Chapter 1

Background

Referral of the inquiry

1.1 On 13 February 2014, the Senate referred the following matter to the Senate Environment and Communications References Committee, for inquiry and report by 15 May 2014:

(a) the natural world heritage values of the Tasmanian Wilderness World Heritage Area minor boundary extension passed by the World Heritage Committee in June 2013;

(b) the interaction between the Department of the Environment and the Prime Minister and other ministers' offices, and the process followed in the department's review of the 2013 extension that led to a lesser minor boundary extension being submitted for consideration at the 2014 World Heritage Committee meeting;

(c) any action the Department of the Environment has funded, directed and overseen to rehabilitate any degraded areas within the World Heritage Area identified in the department's 2013 review, as per the requirements of the World Heritage Convention;

(d) the extent and description of any areas of degraded forest included in the 2013 boundary adjustment and the World Heritage Committee’s rationale for including them;

(e) implications for the World Heritage status of the Tasmanian Wilderness World Heritage Area of the Government's request to withdraw the 74,000 hectares for logging; and

(f) any related matter.¹

Conduct of the inquiry

1.2 In accordance with usual practice, the committee advertised the inquiry nationally in The Australian newspaper and on the internet. The committee also wrote to relevant organisations, inviting submissions by 7 March 2014. The committee received 117 submissions, listed at Appendix 1. The submissions may be accessed through the committee's website.

1.3 The committee also received over 9,600 form letters and emails. The vast majority of these were in response to a campaign by the organisation GetUp! Action for Australia and were opposed to the proposed revocation. Due to the large number of emails and form letters received, along with limitations on committee resources, only a sample was published on the committee's website.

¹ Journals of the Senate, No. 14, 13 February 2014, p. 475.
1.4 The committee held a public hearing in Hobart on 31 March 2014 and in Canberra on 6 May 2014. A list of witnesses who appeared at the hearings may be found at Appendix 2.

Maps of the Tasmanian Wilderness World Heritage Area

1.5 At the time the committee commenced its inquiry, the Department of the Environment's website contained a map of the proposed boundary modification of the Tasmanian Wilderness World Heritage Area on the Department's website. However, this map provided limited detail of the areas to be removed.

1.6 On 21 February 2014, the committee wrote to the Department of the Environment requesting that more detailed maps of the areas of the Tasmanian Wilderness World Heritage Area proposed for delisting be provided on the Department's website. On 28 February 2014, the committee again wrote to the Department of the Environment with a number of questions on notice.

1.7 On 7 March 2014, in addition to their submission, the Department provided answers to the questions on notice and a series of more detailed maps, which were published on the committee's website. The Department's website was also updated to include the more detailed maps. The committee thanks the Department for their cooperation in this regard.

1.8 The committee also corresponded with Forestry Tasmania to request further data in relation to the areas proposed for delisting, including the extent of past logging in the areas in question. The committee also thanks Forestry Tasmania for its cooperation with the inquiry.

1.9 The committee would like to thank all the organisations, individuals and government departments that contributed to the inquiry.

Note on references

1.10 Hansard references in this report are to the proof committee Hansard. Page numbers may vary between the proof and the official Hansard transcript.

Structure of the report

1.11 This chapter outlines the conduct of the inquiry and provides a background and overview of the Tasmania Wilderness World Heritage Area.

1.12 Chapter 2 critically examines the reasons advanced by the Government in the proposal submitted to the World Heritage Committee to modify the boundaries of the Tasmania Wilderness World Heritage Area.

1.13 Chapter 3 discusses other key issues raised in evidence to the inquiry including the process followed for the 2014 modification proposal; cultural heritage issues; the potential impacts of the excision proposal; and the possible international reaction to the proposal, including the World Heritage Committee's likely response.

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2 The committee notes that Forestry Tasmania and the Forest Industries Association of Tasmanian were invited to make submissions but both declined. The Forest Industries Association of Tasmania was asked to appear before both public hearings but declined.
Chapter 4 contains the committee's conclusions and recommendations.

**Background**

1.15 This section provides a background and overview of the Tasmania Wilderness World Heritage Area, including the processes leading up to the June 2013 extension to that area, and the current request from the Australian Government to the World Heritage Committee, which is seeking to remove 74,039 hectares from the area.

