

Inquiry into the operation of the *Environment Protection and Biodiversity Conservation Act 1999*

Submission by the Colong Foundation for Wilderness Ltd

Established in 1968, the Colong Foundation is Australia's longest-serving community advocate for wilderness.

The realisation of a comprehensive system of national parks with protected wilderness areas is the primary objective of the Colong Foundation.

The Foundation monitors the status of wilderness areas, identifies threats, and formulates wilderness policy and site specific protection remedies.

Many beautiful and environmentally significant wilderness areas are not protected or are managed in ways that protect these values, including most areas reserved in national parks (eg. Many areas of forested wilderness reserved under the National Forest Policy).

Recommendations

ToR 1 The bioregions approach to building the National Reserve System needs to be improved by developing wilderness reservation and wilderness management strategies as these will best ensure the integrity and resilience of natural areas undergoing accelerated climate change.

ToR 2 (a) The EPBC Act's referral system should be amended to make future decisions reliant upon precedents in such a way as to lift environmental performance over time.

The public communication strategy for referral process under the EPBC Act should seek to inspire environmental impact avoidance in relation to proposed controlled actions, particularly for protected areas within the NRS and especially within World Heritage Areas.

ToR 2 (b) Reinstate the Wilderness that used to protect the ecological integrity and resilience over a third of Kakadu National Park.

Strengthen national park management, facility development and visitor use controls within the EPBC Act to avoid fragmentation and degradation.

Insert a national park management principle into the EPBC Act that ensures **sustainable visitor use** and enjoyment that is **compatible with** the conservation of the national park's natural and cultural values.

Reject all proposals to insert a specific tourism objective into the EPBC Act as doing so would increase pressure for commercial exploitation of national parks.

Amend the EPBC Act to prevent moves for spot rezoning to permit development in parks contrary to a plan of management, the insertion should specify that 'no operations are to be undertaken in relation to the national park lands to which a plan of management relates unless the operations are in accordance with that plan'.

Re-establish the National Wilderness Inventory.

Apply the National Wilderness Inventory to the NRS both at the reserve identification and development stage and for natural area management more generally.

Create a Wilderness Division to re-animate the Department of Environment, Heritage and the Arts on wilderness so as to preserve ecological resilience of lands within the NRS and to counterbalance the pro-tourism development elements within that Department.

ToR 2 (c) The EPBC Act should be amended so that the trigger for a referral for a controlled action comes from any potential impact upon a **World Heritage property**, rather than just from potential impacts upon the particular listed WH values for which the property is inscribed upon the world heritage list of properties.

Fund science-based park management that would help develop measures reduce cumulative impacts (eg in fire management).

ToR 2 (d) Develop and fund wilderness management initiatives for protected areas in the NRS (eg those listed in these recommendations) as doing so would help to build its ecological resilience and facilitate ecological adaptation to a changing climate.

ToR 2 (e) Noting the Federal Statute precedent for including wilderness as a natural heritage value exists in the repealed Telecommunication Regulation of 1997, designate wilderness within protected areas of the NRS to be a 'matter of environmental significance' by amendment of the EPBC Act.

ToR 2 (f) Adjust public relations priorities so that these efforts apply equally onto public lands fund raisers and private land fund raisers. Such communications should also be refocussed upon the large intact natural areas that will after acquisition be managed as wilderness, rather than the 'rats and mice acquisitions' for reserves.

Establish an exemption on capital gains tax for natural gifts to approved organisations, just like the capital gains tax exemptions for cultural heritage gifts.

ToR 2 (g) Rebuild nature-focused park management within the Department of Environment, Heritage and the Arts by appointing wilderness staff, and allocating funding and resources to wilderness policy, and to reservation and management strategies.

Submission

Term of Reference (TOR 1) The Senate notes the continuing decline and extinction of a significant proportion of Australia's unique plants and animals, and the likelihood that accelerating climate change will exacerbate challenges faced by Australian species.

In addressing this ToR, the Colong Foundation would like to firstly emphatically rebut the criticisms that **Wilderness** is merely a cultural concept, having no objective, empirical and hence scientific basis and so is irrelevant to nature conservation in general and biodiversity conservation in particular.

The damage these allegations have done and are doing to the wilderness values, and hence ecological integrity, within the NRS is considerable and politically motivated.

Many interests would like to develop and exploit national parks as a resource, and wilderness stops all that, so it is always attacked primarily for that reason. Some disguise their attacks on wilderness using racist tactics, some use resource and science based ideologies, but behind these political strategies are motives of private gain that seek undermine wilderness as areas set aside for nature.

Parties and Senators to the Inquiry of all political persuasions need to keep this in mind, and appreciate that wilderness is being rapidly lost from the NRS.

A review of conservation theory suggests the following (Mackey, et. al. 1998):

- large reserves are usually better than small reserves;
- large populations or connected populations in a metapopulation are usually better than small populations;
- certain human actions may elevate extinction risk of a species;
- fragmentation may reduce the amount of habitat, increase edge-effects, and subdivide and isolate populations;
- resilience requires maintenance of the evolved primary productivity in a landscape which is defined by the dominant autotrophs, decomposers, and other taxa, that maintain the landscape's resource 'infrastructure'.

'Many of the disturbances associated with modern technological society cause fragmentation, degrade the native vegetation, and elevate extinction risk. It follows, that **wilderness areas and places with a high wilderness quality, all other things being equal, will provide for larger reserves, support larger or better connected metapopulations, reduce extinction risk, be less fragmented, and possess greater resilience**' (Mackey, et. al. 1998)

While the above conclusion may seem self evident to any thinking person, and that these large intact natural areas are better for nature conservation, wilderness thinking is no longer applied to the management of most Australian protected areas.

The statutes that provide for wilderness protection and management in all state, federal and territory jurisdictions are going unused. Only in NSW, Victoria and to a lesser extent South Australia has wilderness management been applied to intact natural areas within the existing national parks of the NRS.

The Colong Foundation views the lack of action regarding wilderness management within protected areas with grave concern.

Annexure 1 of this submission summaries the status of wilderness protection and management around Australia as of 2005. Sadly no further progress has been made since. This Annexure was first delivered as a paper at the Eighth World Wilderness Congress symposium; 2005; Anchorage, Alaska and was republished in *Celebrating Wilderness*, 2006 (Ian Brown, ed.), a hardcover book that arose from the Fifth National Wilderness Conference held in Sydney in September 2006 and convened by the Colong Foundation.

(For the record of this Senate Inquiry: The Colong Foundation receives no Government funds and no such funds were used on international travel to the Wilderness Conference, the book's publication or in organising of the National Wilderness Conference. The conference proceedings and the papers from the *Celebrating Wilderness* book are available to the public for free on the Colong Foundation website.)

The current National Reserve System (NRS) process is focused on sampling biological communities and is not taking sufficient account of the biophysical naturalness and ecological integrity of these communities by considering the wilderness values of candidate areas.

A wilderness-blind NRS bioregional approach could result in inferior NRS acquisition decisions. It may be much more likely that more fragmented or degraded land is considered suitable for the NRS than if wilderness values are taken into account in building the reserve system.

