared by Turkey as a historical site.

National heritage listing

The Prime Minister announced his intention to put forward the Anzac area as the first nomination to the National Heritage List in his speech at the launch of the new heritage system on 18 December 2003. The Prime Minister stated in his speech that discussions on the proposal had commenced. (see <http://www.pm.gov.au/news/speeches/speech632.html>)

The National Heritage List (NHL) was established through amendments to the *Environment Protection and Biodiversity Conservation Act, 1999* (the Act). The amendments to the Act came into effect on 1 January 2004.

The Act specifies the conditions under which places in Australia and in other countries can be included on the NHL. In particular, Section 324J(2A) of the Act stipulates that the Minister for the Environment and Heritage must not include on the NHL a place wholly or partly in a foreign country unless the Minister is satisfied that the national government of the country where an overseas place is located has agreed to its inclusion. The relevant excerpt of Section 324J(2A) states:

- (2) The Minister must not include in the National Heritage List a place that is wholly or partly in a foreign country unless:
 - (a) the Minister is satisfied that the national government of the foreign country has agreed to the inclusion in the List of the place so far as it is in the country;

The statutory timeframe for the assessment of nominations (section 324E(2) and (3) of the Act) does not apply to nominations located partly or wholly in a foreign country. This allows for consultations to take place with the national government of the country concerned. Relevant parts of Section 324E of the Act state:

- (2) 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, unless the Minister rejects the nomination under this section.
- (3) If the Minister must give the Chair a request, he or she must give the request within 10 business days after receiving the nomination, unless:
 - (a) the place is wholly or partly outside the Australian jurisdiction;

Discussions with the Government of Turkey on the proposal for the inclusion of the Anzac area on the NHL have been underway since 2002.

The current situation on national heritage issues in relation to the Anzac area is detailed in the Prime Minister's media release issued on 26 April 2005 following his meeting that day with the Turkish Prime Minister. A copy of the media release is attached.

Proposed joint historical survey of Anzac Cove

The Department of Veteran's Affairs (DVA) is coordinating the joint historical survey of the Anzac area (including archaeological aspects). DEH understands that DVA will provide information on the survey in their submission to the Inquiry.

Establishment of an international peace park and World Heritage Listing

As the Gallipoli Peninsula is a part of the territory of Turkey, any proposal for the development of an international peace park is a matter for the Government of Turkey.

In addition, World Heritage nominations can only be made by the country in whose territory the proposed place is located. At this time, DEH is not aware of a decision by Turkey to nominate the Gallipoli Peninsula, or part of the Peninsula, for World Heritage listing.

Should the Turkish Government plan to develop a proposal for an international peace park or a World Heritage nomination, DEH would provide advice to the Government on ways in which Australia could be supportive.

Media Release
MEETING WITH PRIME MINISTER OF TURKEY

At a meeting with Prime Minister Erdogan today, we reaffirmed the warm and longstanding friendship between Australia and Turkey and our commitment to strengthen and develop ties between our countries, including further cooperation on ANZAC-related issues, economic and defence agreements, and people to people contacts. We recognised the benefits to Turkey, the European Union, and to regional stability and security, of Turkish accession to the EU and an effective resolution to the Cyprus issue. We also exchanged views on the current situation in the Middle East and progress in the international fight against terrorism.

Prime Minister Erdogan and I reaffirmed our shared understanding of the profound mutual significance of Gallipoli to the national identities and historical experience of Turkey and Australia. The annual commemorations of those events which take place in each country each year attest to their continuing relevance to our peoples and to our nations today. On behalf of the Australian people, I expressed deep appreciation for Turkey's stewardship of the ANZAC area and the warm welcome extended to the many thousands of Australian visitors there each year.

I noted with appreciation the extensive protections already afforded by Turkey to the area, including its declaration as a National Park in 1973 and its designation as a Heritage site in 1980. We agreed that Australia would continue to consult closely with Turkey over our desire, fully consistent with Turkish sovereignty over the area, to symbolically recognise the historical importance of the ANZAC area. This process will be informed by the joint historical survey mentioned below.

We agreed to further enhance cooperation on ANZAC issues, including the preservation of sites and the environmental and historical values of the area. Mr Erdogan agreed with my proposal that there be a joint historical survey of the ANZAC area (including archaeological aspects) to provide a clear basis for balancing development plans for the park with the preservation of key sites. We also agreed to a joint engineering review to ensure the roadworks, including measures to control erosion, in the ANZAC Cove area are completed in a way as sympathetic as possible to the landscape. We noted the large and growing number of visitors from many nations and that plans for the future of the Park aimed to provide a safe environment for visitors whilst protecting important historic sites. I noted the cooperation to date and welcomed the opportunity to provide further assistance in the future.

An enduring legacy of the Gallipoli experience has been the forging of people to people links between our two countries. In this context, we agreed to an Australian funded exchange scholarship program to assist students and scholars from both countries to advance their studies in areas of mutual interest to Australia and Turkey.

Also with a view to enhancing people to people links, we agreed to explore a work and holiday visa arrangement to facilitate travel by young people between the two countries.

We noted that negotiations for a treaty-level Framework Agreement on Military Cooperation are progressing. The Agreement will provide greater scope to develop defence relations between the two countries, including negotiations for a Defence Materiel and Procurement Agreement.

We also noted the impending conclusion of Investment Promotion and Protection, which seek to protect investments in either country by ensuring that such investments enjoy fair and equitable treatment and imposes an obligation on each country to accord the other Most Favoured Nation status. Progress is also very well advanced towards finalising a Double Taxation Agreement.

Finally, Prime Minister Erdogan accepted an invitation to visit Australia as a guest of government at a mutually convenient time. I look forward to welcoming Mr Erdogan and showing him first hand the important place that the ANZAC tradition occupies in Australian national life.

26 April 2005