**World Heritage**

1.16 The *Convention concerning the Protection of the World Cultural and Natural Heritage* (World Heritage Convention) was adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1972. The World Heritage Committee is the body responsible for the implementation of the World Heritage Convention. The World Heritage Committee meets once a year and consists of representatives from 21 of the State Parties to the Convention as elected by their General Assembly.

1.17 In 1974, Australia became the seventh State Party to accede to the World Heritage Convention. Australia currently has 19 properties on the World Heritage List. Only the Australian Government can nominate Australian places for entry on the World Heritage List. The World Heritage Committee assesses nominated places against set criteria and makes the final decision on the places included on the World Heritage List.

1.18 The *Operational Guidelines for the Implementation of the World Heritage Convention* (Operational Guidelines) provide guidance to the World Heritage Committee in deciding which nominations should be included on the World Heritage List. These guidelines state that nominations should be based on specific criteria, which relate to the cultural and/or natural values of the area. To be included on the World Heritage List, sites must be of 'outstanding universal value' and meet at least one out of ten selection criteria. These criteria are listed at Appendix 3 of this report.

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1.19 Nominations are referred to the World Heritage Committee's advisory bodies, the International Council on Monuments and Sites (ICOMOS) and the International Union for the Conservation of Nature (IUCN), for review. These advisory bodies then make a recommendation to the World Heritage Committee.8

1.20 In Australia, once a site is listed on the World Heritage List, it is protected and managed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as a 'matter of national environmental significance'.9 As the Department of the Environment's website states:

There are many benefits to a property being inscribed on the World Heritage List, including increased tourist visitation, increases in employment opportunities and income for local communities, and better management and protection of the place. Listing is often accompanied by greater scrutiny of a place, given its internationally acknowledged importance.10

1.21 The World Heritage Committee's Operational Guidelines also provide for modifications to boundaries of listed properties.11 Modifications can be 'minor' or 'significant'. Paragraph 163 of the Operational Guidelines provides that:

A minor modification is one which has not a significant impact on the extent of the property nor affects its Outstanding Universal Value.

1.22 A State Party can submit a minor modification request to the World Heritage Secretariat, which will seek the evaluation of the relevant Advisory Bodies on whether this can be considered a minor modification or not. The secretariat then submits the Advisory Bodies' evaluation to the World Heritage Committee. The World Heritage Committee may approve the minor modification, or it may consider that the modification to the boundary is sufficiently significant as to constitute a significant boundary modification of the property, in which case the procedure for new nominations will apply. This provision applies to extensions as well as reductions.12

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9  EPBC Act, Part 3, Division 1, Subdivision A. See also Part 15, Division 1.
11 UNESCO, Operational Guidelines, paragraphs 163–165.
12 UNESCO, Operational Guidelines, paras 164–165.
The Tasmanian Wilderness World Heritage Area

1.23 The Tasmanian Wilderness was first inscribed on the World Heritage List in 1982 on the basis of all four natural criteria and for three cultural criteria.13

1.24 The Department of the Environment's website describes the Tasmanian Wilderness area as:

...one of the three largest temperate wilderness areas remaining in the Southern Hemisphere. The region is home to some of the deepest and longest caves in Australia. It is renowned for its diversity of flora, and some of the longest lived trees and tallest flowering plants in the world grow in the area. The Tasmanian Wilderness is a stronghold for several animals that are either extinct or threatened on mainland Australia.14

1.25 In terms of cultural heritage, the Department's website states:

In the southwest Aboriginal people developed a unique cultural tradition based on a specialized stone and bone toolkit that enabled the hunting and processing of a single prey species (Bennett's wallaby) that provided nearly all of their dietary protein and fat. Extensive limestone cave systems contain rock art sites that have been dated to the end of the Pleistocene period. Southwest Tasmanian Aboriginal artistic expression during the last Ice Age is only known from the dark recesses of limestone caves.15

1.26 A more comprehensive description of the world heritage values of the Tasmanian Wilderness World Heritage Area is set out at Appendix 4.16

1.27 The boundary of the Tasmanian Wilderness World Heritage Area was extended in 1989, June 2010, June 2012 and most recently in June 2013.17 Prior to the 2013 extension, the Tasmanian Wilderness World Heritage Area was over 1.4 million hectares.18 In June 2013, the World Heritage Committee approved the addition of