In regard to accelerated climate change, the sampling of poorly-connected biological communities on perhaps degraded fragments of land make for a poor NRS flotilla of 'lifeboats', when compared to the a decent set large intact natural area 'capital ships' with deep solid wilderness areas that can take a heavy pounding and then fight back to ecological health. Wilderness has ecological resilience. True, the NRS may need little bitty 'lifeboats' for connectivity as well as stout 'capital ships', but if there is choice, and the RNS is about making choices, then allowing the 'capital ships' to go to rack and ruin while spending all the resources and money on repairing a rundown flotilla of small 'lifeboats' is a high risk decision. And the carving up the large intact natural areas to pursue other priorities, such as providing for off road vehicle access or tourism, without due consideration of wilderness integrity is also an adverse decision likely to cause a decline in the resilience of native plants and animals populations. It would be a management decision contrary to the Precautionary Principle in the EBPC Act.

Soule et. al. (2005), reports that all season, all terrain vehicles are another threatening technology that will emerge in the next decade or so as capable of carrying people and goods throughout seasonally flooded regions, such as northern Australia. 'Such transport will accelerate economic development, tourism and habitat fragmentation.'

'Conservation planners, too, must consider climate change scenarios in developing plans for the persistence of biodiversity. First, major, climatically-driven biome changes cannot be accommodated by small isolated protected areas', (Soule et. al., 2005).

Most endangered plants and animals are habitat specialists and those habitats are unlikely to move in response to accelerated climate change in a time frame

necessary for ecological adaptation. Wilderness, those large, generally intact natural areas, offer the best survival chance for these essentially static habitats and the plants and animals they contain.

It is more likely that there will be places within a wilderness where a part of an interconnected habitat survives undamaged following a series of bad wildfires, for example. These undamaged parts can recolonise the affected areas.

In small fragmented reserves, an intense fire is often terminal. In a wilderness there is a chance that various habitats will survive, just as, for example, the Wollemi Pine survived past climate changes in the largest wilderness area in NSW.

TOR (2) The following matters be referred to the Senate Environment, Communications and the Arts Committee for inquiry and report by 27 November 2008:

The operation of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and other natural resource protection programmes, with particular reference to:

- a. the findings of the National Audit Office Audit 38 Referrals, Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999;*

A very early referral, assessment and approval under the EPBC Act that worked was for the Clarence Colliery expansion in the Western Coalfield. The key focus of the representations made under the Act during these processes was to ensure partial coal extraction occurred in the lease extension area adjoining the Greater Blue Mountains World Heritage Area.

After about two years of dialogue, the proposed coal lease expansion was amended in 2002 by the proponent. Centennial Coal operation restricted its mining operations to partial extraction in the catchment of the Greater Blue Mountains World Heritage Area. This ensured that the 14 megalitres of water pollution a day discharged from the mine into the WHA did not become worse and the nationally endangered Newnes Plateau swamps above the mine have not lost further groundwater supplies. If more intensive extraction methods had been applied, more damage would have occurred, more water discharged and probably the mine would become unacceptably flooded as well.

The Clarence mine now employs more people and produces just as much coal as the adjacent Springvale mine which uses more intensive mining methods. The only downside is that more coal is retained in the mine, which is hardly an adverse outcome in the current circumstances of a climate changing world.

I hope that such an EPBC experience could be applied in the water supply (Special Area) catchments south of Sydney, where more intensive coal mining occurs without adequate catchment protection endangering rare upland swamps found there.

The EPBC Act's referral system could make future decisions that rely upon past precedents to lift environmental performance over time. Partial extraction for coal mining in these drinking water catchments would reduce risks of losses in water yield.

In the case of coal mining, the industry can easily afford better environmental protection, and Sydney's water supply catchments risk adverse mining methods are appropriate. In any event, placing irreplaceable water supplies at risk by intensive coal mining is very worrying.

Sydney's pristine water supply catchments are irreplaceable, or at least desalination, capturing urban runoff etc are poor substitutes for very reliable water resource you can enjoy straight from river to tap with little treatment. These resources are the envy of many water providers world wide but yet we are deliberately damaging them.

For those Senators and parties to this Inquiry interested in this issue, the Colong website provides a briefing of coal mining in the Metropolitan Special Area water supply catchments south of Sydney:

<http://www.colongwilderness.org.au/CatchmentMining/CatchmentMiningBriefing.htm>

Another example of a referral is the current Mt Victoria bypass road, which will no doubt become a referral under the Act if it passes through the Greater Blue Mountains World Heritage Area. It is hoped that in this case the referral process will encourage the engineers and the Roads and Traffic Authority, as well as the NSW Government, to consider genuinely viable alternatives that avoid placing the proposed road alignments within the World Heritage Area.

The Inquiry should consider the EPBC Act's referral process as a source of environmental inspiration in itself; and surely there is nothing wrong with impact avoidance where World Heritage and endangered ecological communities are concerned.

b. lessons learnt from the first 10 years of operation of the EPBC Act in relation to the protection of critical habitats of threatened species and ecological communities, and potential for measures to improve their recovery;

To the Colong Foundation's knowledge, no wilderness remains reserved or zoned in protected areas established under the EPBC Act. The Wilderness Zone for Kakadu National Park was removed with the making of the 2007 plan of management.

When the loss of the Kakadu wilderness was raised with a Department of Environment, Heritage and Arts representative, that representative said that park management of Kakadu National Park has not been deregulated. So, the removal wilderness management from a large area of the famous World Heritage listed Kakadu National Park is not deregulation as far as the Department responsible is concerned.

Kakadu has gone from a situation where activities and use was regulated by park management zones, including a wilderness zone, in just the same way town are zoned in planning schemes, to one without zones. Would the Senator's like to live in a suburb without zones; where your voluntary councillors, some with developer connections and strong self interest, could approve any development, subject to due process of course?

I believe we are going to learn the hard way by negative example why it is very unwise to deregulate tourism and visitor use in Kakadu National Park or any national park. National Parks were set aside from development, and it is not right for the Tourism and Transport Forum or any of their friends to

redefine national parks for their benefit, as if tourism facilities in national parks are somehow immune from environmental impact.

Within other national parks and protected areas, wilderness values are being eroded due to an absence of wilderness reservation and management, even for areas of high wilderness value.

The recent Shoalwater decision regarding the proposed coal port and railway line is a very welcome outcome for the protection of wilderness values. It also underscores the structural problems within the Department of Environment, Heritage and the Arts.

The 500,000 hectare Shoalwater wilderness, the largest on the east coast south of Cooktown is not zoned to adequately manage its wilderness, despite being Commonwealth land. The Department of Environment, Heritage and the Arts is apparently a dead hand with no interest in wilderness or initiative to protect its wilderness values.

The 1994 Shoalwater Inquiry decision to not allow multiple use in the area has not been translated into improved protection of the 500,000 hectare wilderness. Instead, the largest wilderness on the east coast relies for survival upon ad hoc political decisions, rather than sound management to enhance these values.

The Shoalwater Wilderness was not a 'cultural construct' at the time the Federal Inquiry made its decision on Shoalwater or indeed when the Minister Garrett made his to protect it this month.

The views the wilderness is a 'cultural construct' are expressions of a post-modern materialist ideology that is being rejected by thinking people who are anxious that our culture survives the onslaught of accelerated climate change.

