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POLICY DIRECTORATE SUMMARY SHEET

TITLE OF TOPIC : WORLD HERITAGE LISTING - GENERAL APPROACH  
PLUS SHARK BAY

ISSUE TO BE DISCUSSED : Attached document.

**BACKGROUND SUMMARY :**

World Heritage Listing is politically contentious at present and there is a lot of argument (often not well informed) in the community. The Ministerial Committee appointed to examine possible listing for Shark Bay will probably be under pressure to reach some position soon.

**ISSUE(S) :**

The attached document is written by K McNamara as an attempt to put the full picture to the Ministerial Committee as soon as possible. The intention would be (after tidying it up as necessary) to table it at a meeting of the Working Group, (none of whom have seen it yet) as a draft for the Working Group to consider putting to its parent Ministerial Committee.

**RECOMMENDATION(S) :**

- 1) That Policy Directorate consider and comment on the attached document.
- 2) That it be forwarded to SPC as soon as possible and discussed with them (including Mike Kerry himself) with a view to it being put jointly by CALM and SPC to a meeting of the Working Group as soon as possible.

NOTIONAL AGREEMENT FROM : None yet.

IMPLICATIONS FOR CURRENT BUDGET : NIL

PROPONENT : K McNamara

FORWARDED BY : K McNamara

DECISION(S) :

DRAFT

SHARK BAY WORKING GROUP ON WORLD HERITAGE

(INTERIM/FIRST) REPORT TO MINISTERIAL COMMITTEE

1. PURPOSE OF REPORT

The purpose of this report is to inform the Ministerial Committee of the work carried out by the Shark Bay Working Group on World Heritage and in particular to:

- (i) advise the Ministerial Committee on the general principles and issues involved in World Heritage Listing so that the Committee can consider the general approach to be taken by the WA Government;
- (ii) advise the Ministerial Committee on the specific issue of possible World Heritage Listing for part or all of Shark Bay;
- (iii) advise the Ministerial Committee on an appropriate mechanism for dealing with other areas in WA which have been suggested for World Heritage Listing.

2. BACKGROUND

2.1 Ministerial Committee and Working Group

Suggestions were made during the Shark Bay Region Plan process that part or all of Shark Bay should be considered for World Heritage Listing. In April 1987 Cabinet agreed to establish a Ministerial Committee (Ministers for Planning, Conservation and Land Management and the Environment, and Fisheries and Agriculture) to examine the question of possible World Heritage Listing for Shark Bay.

The Ministerial Committee is assisted by a Working Group with the terms of reference and membership shown in Annex A. The Working Group met on 24 November 1987, 23 February 1988 and .... (to be held) and finalised this report at the last of those meetings.

## 2.2 Australia and the World Heritage Convention

At Annex B is a paper (dated January 1988) from the Commonwealth Department of the Arts, Sport, the Environment, Tourism and Territories (DASETT) entitled 'Australia and the World Heritage Convention' which seeks to explain the World Heritage Convention and Australia's participation in it.

It should be borne in mind that the paper is prepared from a Commonwealth perspective and it ignores or understates the controversial elements of implementation of the Convention in Australia.

The main features of the paper of relevance to the tasks of the Working Group are summarised and discussed where appropriate in the remaining sections of this report.

## 2.3 The World Heritage Convention

The Convention for the Protection of the World Cultural and Natural Heritage was adopted by the United Nations Educational, Scientific and Cultural Organisation in 1972. Australia ratified the Convention in 1974 and it came into force in 1975. At January 1988 there were 100 State Parties (ie member nations).

The Convention aims to promote international cooperation to protect cultural and natural heritage of universal value, and State Parties commit themselves to the protection of World Heritage properties.

The Convention is administered by a 21-member World Heritage Committee elected from Parties to the Convention. Australia has served as a member of the Committee since 1976 and its current term expires in 1989.

#### 2.4 The World Heritage List

Under the Convention there has been established a World Heritage List of properties of outstanding universal value. The World Heritage Committee has adopted the criteria at Annex C for assessing cultural and natural heritage values in order for a property to qualify for Listing (pp 5-9 from the UNESCO Operational Guidelines for Implementation of the Convention, dated January 1987).