13 Department of the Environment, Submission 14, p. 6. That is, criteria (iii), (iv), (vi) and also criteria (vii), (viii), (ix) and (x) of the Operational Guidelines: see Appendix 3 of this report for the list of criteria. At that time it was called the 'Western Tasmania Wilderness National Parks'. It was renamed the 'Tasmanian Wilderness' when it was extended in 1989: UNESCO, Report of the Rapporteur, December 1982, http://whc.unesco.org/archive/1982/clt-82-conf015-8e.pdf (accessed 4 April 2014).


more than 170,000 hectares to the Tasmanian Wilderness World Heritage Area, taking the total area to around 1.6 million hectares.19

**History of the June 2013 extension**

1.28 Prior to the June 2013 extension, the World Heritage Committee had expressed concerns for many years about logging activities adjacent to the Tasmanian Wilderness World Heritage Area. It had also made repeated requests to Australia for the addition of areas adjacent to the Tasmanian Wilderness World Heritage Area.

1.29 For example, in 1995, the World Heritage Committee recalled and noted concerns that 'there is forested land outside the site which may have World Heritage values' and that 'logging and roading activities adjacent to the site could have an adverse impact on the existing World Heritage site'.20 In 2006, the World Heritage Committee again noted concerns in relation to logging activities adjacent to the property.21 In 2007, the World Heritage Committee urged Australia to consider the extension of the Tasmanian Wilderness World Heritage property 'to include critical old-growth forests to the east and north of the property, or at least to manage these forests in a manner which is consistent with a potential World Heritage value'.22 This request was reiterated in 2008 (after a joint World Heritage Centre, IUCN and ICOMOS reactive monitoring mission recommended the boundaries be extended to include adjoining parks and reserves), and again in 2010 and 2012.23

1.30 A number of domestic agreements were also made in the lead up to the June 2013 extension to the Tasmanian Wilderness World Heritage Area. In August 2011, the then Prime Minister, the Hon Julia Gillard MP and the then Tasmanian Premier, the Hon Lara Giddings MP, signed the *Tasmanian Forests Intergovernmental Agreement 2011*. Under the terms of that agreement, some areas adjacent to the Tasmanian Wilderness were given interim protection from logging activities, while an independent verification process was undertaken to assess the values of these areas and available timber reserves.24 The work of the Independent Verification Group (IVG) was drawn upon in the Australian Government's 2013

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proposal for the boundary extension to the Tasmanian Wilderness World Heritage Area.  

1.31 The June 2013 extension was also a key component of the *Tasmanian Forests Agreement 2012* (TFA), which was signed in November 2012 after negotiations between forestry industry groups, unions and conservation groups. Clause 37 of the TFA contained a recommendation that the Government nominate to the World Heritage Committee, for consideration in June 2013, a proposed minor extension to the Tasmanian Wilderness World Heritage Area of 123,650 hectares.  

1.32 These agreements 'paved the way for the development of a proposal for a minor boundary modification' to the Tasmanian Wilderness World Heritage Area.  

**June 2013 extension**  

1.33 Following these agreements and after consideration of the outcomes of the IVG process, the Australian Government lodged a proposal with the World Heritage Committee on 1 February 2013 to add over 170,000 hectares to the Tasmanian Wilderness World Heritage Area. This area included around 46,000 hectares of existing reserves as well as areas agreed under the *Tasmanian Forests Agreement 2012*. The proposal included areas along the northern and eastern boundary of the existing World Heritage property, encompassing:  

...extensive stands of magnificent tall eucalypt forest, associated rainforest, significant karst and glacial landforms as well as alpine and sub-alpine environments.  

1.34 The Australian Government proposal explained that:

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28 Australian Government, *Tasmanian Wilderness, Proposal for a Minor Boundary Modification*, 1 February 2013. Table 1 later in this chapter contains a list of the areas added as part of the 2013 extension.  