Wilderness does not magically become a 'cultural construct' now that the Australian Heritage Council says it is so. But as strange as it may seem, the NRS has adopted the Council's views on wilderness as a 'cultural construct'.

Does the Australian Heritage Council really believe that when rocks, trees, shrubs, grasses, invertebrates, animals, streams and dirt are taken in totality, as a large intact natural area (alias the wilderness), then they collectively become a 'cultural construct'? This produces a very strange sort of cumulative impact where wilderness cannot contribute to conservation outcomes under the NRS.

In fact the exact opposite happens when you take wilderness out of the NRS. The cultural constructs start to appear in parks in the form of roads, off road vehicles and tourism facilities. These are the sorts of cultural constructs that impact upon nature, running down wallabies on remote 4WD roads at night for example.

The legal reality of wilderness is that it provides for nature-focused park management. Under the *NSW Wilderness Act, 1987*, wilderness management principles are:

1. *to restore (if applicable) and to protect the unmodified state of the area and its plant and animal communities*

2. *to preserve the capacity of the area to evolve in the absence of significant human interference*
3. *to permit opportunities for solitude and appropriate self-reliant recreation.*

Reaching sustainability is probably the most important thing humans will ever do. This involves resisting the urge to put our wishes *above* need to maintain ecological integrity, and particularly for the wilderness within national parks. It means keeping the wilderness that has been saved, intact within protected areas, and not allowing them to be busted up and degraded with over use, tourism, roading, weeds and feral animals.

Tourism facilities have to be planned around the wilderness and built accommodation facilities should be located outside national parks, not established within the core of large intact areas. These ideas should be the basics of visitor management for protected areas within the NRS.

In some cases, it may now be necessary to move established tourism operations to enable reservation of a wilderness core within a national park. This is because wilderness has been totally disregarded in park management for decades.

The Colong Foundation has developed procedures to assess the potential of alternative recreation opportunities that are of a similar kind to those in a wilderness. These alternative opportunities can provide for visitor needs in nearby areas once a wilderness in a national park is actually protected.

We are prepared to provide these procedures for assessing regional recreation opportunity in wilderness decision-making to the Department of Environment, Heritage and the Arts at no charge.

The wilderness, particularly wilderness in protected areas, should actually be protected and managed. This basic reserve management thinking and application is just not being done at all by Department of Environment, Heritage and the Arts and wilderness in our national parks is becoming degraded.

The National Wilderness Inventory, for example, has been taken to some remote national archive and buried without ceremony. The Department of Environment, Heritage and the Arts has a Division of Tourism and National Landscapes, it does not have one Wilderness person, nor unit, branch division, or any positive wilderness vision. It is a dead hand allowing the wilderness integrity of protected areas in the NRS to be eroded.

Senators may wish to consider a remedy including re-establishment of the National Wilderness Inventory, its application to the NRS and also the creation of a Wilderness Division to re-animate the Department of Environment, Heritage and the Arts on wilderness.

c. the cumulative impacts of EPBC Act approvals on threatened species and ecological communities, for example on Cumberland Plain Woodland, Cassowary habitat, Grassy White Box Woodlands and the Paradise Dam;

I would think that the cumulative impact of development approvals within World Heritage Areas should not be forgotten by this Senate Inquiry in relation to the threatened species and ecological communities that they contain.

World Heritage Areas are the best of the best protected areas on the planet. They suffer from water pollution from diffuse and point sources and from inappropriate burning practices, and possibly many other regular park management actions that often fall beneath the regulatory radar. The deregulation of visitor use and tourism development of Kakadu National Park has already been mentioned.

Park plans of management processes for World Heritage Areas may not adequately consider the integrity of the threatened species and ecological communities. State agencies may not have the capacity to examine all actions to consider the cumulative impact, for example fire management activities.

As the Senators would appreciate, the regulation of activities in World Heritage Areas through EPBC Act is driven by consideration of particular World Heritage values, not examination of the impact of the proposed activity on the totality of the property. In other words, the Act does not consider the protection of the World Heritage property as a whole, but is triggered by the values within the property.

A development proposal within a WH Area may be allowed without detailed consideration where it does not directly affect or significantly impinge upon the listed WH values. Through such decision making over time a cumulative impact is not only possible, but very likely to degrade the WH property and hence the values within the property. Consider also the consequences of removing development control in terms of now removed park management zones in Kakadu National Park in this context.

The EPBC Act WH values-driven triggers for assessment ignore the integrity of the WH property, and fail to fully meet the obligations of the WH Convention. The Convention obliges the Federal Government to protect, in their entirety, our (or are they the Planet's) World Heritage Areas. So, WH Areas under the EPBC Act are subject to a bits and pieces treatment that facilitates cumulative impact and degradation.

The EPBC Act should be amended so that the trigger for a referral for a controlled action comes from any impact upon a World Heritage property, and not just impact upon the particular WH values within the property.

Developers, other citizens and especially regulators should not have to perform mental gymnastics that are currently necessary to translate potential impacts on particular WH values to impacts on the WH property so the integrity of the landscape that protects the WH values can be properly protected.

The funding for science-based park management to reduce cumulative impacts is very scarce and must rely upon external sources for example the Blue Mountains World Heritage Institute (ie usually no National Park and Wildlife funds are available). This should also be addressed.

d. the effectiveness of responses to key threats identified within the EPBC Act, including land-clearing, climate change and invasive species, and potential for future measures to build environmental resilience and facilitate adaptation within a changing climate;

Wilderness management for protected areas in the NRS builds ecological resilience and facilitates adaptation to a changing climate (refer to points made on conservation theory for justification of wilderness).

To reiterate, wilderness is more cost efficient to manage, all things being equal, than smaller more fragmented protected areas. The small perimeter to area ratios and more intact biological communities should enable better long term conservation outcomes. In other words, it is better and cheaper to keep a number of wilderness areas in good repair than to patch up fragmented landscapes. Anyone who has restored an old car, yacht, house, run down farm, understands this. It is easier to maintain something that is in good repair. But wilderness areas also have a significant ability to bounce back from the impacts associated with accelerated climate change as well.

There is definitely a need to maintain these wilderness systems against incursion by weeds and feral animals but it is always better and cheaper to maintain a wilderness area in good condition than to attempt repair a less area.

For these reasons, wilderness is essential to the building of ecological resilience into the NRS.

e. the effectiveness of Regional Forest Agreements, in protecting forest species and forest habitats where the EPBC Act does not directly apply;

Whilst good efforts were made under the RFAs to reserve in national parks 90 per cent of wilderness, the wilderness reserved in national parks is still not managed as wilderness. In other words the job was only half done. The hard bit, involving forest industry restructure was done, but then what should have been the easy bit, which involves no substantial losses of employment or impact on the economy, was not done.

Except for the efforts in NSW, the wilderness reserved as a result of RFAs did not result in wilderness protection and management. So the intent of the RFA to protect 90 per cent wilderness is still to be achieved.

Wilderness within protected areas could be designated a 'matter of national environmental significance' by amendment of the EPBC Act. Such an amendment would enable actions proposed in a wilderness area to be designated a controlled action by the Environment Minister.

The definition of 'ecosystem and habitats' in Convention on Biological Diversity (1992) includes wilderness for the purposes of identification and monitoring includes wilderness (reference: Article 7(a) and Annex I of the convention). Note that the Annex is part of the Convention.

By way of precedence of using this Convention for protection of wilderness, I refer Senators to the now repealed Telecommunications (Environmental Impact Information) Regulation 1997 No. 252. **This regulation establishes a Federal Statute precedent for including wilderness as a natural heritage value to be protected with the head of power being the Convention on Biological Diversity.**

This should not be considered an extreme position, for if wilderness can not be protected in national parks, where can it be protected?

f. the impacts of other environmental programmes, eg EnviroFund, GreenCorps, Caring for our Country, Environmental Stewardship Programme and Landcare in dealing with the decline and extinction of certain flora and fauna; and

There is a bias toward private land conservation in Federally funded conservation initiatives that is to the detriment of publicly owned national parks. Equity of funding incentives for gifts to public land conservation estate should be established.

Without equity, donors gravitate toward private land fund raising to the disadvantage of publicly-owned national parks. The Foundation for National Parks and Wildlife, which raises funds for NSW national parks and conservation initiatives undertaken by the NSW Department of Environment and Climate Change, has been disadvantaged by this inappropriate policy bias.

Further, the Federal Government only undertakes public relations campaigns, communications and promotion for private land fund raisers, not for fund raisers for National Parks. **Public relations priorities should be adjusted equally onto public lands fund raisers and private land fund raisers. It should also be refocussed upon the large intact natural areas, rather than focussing in the 'rats and mice' reserves.**

In addition the **Senate should specifically consider a recommendation to establish an exemption on capital gains tax for natural gifts to approved organisations, just like the capital gains tax exemptions for cultural heritage gifts.**

g. the impact of programme changes and cuts in funding on the decline or extinction of flora and fauna.

The targeted expurgation of wilderness staff, resources and ideas from the Department of Environment, Heritage and the Arts administration has devastated wilderness protection and management within the NRS. The Department has no appreciation or understanding of the enduring conservation benefits of wilderness management to nature conservation.

How can the Environment Minister be briefed on the matters raised this submission, if no one in the Department understands that wilderness is nature-centred concept, but rather believes wilderness is a cultural construct?

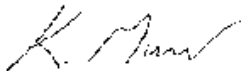
The Department may wish to reflect on why the United States of America reserved about a third of Alaska as true wilderness and that over 200 million hectares are reserved in their national reserve system.

It is easy to allow wilderness to be destroyed by neglect, it is much harder to restore it. Each Senator may wish to consider whether they oppose wilderness as a natural heritage value or support the wilderness as an

essential part of the NRS for ensuring ecological resilience. And if the Senators support wilderness I hope this submission has provided some useful ideas for its protection and management to discuss with their Parliamentary colleagues.

To conclude, the current protected status of wilderness in Australia is generally very poor and the capacity of the Department of the Environment, Heritage and the Arts to administer it is utterly non-existent. It is essential to address this issue right now or this Inquiry will be complicit in letting wilderness fade from the face of our country.

Yours faithfully,



Keith Muir
Director
The Colong Foundation for Wilderness

References:

Mackey, B.G., Lesslie, R.G., Lindenmayer, D.B., Nix, H.A. and Incoll, R.D. (1998) The Role of Wilderness In Nature Conservation. A report to the Australian and World Heritage Group, Environment Australia. School of Resource Management and Environmental Science. ANU Canberra.

Muir, K. 2006, Towards Wilderness Protection in Australia, in Celebrating Wilderness, Ian Brown (ed), Enviobook, Sydney.

Soule, M. E. et. al. 2005 The Role of connectivity in Australian Conservation, in Pacific Conservation Biology, pp 266-279.

Telecommunications (Environmental Impact Information) Regulation 1997
http://www.austlii.edu.au/au/legis/cth/num_reg/tiir1997n252678

ANNEXURE 1 –

Action toward wilderness protection in Australia

by Keith Muir

Introduction

Wilderness in all its diversity has evolved over 3.5 billion years. When we experience wilderness, we reconnect with the environment of our seven million year human evolutionary journey, but now the environment that nurtured this development can only continue on its evolutionary journey with our help. This paper is about Australia's efforts to protect wilderness from the all-pervasive influence of modern technological society.

Australia is a federation of states and each state is as different as the people within it. Due to the constitutional difficulties of co-ordinating the nine governments of the federation any national resources strategy, such as for wilderness protection, generally requires bilateral agreements between each state and the federal government based upon a set of over-arching principles. The 1992 National Forest Policy Statement provided just such a framework¹.

The Statement committed all governments to establishing a comprehensive, adequate and representative reserve system on forested lands and, concurrently, to providing resource security for the forest industries. The implementation policies developed under the Statement included a reservation target of 90 per cent of all forest wilderness, and the development of management plans to protect these wilderness lands².

By the time governments had signed the Forest Policy all, except for Tasmania, had passed legislation for the protection of wilderness areas³. Yet only the most populous and developed states of Victoria and New South Wales had active wilderness programs, a trend that has continued until recently.

Northern Territory, Western Australia and Queensland – three states with a frontier mind-set

The Northern Territory is Australia's 'frontier' and perhaps has more wilderness than anywhere else in Australia. The Territory has no formally protected wilderness areas, except for an area of Kakadu National Park; a park managed by the Commonwealth Government. Yet even this wilderness zone has been omitted from the new Kakadu draft plan of management⁴.

The Territory Government, however, has been notably progressive in its attitude toward joint management of national parks with indigenous people. The Gurig National Park became Australia's first jointly managed park in 1981 and in 2004 the Government decided that Aboriginal traditional owners would jointly manage all of the Territory's reserves in co-operation with the Parks and Wildlife Commission.

Arnhem Land contains perhaps the most important wilderness in the Territory's Top End and is a stronghold of Aboriginal culture⁵. It is also the latest uranium exploration site for the Canadian-based mining giant Cameco. At this point in time arguments between Indigenous people and non-Indigenous people about the Arnhem Wilderness would be unhelpful. In these circumstances those concerned with environmental justice should close ranks with those who support social justice and use their collective talent to fight for the Earth. It isn't a dress rehearsal where we can split hairs over the meaning of wilderness while the bulldozers push exploration roads into remote river catchments. Those concerned with social and environmental justice will learn respect for the different perceptions of wilderness most quickly when joined in a common struggle. As the world's resources run out, these beautiful,

precious, undamaged areas will be on the front line for those environmental issues climbing to the top of the political agenda: energy and greenhouse policy.

So why has the Territory disregarded its duty toward wilderness preservation? A commonly held opinion is that there is lots of wilderness and few Territorians, so there is no urgency. In 1995 the National Wilderness Inventory⁶ indicated that more than half the Territory is in a high wilderness condition. This positive assessment of condition needs to be treated with care, however, as the impacts of pest species, particularly cane toads, horses and camels, have caused serious impacts. These impacts have included local extinctions of native fauna, loss of native vegetation and massive soil erosion in much of the area identified as wilderness. Unless backed by reliable scientific assessment and data, a regional-scale wilderness assessment, like the National Wilderness Inventory, can produce misleading results that ignore the need for urgent management action for areas vulnerable to environmental degradation, inappropriate use and development.