The proposed additions will markedly improve the conservation of the natural values of the property along the northern and eastern borders. Sweeping landscapes of exceptional natural beauty, especially associated with tall eucalypt forests, will now be protected. Significant features, notably remarkable karst systems and glacial features extending beyond the existing boundary, will be brought into the property. The boundary will be more robust and manageable.\(^{31}\)

1.35 The proposal identified a number of features in the extension which it suggested would contribute to the outstanding universal values of the area and meet the natural heritage criteria for World Heritage Areas, including:

- additional areas of exceptional beauty, particularly majestic stands of tall eucalypt forest, the Great Western Tiers escarpment and 'superlative karst features' (criterion (vii));
- additional important glacial and karst features, major escarpment sections of the Central Plateau landform and significant geomorphic features (criterion (viii));
- increased representation of endemic species and additional species not already known in the World Heritage property and the addition of important stands of eucalypt forest, enhancing 'integrity of this globally important forest ecosystem' and allowing for greater connectivity and interaction between tall eucalypt forest and rainforest (criterion (ix)); and
- enhanced representation of wet eucalypt forests, and addition of important habitat for rare and threatened species, such as the Tasmanian devil, spotted-tailed quoll and *Clarence galaxias* as well as other rare and threatened species not already included or known in the property (criterion (x)).\(^{32}\)

1.36 The proposal did not identify cultural heritage features or values, but noted that 'the cultural values will need further identification and consultation with the Tasmanian Aboriginal community'.\(^{33}\)

1.37 The proposal was reviewed by the World Heritage Committee's advisory bodies, the IUCN and ICOMOS. The IUCN noted the history of requests for the area to be extended and recommended that the World Heritage Committee approve the minor boundary modification.\(^{34}\) ICOMOS recommended that the proposal be referred

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back to Australia in order to allow it to undertake further study and consultation, and provide further information, in relation to the cultural heritage values of the area.  

1.38 On 24 June 2013, the World Heritage Committee approved the proposed extension to the Tasmanian Wilderness World Heritage Area as a minor modification. In approving the modification, the Committee noted that it was 'submitted under natural criteria only although it appears to contain significant cultural attributes'. The World Heritage Committee requested that the Australian Government address a number of concerns in relation to the cultural values of the property. Australia committed to report progress on this in 2015.  

*Proposed modification*

1.39 During the 2013 federal election campaign, as part of its *Economic Growth Plan for Tasmania*, the Coalition stated that:  

The Coalition has never supported Labor's recent rushed and political World Heritage extension, which was put in place against the will of the Tasmanian people, and we will seek to have it removed.  

1.40 On 18 December 2013, the Minister for the Environment, the Hon Greg Hunt MP, wrote to the World Heritage Committee conveying the Australian Government's intention to undertake a reassessment of the extension and to request a further minor boundary modification in 2014. The letter stated that the Government was:  

…concerned that the extension approved by the World Heritage Committee in June 2013 includes a number of pine and eucalypt plantations along with some areas of forest that have previously been subject to heavy logging. These areas detract from the overall outstanding universal values of the property.  

1.41 After the Minister wrote to the World Heritage Committee, and at the Minister's request, the Department advised that it undertook a review of the 2013 extension and prepared documentation for the submission of a minor boundary modification to remove parts of the 2013 extension to the Tasmanian Wilderness
World Heritage Area. The submission was prepared to meet a deadline of 31 January 2014, for consideration by the World Heritage Committee at its June 2014 meeting.  

1.42 On 31 January 2014, the UNESCO World Heritage Centre received the Australian Government's request seeking the World Heritage Committee's approval for a minor modification to the boundaries of the Tasmanian Wilderness World Heritage site. The World Heritage Centre has stated that:

> In line with the provisions of the Operational Guidelines for the Implementation of the World Heritage Convention, the World Heritage Centre will seek the evaluation of the relevant Advisory Bodies in this matter. It shall then submit the Advisory Bodies' evaluation to the 38th session of the World Heritage Committee…[which] will take place in Doha, Qatar, from 15 to 25 June 2014.  

**Areas proposed to be removed**

1.43 The Australian Government's 2014 boundary modification proposal seeks to remove 74,039 hectares of the extension approved by the World Heritage Committee in June 2013. The proposal identifies a number of areas to be removed from the Tasmanian Wilderness World Heritage Area, as set out in Table 1.1 overleaf. As noted earlier in this chapter, maps received from the Department of the Environment in relation to the proposed excisions have been made available on the committee's website.

1.44 The Australian Government's 2014 proposal explained that:

> In selecting areas for excision, consideration was given to retaining the overall coherence of the boundary, maintaining connectivity and areas with important values such as habitat for threatened species, cultural sites, karsts or other features that contribute to the Outstanding Universal Value of the property.