There is another important reason for concern in relation to the Territory's present wilderness estate. The Territory is working to develop a more comprehensive reserve system without adequate regard to protection of wilderness values. The national parks estate in the Northern Territory has increased from two million hectares in 1992 to five million hectares today. Nine national parks larger than 100,000 hectares contain considerable wilderness areas. The management plans for several of these large parks have either a 'limited use' or 'natural' zone to regulate development and high impact use. There was even a proposal for a Spirit Hills Wilderness Conservation Area⁷. But this area, like all wilderness-like zones in the Northern Territory, may be open to mining activities and some national parks are being actively explored. The draft plan of management for Barranyi National Park describes the need to preserve the unique wilderness character of the island, which has only one species of feral animal and few weeds. The draft plan of management unfortunately fails to live up to its stated intentions toward wilderness by leaving the way open for future wilderness lodge development.

An open assessment of the issues and problems of preserving naturalness is essential as Territorians continue to develop their land, on-park as well as off-park. I fear that what I call 'wilderness' and Indigenous people may call 'our country' is all too often available for someone else's plans for wilderness lodges, four-wheel-drive vehicle-based recreation, development of roads, mining activities, clearing, grazing, safari hunts and other forms of commercial tourism.

In contrast to the Territory, Western Australia has progressed toward wilderness protection in the last five years. A 'super-department', the Department of Conservation and Land Management (CALM), manages the state's national parks, state forests and other Crown Land (i.e. lands owned by the state government). For decades CALM has been the gatekeeper for the future use of the state's public lands. In such large bureaucracies wilderness protection struggles to have a voice, being represented by a small branch of a division and a long distance from the source of political power. Wilderness protection has been a hard fight in Western Australia and The Wilderness Society has put in a tremendous effort to save wilderness in that state. There are all the usual interests competing for each piece of wilderness land and CALM, with its multiple use mind-set, trades off these last remnants, even within national parks.

A 1998 outcome of Australia's National Forest Policy saw 342,000 hectares of forests reserved in national parks in the south-west of Western Australia by 2003, but the subsequent wilderness assessment of the new reserves initially did not identify any areas for protection. The assessment was redone following an outcry, but only small areas were eventually flagged. The assessment process used criteria to find areas remote from modern technology.

The application of remoteness criteria work most effectively when used to describe threats of proposed development to areas already identified or protected as wilderness. In the case of a proposed development, such as road or logging operations, the potential retreat of wilderness is graphically illustrated by the map-based remoteness criteria⁸. When defining suitable wilderness boundaries, however, the application of remoteness criteria facilitates a

reductionist process that often emphasises the obstacles more than the opportunities for wilderness protection. The remoteness approach also creates the misleading impression that the areas are rarely visited. Despite the political settings for an adequate forest wilderness protection outcome, achieved after much hard work by a broad coalition of environment groups over a decade, the CALM bureaucracy and the wilderness assessment methodology focussed the public debate on the future of four-wheel-drive roads and made a successful outcome for on-park wilderness protection very difficult.

In the longer established national parks, four have wilderness zones within them, totalling about 225,000 hectares but these were never afforded statutory protection available under the Conservation and Land Management Act, 1984.

Examination of options for protection of wilderness values is now part of a plan of management review process in WA. The results of this process may prove more fruitful although, so far, CALM has only proposed a further 21,000 hectares of wilderness for protection. Placing wilderness protection last in a long chain of land use decision-making creates difficulties as competing activities, such as tourist operations and the pervasive off road vehicle user, become established and then tend to dictate park management. In these circumstances some form of interim protection is necessary, even if this measure is initially only a negotiated moratorium on road making and upgrading, park facilities development and commercial use until the wilderness assessment processes are completed.

Queensland has presented major opportunities for wilderness protection over the last decade but first the setbacks created by a previous right-wing government, who used national park reservation as a tool to block indigenous land rights, had to be overcome. The Wilderness Society and the Australian Conservation Foundation undertook a strategy of placing land rights on an equal footing with park reservation. They agreed to work with the Indigenous traditional owners, so when a progressive government was swept into office over a million hectares of land were reserved as national parks or handed back to the region's traditional owners. Queensland now has 7.2 million hectares of protected areas, including 6.7 million hectares of national parks.

The National Parks estate can, however, never be big enough to carry all Aboriginal and Islander aspirations forward. A regional land use agreement approach, such as that developed for Cape York Peninsula in Queensland, provides a cogent solution to ensure an economic base for Indigenous people. Providing for claims over lands with a broad range of productive resources can greatly assist with self-determination and economic independence. This alternative is better than remote areas of national park being developed by the first Australians to provide for economic and social objectives.

The current challenge for the new national parks on Cape York Peninsula, being taken up by The Wilderness Society, is to obtain adequate funds for the management of feral animals, particularly cattle and horses, and weeds, which are huge problems in the tropics. You cannot separate people from wilderness because wilderness needs management.

There are no wilderness areas formally protected under the Nature Conservation Act, 1992 in Queensland because conservation groups have dropped formal wilderness reservation from their campaign priorities. Wilderness is protected 'de facto' in national parks, such as Mount Barney, Hinchinbrook Island, Currawinya and Carnarvon. In the case of Carnarvon and Hinchinbrook Island, national parks with high wilderness values, their plans of management designate remote-natural zones over most of the park with minimal or no visitor facilities and no motor vehicle access, except for management purposes. For the other parks, the plans of management have tended to make the remote-natural zones much smaller.

In 1999, the South East Queensland Forest Agreement resulted in an immediate addition to the reserve system of 425,000 hectares and a further 215,000 ha of new national parks in 2004. A transition program is underway to phase commercial logging out of many areas, including the Wet Tropics. The Shelburne Bay Wilderness on Cape York Peninsula was protected from mining in 2003 when existing mining leases over its pure white dunes lapsed on expiry. Australia's first wild rivers legislation was passed by the progressive Queensland Government in September 2005, following yet another vigorous campaign by The Wilderness

Society. The Wild Rivers Act, 2005 places strict limitations on development of river reaches that are identified as high preservation areas. The first six catchments have been nominated under the legislation, which will ultimately help to protect the wilderness characteristics of selected catchments of reserved rivers⁹.

Indigenous people own almost half of Australia north of the Tropic of Capricorn and many desert areas. There should be a place for wilderness in the Indigenous landscape, and the management value of wilderness protection should not be compromised by a trend emerging in some quarters to have the definition of wilderness altered to accommodate modern technology, such as four-wheel-drive vehicles and permanent settlements.

The political debate regarding national parks must surely turn on what we can do for the land, not what nature and national parks can do for us. Aboriginal and Islander leaders should address the preservation of nature within their land base, particularly within their national parks. Not all areas should be developed, have road networks or permanent settlements within them.

New South Wales – a success story

New South Wales (NSW) has earned a reputation as the centre of wilderness protection in Australia. The state has just passed through an enlightened decade of government where wilderness was not just recognised, but received priority. A wilderness logging moratorium began in 1992 and was expanded as National Forest Policy negotiations progressed. In most cases, the areas where logging was deferred in 1995 became declared wilderness by 2003.

This wonderful result came about, at least in part, due to seeds planted twenty-five years ago by a charismatic environmentalist called Milo Dunphy. He was famous for leading politicians on well-organised trips into the wilderness. He took one future state leader to Mount Cloudmaker, who became inspired by the majesty, awe and wonder of the Kanangra-Boyd, the second largest wilderness in NSW. That leader's name was Bob Carr. In 1987 Carr introduced the first Wilderness Act in Australia. The Act enabled any person to nominate wilderness areas in NSW for assessment and put forward a case for protection. The environment movement has since advanced a series of detailed proposals and these have been carefully assessed by the state's park agency, the National Parks and Wildlife Service (NPWS), which is now part of the Department of Environment and Conservation.

The NPWS uses a wilderness assessment method that examines naturalness of the environment by means other than its surrogate: remoteness from development. It is recognised that some of the best wilderness in the state is not remote but within two hour's drive from Sydney, the state's capital city. A naturalness approach that assesses ecosystem disturbance can better provide for opportunities to protect wilderness. The nature-focussed assessment reflects the assessment criteria of the Act, which allows for the restoration of land when considering whether an area should be identified as wilderness. Once a wilderness is identified, there can then be an open and transparent, even if politicised, debate over whether it should be protected. Issues associated with unsealed roads then come into play but are considered in the context of the need for protection of the natural environment rather than as the prime factor in defining wilderness boundaries from the outset.

Progress towards wilderness protection under the Wilderness Act began during the era of a conservative government, which declared 650,000 hectares of wilderness between 1991 and 1995. Even in the darkest hours, when two Parliamentary mavericks compromised a major set of wilderness proposals, the future Premier Carr used the opportunity to censure government in Parliament for failing to meet its wilderness promises. He then announced a strong wilderness protection policy and his government secured 1.3 million hectares of threatened forest wilderness over the next ten years.

A new Premier, Morris Iemma, has recently replaced Bob Carr and a further set of wilderness proposals have been submitted for assessment. Whether wilderness remains on the agenda for the new government depends not only on continuous public education and dialogue between those interested in wilderness protection, key decision makers and everyone else,

but also on-going sympathetic consideration of wilderness proposals by the newly created Department of Environment and Conservation.

NSW has saved more wilderness than any other state but has only one wilderness in Indigenous ownership, within Mutawintji National Park. Very few national parks in NSW are Aboriginally-owned but legislation has been established to allow for the transfer of more publicly owned parks to traditional owners as freehold land on a term lease arrangement. Conservationists support these moves but are concerned about the lack of perpetual community tenure that cannot be sold off, and inadequacy of the provisions preventing subdivision, sale and development when the park leaseback term lapses. These weaknesses in park laws may reduce the security of Aboriginally-owned national parks in NSW in the long term.

Wilderness areas are important repositories for Aboriginal culture. A Bega Valley Aboriginal heritage study found that many Aboriginal pathways, migration routes, trade routes, cultural routes, song lines and dreaming or dreamtime tracks pass through the wilderness areas of south-east NSW and these pathways are essentially in an intact condition¹⁰. The most significant discovery of Aboriginal rock art in 50 years was found only two years ago in the Wollemi Wilderness near Sydney. At the time, Bob Carr described the 4,000 year old drawings as simply “the greatest advertisement for saving wild places in national parks”¹¹. The art gallery is in near-perfect condition and its exact location, along with the location of the now famous ‘dinosaur tree’, the Wollemi Pine, also in the Wollemi Wilderness, will be kept secret.

The nation’s capital, Canberra, lies within the Australian Capital Territory, which is within New South Wales. While the Territory is self-governing, its small size makes it essentially a glorified local government. The Australian Capital Territory protects its 28,900 hectare wilderness (in Namadgi National Park) under the Nature Conservation Act, 1980. The area also adjoins a similar sized wilderness in NSW in the Kosciuszko National Park, but unfortunately they are partly separated by recently established fence lines to exclude feral horses. While there are no provisions in ACT legislation to consider community-initiated wilderness proposals, the creation of two community-conservation group initiated roadless areas are proposed within the park under the recently released draft plan of management. But roads for essential fire protection purposes will be allowed¹². The Nature Conservation Act does not define wilderness but its wilderness management principles prevent road construction and are strengthened by other legislation that prevents access by motor vehicles and other mechanised equipment.

Victoria and the one-off, state-wide wilderness assessment strategy

The story of wilderness protection in Victoria is again different. In 1991 the former Land Conservation Council undertook a major study of wilderness. The Council identified many wilderness areas across the state, and subjected these areas to a transparent process of assessment and public review. The Land Conservation Council (LCC) was required to balance competing needs of Victorians. The state-wide processes, while efficient and democratic, relied on the remoteness approach that played into the hands of wilderness opponents. The LCC cut pieces off wilderness here and created easements there, as if every identified wilderness was a pie to be shared out to user groups, like off-road vehicle enthusiasts, with nature only receiving a piece of the pie.

The LCC assessment increased the wilderness estate of Victoria to 842,050 hectares. The areas that became too small through balancing wilderness and development were placed into a lower category of wilderness protection called remote and natural areas. These lesser protected wilderness areas total a further 268,900 hectares within which existing high impact recreation abuses were retained, but with the promise of no additional abuse within these national park areas.

No wilderness outside national parks was considered for protection by the LCC process, which was completed just before the National Forest Policy was signed. Part of the Wongungurra wilderness, a mere 7,420 hectares, was added to the national park estate in

1999 through the Forest Policy process but it was not reserved as a wilderness or a remote and natural area. No indigenous wilderness areas in Victoria have been created and no wilderness has been protected at all since 1992 when the state wide process was completed. The downside of a state wide process is that it creates the impression that the protection program was comprehensive, making the wilderness issue difficult to revisit. A recent decision to rapidly phase out cattle grazing in the state's alpine wilderness over the next twelve months, however, provides an opportunity to revisit wilderness boundaries that were, in some places, designed to avoid grazing areas.

Tasmania and the case for Wilderness as a criterion for World Heritage listing

There is no systematic process for considering wilderness protection in Tasmania within protected areas. In this state the World Heritage Convention has played a critical part in ensuring wilderness protection. The Tasmanian Wilderness World Heritage Area was inscribed on the World Heritage list of properties in 1982 and was greatly extended in 1989. At the time of its nomination the area was described as one of the last great temperate wilderness areas remaining in Australia. Wilderness was recognised as being of World Heritage value under the scenic beauty criteria for natural areas. As a consequence of the listing, a one million hectare wilderness zone was established in the Tasmanian Wilderness World Heritage Area under the plan of management in 1992. The World Heritage Area has now had three areas of Aboriginal land handed back to the community with one of the areas in the wilderness zone and the other two in the self-reliant recreation zone. This wonderful wilderness is more or less intact except for two access corridors. One corridor provides for commercial tourism along the Overland Track and the other provides road access to the Franklin River to enable short rafting trips in the wilderness. As these concessions to development indicate, the wilderness zone is vulnerable to policy changes and subsequent development through alteration of the plan of management.