43 Table 1 has been compiled using Tables 1 and 2 from Australian Government, *Proposal for a Minor Modification to the Boundary of the Tasmanian Wilderness World Heritage Area*, 31 January 2014; and Table 1 from Australian Government, *Supplementary information to the proposal for a minor boundary modification*, 28 February 2013. See also Australian Government, *Supplementary information to the proposal for a minor boundary modification*, 28 February 2013, pp 12–18 for more detailed descriptions of these areas.  
Table 1.1: Areas proposed to be removed from the Tasmanian Wilderness World Heritage Area

<table>
<thead>
<tr>
<th>Name of Area</th>
<th>Area added in 2013 (hectares)</th>
<th>Area to be removed (hectares)</th>
<th>Reason for Removal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nelson Falls</td>
<td>1,116</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>Dove River</td>
<td>6,558</td>
<td>748</td>
<td>Contains disturbed areas</td>
</tr>
<tr>
<td>Upper Mersey</td>
<td>5,717</td>
<td>3,906</td>
<td>Contains logged/degraded areas</td>
</tr>
<tr>
<td>Mole Creek Karst</td>
<td>6,544</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>Great Western Tiers (Northern)</td>
<td>13,662</td>
<td>5,924</td>
<td>Contains logged/degraded areas</td>
</tr>
<tr>
<td>Great Western Tiers (Eastern)</td>
<td>26,291</td>
<td>3,668</td>
<td>Contains logged/degraded areas</td>
</tr>
<tr>
<td>Upper Derwent</td>
<td>18,573</td>
<td>16,193</td>
<td>Contains logged/degraded areas</td>
</tr>
<tr>
<td>Florentine</td>
<td>3,952</td>
<td>1,375</td>
<td>Contains plantations and logged/degraded areas</td>
</tr>
<tr>
<td>Mount Field</td>
<td>24,790</td>
<td>5,390</td>
<td>Contains logged/degraded areas</td>
</tr>
<tr>
<td>Mount Wedge – Upper Florentine</td>
<td>12,977</td>
<td>10,580</td>
<td>Contains logged/degraded areas</td>
</tr>
<tr>
<td>Styx-Tyenna</td>
<td>19,133</td>
<td>3,099</td>
<td>Contains plantations and logged/degraded areas</td>
</tr>
<tr>
<td>Weld-Snowy Range</td>
<td>8,757</td>
<td>5,778</td>
<td>Contains logged/degraded areas</td>
</tr>
<tr>
<td>Huon-Picton</td>
<td>12,204</td>
<td>6,587</td>
<td>Contains logged/degraded areas</td>
</tr>
<tr>
<td>Hartz-Esperance</td>
<td>7,347</td>
<td>6,873</td>
<td>Contains logged/degraded areas</td>
</tr>
<tr>
<td>Recherche</td>
<td>4,430</td>
<td>3,918</td>
<td>Contains logged/degraded areas</td>
</tr>
<tr>
<td><strong>TOTAL (hectares)</strong></td>
<td><strong>172,051</strong></td>
<td><strong>74,039</strong></td>
<td></td>
</tr>
</tbody>
</table>
The proposal further noted that:

While this approach has resulted in the loss of some attributes...it has the benefit of minimizing the overall impact on the integrity and coherence of the boundary. In some cases, consideration of these issues has resulted in the proposal to reinstate the 2012 boundary for some sections.\(^{45}\)

**Justification for the modification**

The 2014 boundary modification proposal states that:

...the excision of these areas from the property will enhance the credibility of the World Heritage List by excluding areas that detract from the Outstanding Universal Value and the overall integrity of the property.\(^{46}\)

The proposal further states that the proposed modification seeks to remove a number of areas in the extension that 'contain pine and eucalypt plantations and previously logged forest' and that the Government:

...considers these areas detract from the Outstanding Universal Value of the property and its overall integrity and that the assessment work that included such areas in the property did not sufficiently take this into account.\(^{47}\)

In addition, the proposal notes the Australian Government's concern that:

...when taking its decision in June 2013, the World Heritage Committee was not fully aware that a number of communities and landholders whose properties adjoin the revised boundary did not support the extension and did not consider they had adequate opportunity to comment on the proposed change.\(^{48}\)

Finally, the proposal states that 'there should be a long term sustainable forest industry in Tasmania' and that the proposal 'will assist the long term viability of the special species timber sector and local communities that rely on these areas for their wellbeing'.\(^{49}\)

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