One of the important threatened Tasmanian wilderness areas is the 390,000 ha Tarkine. Half the Tarkine is in a national park and the other half is mainly unreserved public land, including the Wellington Range. The Tasmanian government reluctantly signed the National Forest Policy Statement in April 1995. However, the timber industry in Tasmania obtained resource security legislation in 1991 and only small forest protection gains have been made through the forest negotiations under the National Forest Policy Statement.

Tasmania has a higher density of conservationists than any other state in Australia, and more green politicians as well, but this weight of support has not secured either wilderness-specific legislation or adequate wilderness protection through park plans of management. Areas like Tasmania benefit economically from granting World Heritage level recognition to high quality wilderness areas. Such listings help to give these areas the recognition and protection they deserve through the bilateral federal-state government processes that regulate the nomination and management of World Heritage Areas in Australia.

Wilderness mining, a South Australian anomaly

South Australia (SA) passed the Wilderness Protection Act in 1992 and it provides for the creation of wilderness protection areas and wilderness zones. The Act can apply to Indigenous and privately owned land as well as Crown Land. The Act has adopted the NSW model that allows any member of the public to propose wilderness areas for protection. In the case of South Australia, however, the mining lobby gained a major concession to allow mining activities in wilderness zones, as opposed to wilderness protection areas, a stricter reserve category where mining operations are excluded. This has greatly weakened the concept of wilderness as applied in SA and opportunities for mining in wilderness create public confusion over appropriate wilderness management.

South Australia's wilderness protection areas and wilderness zones are only reserved after repealing any existing protected area status and then proclaiming the new form of wilderness reserve. This approach to wilderness reservation is necessary because the state's other reserve categories are too weak to support wilderness management.

So far nine wilderness areas have been protected totalling 584,419 ha and most of this area was reserved only in the last two years. The most recent area, the Yellabinna Wilderness was re-proclaimed in August 2005 and thereby protected from mining. The wilderness is the largest strictly protected reserve created in that state since 1970. In addition, three large informal wilderness zones have been established under plans of management in National Parks and Conservation Parks but these areas lack the security of being reserved under the Wilderness Protection Act and are also open to mineral exploration.

At the same time as making the Yellabinna wilderness protection announcement, the state's Premier signalled that some 14 mining exploration licences will be granted over two million hectares in the Yellabinna mallee region. Some of these licences will be in the Yumbarra Conservation Park that had its protection status removed in 1999. Track construction for mining exploration is now fragmenting sensitive arid ecosystems.

The Wilderness Society has nominated seven terrestrial wilderness areas for assessment under the 1992 Act and a further eight marine wilderness areas. This growing pile of proposals also has a growing political weight that becomes increasingly receptive to a political trigger event. Trigger events can bring about determination of the outstanding proposals and rapidly advance wilderness protection. They might include any conservation debacle, as the government will be keen to distract the public attention with important conservation news and placate agitation by the environment lobby.

Two wilderness dreamings

Wilderness for non-Indigenous Australians is seen as a place where the last remnants of the natural world are safe from the spoiling forces of modern technology. Outside wilderness, any economically useful land is generally dedicated to production for our urban-based society (although The Wilderness Society's *Wild Country* project and new land clearing laws are attempting to change that paradigm by promoting integrated conservation management across the landscape). Wilderness offers respite for the increasingly stressed urbanites and their feedlot society, where food and services are brought to them and their wastes are carried away. In wilderness we can connect with life that still evolves by natural processes.

The wilderness of Aboriginal and Islander Australians is a living story based on up to 40-60,000 years of belonging to the country – a land of spirits, dreaming paths, myths and ceremony that create a framework of Indigenous responsibilities for country. The impacts and influences of Indigenous societies in wilderness are recognised, as are the opportunities for Indigenous people to retain links with the landscape. While some wilderness critics like Tim Flannery in Australia claim Aboriginal land use precludes wilderness, the issue of impact from Indigenous land use is one of degree, particularly when compared to recent use of modern technologies.

The harmonisation of these two cultural dreamings is imperative to the survival of wilderness in Australia, as much unprotected wilderness is located on Aboriginal land. The belief that Indigenous land use treads more lightly on the land underpins the Malimup communiqué, developed by the former Australian Heritage Commission¹³. The communiqué acknowledges and respects the right of Indigenous people to maintain and strengthen their spiritual and cultural relationships within wilderness, and has built goodwill in that the preservation of wilderness does not exclude people or Indigenous rights. Indigenous wilderness as described by the Malimup communiqué allows for Indigenous hunting using firearms, the gathering of bush foods, the use four-wheel-drive vehicles and the establishment of permanent accommodation. The agreement has, in effect, inadvertently defined the distance between these two dreamings.

This distance between the two dreamings will increase as Indigenous communities living in a wilderness area use modern technology more intensely and extensively over time. While the occasional use of management roads by Indigenous people in four-wheel-drive vehicles would perhaps pose a low level of threat, it does set a precedent for further public use of motor vehicles that would be incompatible with wilderness values and possibly risks the

integrity of biological diversity. Further, the establishment of permanent settlements clearly contradicts the wilderness management principles currently adopted in most Australian states and the World Conservation Union (IUCN) wilderness definition. The IUCN defines wilderness as a:

"...large area of unmodified or slightly modified land, and/or sea, retaining its natural character and influence, without permanent or significant habitation, which is protected and managed so as to preserve its natural condition".

Intensive use of modern technology and permanent or significant habitation is not consistent with accepted wilderness management practice. Things that are true and just, desirable and worthwhile are not always compatible or mutually reinforcing¹⁴. There will be times and places when the social justice for Indigenous people and environmental justice for wilderness do not coincide. In a mature relationship between conservation groups and Indigenous communities there is space for acceptance of difference.

The efforts made to redefine wilderness, to allow modern technology into wilderness as a special case, can only erode the potential for understanding the management purposes of wilderness. Either the redefined wilderness becomes further fragmented by the expansion of permanent Aboriginal settlements and increased use of four-wheel-drive vehicles in these reserves, or indigenous communities are alienated and infuriated by conservation groups who supported the granting of Indigenous wilderness areas but then successfully oppose any increase in the use of modern technology or the expansion of settlements into what they believe should be strictly protected reserves.

The two wilderness dreamings must be married so as to avoid potential confusion in wilderness reserve management during public awareness programs about wilderness, and particularly in campaigns to save wilderness areas. This resolution should be achieved through the development of detailed wilderness proposals in consultation with Indigenous communities.

The Indigenous wilderness concept as found in the Malimup communiqué, has not seen wilderness protection extended across northern Australia. Here, non-Indigenous wilderness concepts could sit within Indigenous wilderness, between the low density of existing roads and settlements. This solution has been developed for Kakadu National Park in a process evolving over the last twenty years and that will go on evolving. Kakadu National Park, a Federally managed park within the Northern Territory, contains a wilderness area (designated 'Zone 4' in the plan of management) which covers about 475,300 hectares of the 2 million hectare park¹⁵. However, such an approach contains in it the risk of repeating the lessons learnt in the more settled districts where much wilderness has been compromised by development that should have been avoided. And the removal of the wilderness zone from Kakadu National Park proposed by the recent draft management plan is a worrying sign in that direction.

The degree to which the Malimup communiqué creates conflict with wilderness management principles can be moderated through the *Wild Country* approach developed by The Wilderness Society. Wild Country management can partly accommodate ideological inconsistencies by retaining important bushland links around development areas and linking potential wilderness reserves areas.

Now is the time to preserve wilderness, not when the last options are being played out; when every national park is an outdoor amusement park for tourists on package tours and the four-wheel-drive vehicle enthusiast. Now is the time to save wilderness in Cape York Peninsula in Queensland, Arnhem Land in the Northern Territory and the Kimberley in Western Australia. Aboriginal communities have four-wheel-drive vehicles, and should have modern settlements and the best that modern society can offer. Yet motor vehicles form a barrier between wilderness and the human soul. You must 'walk the land' to fully relate and belong to the land. Surely the most sacred, most biodiverse places should be visited on their own terms?

Concluding remarks

In 1992 a National Forest Policy Statement created a political opportunity to protect wilderness across Australia. The following decade saw over a million hectares of wilderness reserved in the state of NSW but, until recently, little progress was made elsewhere in Australia. The success in NSW, as opposed to other states, can largely be attributed to the activism of the NSW environment movement and its different relationship with both the political and executive arms of Government. This relationship is structured through the NSW Wilderness Act, 1987 which was the first Australian statute to allow the community to formally nominate wilderness areas. Such community-based proposals can advocate the suitability of areas to be managed as wilderness by consideration of particular wilderness values, social and economic factors, as well as provide suggestions for park management.

What I call protected wilderness is, in administrative reality, a park management system that successfully defends nature from the spoiling forces of modern technology. Wilderness is also a powerful belief that respects the rights of nature and those of Indigenous people, and in politics such beliefs become reality. The wilderness idea has done much to protect nature and there is much more to be done.

Indigenous and non-Indigenous Australians can effectively act together when the bulldozers, miners, loggers and resort developers arrive to despoil the wilderness. Such defensive campaigns should be closely integrated with positive plans for wilderness protection. The efforts toward wilderness protection will be most effective when detailed wilderness protection proposals are advanced that can then be assessed in an open and transparent manner. Such an assessment of wilderness should be nature-focused, provide opportunities for restoration and be undertaken by a receptive park administration supervised by a sympathetic minister. This is a task that requires constant dialogue between wilderness advocates and government.

The Colong Foundation for Wilderness advocates that management of large national parks can provide adequate visitor opportunities for quiet enjoyment and also ensure effective conservation of aesthetic, cultural and natural values by adopting the following principles:

- all activities governed by the plan of management;
- no visitor accommodation on-park;
- the majority of the park should be subject to wilderness-style management with suitable areas on the edges set aside for motorised vehicles;
- vehicle access should be on formed two-wheel-drive roads approved for use by the plan of management;
- low-key facilities such as picnic tables and basic camping grounds should be located near park boundaries.

Limited high quality road access on the edges of parks and associated low-key facilities are the key to visitor management that can provide ample opportunities for enjoying a national park, while ensuring the integrity of remaining areas. Almost all heavily used park areas are within an hours walking distance of a vehicle access point (there are some exceptions, but they are few). These principles have been fundamental to the development of national parks and wilderness areas in NSW and it is time for the other states of Australia to reap the benefits of a greatly expanded wilderness estate.

The World Heritage Committee of UNESCO should consider advancing wilderness as one of the criteria in its World Heritage Operational Guidelines for the assessment of nominated natural properties. Such a criterion would reflect the true value and role of wilderness in this increasingly crowded world. Under the current Operational Guidelines, the consideration of important wilderness values is relegated to being either a factor influencing the biophysical integrity of the nominated property or an element of the conservation of scenery criterion. These limited assessment opportunities do not give due recognition to the many enduring values of the last remaining pristine parts of the natural world.

The identification and promotion of wilderness that would follow the establishment of such a World Heritage criterion would provide more people with life-changing experiences. Appropriate low-impact wilderness use is a humbling experience that can provide many

visitors with the inspiration to work for a more environmentally sustainable society. A wilderness World Heritage criterion would help to secure a higher priority for nature-focused management for the reserves listed under that criterion. Such a criterion may also assist with protection of the extensive wilderness areas in Queensland, Western Australia and the Northern Territory through the development of operational procedures under existing bilateral state-federal government agreements that regulate the World Heritage nominations.

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References:

1. Commonwealth of Australia. 1992. National Forest Policy Statement, A New Focus for Australia's Forests. Australian Government Printing Service, Canberra.
2. Commonwealth of Australia. 1997. Nationally Agreed Criteria for the establishment of a Comprehensive, Adequate and Representative Reserve System for Forests in Australia. Australian Government Printing Service, Canberra.
3. Whitehouse, John F. 1993. Legislative Protection for Wilderness in Australia. In: Barton, Will (ed.) Wilderness - the Future. Envirobook and Colong Foundation for Wilderness, Sydney.
4. Kakadu Board of Management and Parks Australia, 2006, Kakadu National Park Draft Plan of Management, Department of Environment and Heritage, Canberra.
5. Mittermeier, R.A. et al. (eds.) (2002). Wilderness: Earth's last wild places. CEMEX: Mexico City.
6. Anon. 1995. National Wilderness Inventory – Australia – Bulletin No. 3. Australian Heritage Commission, Canberra.
7. Anon. 2001. Gregory National Park Draft Plan of Management. Parks and Wildlife Commission of the Northern Territory, Katherine.
8. Kirkpatrick, J. B. 1980. The Quantification of Developmental Wilderness Loss – The Case of Forestry in Tasmania. In Search Vol. 11 No. 10: 331-335.
9. Department of Natural Resources and Mines, 2005, Wild Rivers Summary, Queensland Government, Brisbane.
10. Blay, John. 2005. Report of the Bega Valley Shire Region Old Path Ways and Trails Mapping Project , Public Version for the Bega Valley Regional Aboriginal Heritage Study (NSW National Parks and Wildlife Service and Bega Shire Council).
<http://www.netspeed.com.au/seforests/Bega%20Eden%20Merrimans%20Path%20Ways%20Public%20Report.pdf>
11. Carr, Bob. 2003. Rock Art find makes Stonehenge seem young. 1, Sydney Morning Herald 2 July 2003.
12. Anon. 2005. Namadgi National Park Draft Management Plan. Arts, Heritage and Environment, Canberra.
13. Commonwealth of Australia, 1998. Malimup communiqué on wilderness management principles. Environment Australia, Canberra.
14. Lines, Bill 2005 Pers. Comm. Quoted in Haydn Washington e-mail to Keith Muir regarding Bill Lines comments on dialogue and social justice, "most of your subjects are probably also under the sway of a leftist ideology that encourages the further, reinforcing belief that everything true and noble and just that good liberal people (like themselves) hold to be desirable and worthwhile is ultimately compatible and not only compatible but

actually mutually reinforcing. This is just more utopian twaddle and is not even true with respect to justice between humans.” Bill Lines 27th July, 2005

15. Misso, Mike 2005. Pers. Comm. Acting Natural and Cultural Programs Manager - Kakadu National Park, Mike Misso e-mail to Keith Muir regarding size of zone 4 in Kakadu National Park (Zone 4 attributes - land substantially unmodified by Non-Aboriginal people, or capable of being restored to such a state, where perceptions of solitude, space and wilderness and readily achieved and sustained), 4th August, 2005