These criteria set high standards for inclusion on the World Heritage List. The main elements of the criteria for natural properties to qualify for listing is that the properties must:

- (i) be outstanding examples representing the major stages of the earth's evolutionary history; or
- (ii) be outstanding examples representing significant ongoing geological processes, biological evolution and man's interaction with his natural environment;
- (iii) contain superlative natural phenomena, formations or features, for instance, outstanding examples of the most important ecosystems, areas of exceptional natural beauty or exceptional combinations of natural and cultural elements; or
- (iv) contain the most important and significant natural habitats where threatened species of animals or plants of outstanding universal value from the point of view of science or conservation still survive.

Furthermore, natural properties must also meet certain conditions of "integrity" (see Annex C). In essence, this means that natural properties must be of sufficient size so that they contain the key features and are self-perpetuating.

The World Heritage List is intended to contain the world's most outstanding natural and cultural treasures. At January 1988 there were 288 places on the List, including the Pyramids, the Grand Canyon (USA), Taj Mahal (India), Westminster Abbey (UK), Sagarmatha National Park (containing Mount Everest, in Nepal) and the Great Wall of China.

#### 2.5 Nomination Procedures for Inclusion on the World Heritage List

The nomination procedure is lengthy, involving firstly a considerable amount of preparatory work by the nominating government. Only the national governments of member nations of the Convention can nominate areas for the List. The decision whether an area is listed is the responsibility of the World Heritage Committee, which seeks technical advice from other bodies. The World Heritage Committee does not operate as a "rubber stamp" and areas nominated for listing are not necessarily accepted by the Committee.

Nominations have to be received by the World Heritage Committee Secretariat by 31 December. Following a detailed assessment process [involving evaluation by the International Union for the Conservation of Nature Resources (IUCN) in the case of natural properties], the Committee decides whether or not to accept the nomination at its meeting normally held in November (?) in the following year.

2.6 Australian Areas on the World Heritage List and Commonwealth-State Procedures for Nominating Australian Areas

The seven Australian areas on the World Heritage List are:

- . Kakadu National Park, Northern Territory (Stage 1 in 1981, Stage 2 in 1987);
- . Great Barrier Reef, Queensland (1981);
- . Willandra Lakes Region, NSW (1981);
- . Lord Howe Island Group, NSW (1982);
- . Western Tasmania Wilderness National Parks (1982);
- . Australian East Coast Temperate and Sub-Tropical Rainforest Parks ("NSW Rainforests") (1986);
- . Uluru National Park (1987).

Commonwealth-State procedures for nominating areas have been debated at length in the Council of Nature Conservation Ministers (CONCOM) and on a bilateral basis. In July 1984 CONCOM adopted procedures framed around the principle of full consultation between the Commonwealth and the State concerned. These procedures were reaffirmed at the November 1987 meeting with Queensland, Tasmania and the Northern Territory (i.e. the three Governments which have been embroiled in disagreements with the Commonwealth, involving court actions) registering their objections because the procedures do not go far enough, i.e. they considered that "agreement" by the State (or Territory) should be mandatory in order to preserve States' rights.

In essence, the difficulty arises with respect to whether or not the Commonwealth should undertake to nominate an area only after consultation with the State, or whether it should do so only with the concurrence of the State. Various States, including WA, have sought assurances on a bilateral basis that the Commonwealth will do the latter.

The current Commonwealth Government has made it clear at CONCOM that it will seek, through consultation, agreement with a State before nominating an area. However, the Commonwealth has also made it clear that it reserves the right to nominate an area without the concurrence of the State if the Commonwealth believes nomination is warranted and consultation with the State has not resulted in an agreed position on nomination. It is the Commonwealth Government which is the State Party to the Convention and it is the Commonwealth which therefore bears ultimate responsibility for matters relating to the Convention.

## 2.7 Commonwealth Legislation

The World Heritage Properties Conservation Act 1983 gives effect to the Convention in Australia and is designed to protect properties included on the World Heritage List, properties submitted for inclusion on the List and properties declared by regulation to form part of the cultural or natural heritage. In general terms, the Act makes it unlawful to damage such properties. A copy of the Act, which annexes the Convention, is at Annex D.

In 1983 the Commonwealth took action in accordance with the procedures laid down in the Act to protect the World Heritage area in south-west Tasmania, i.e. to prevent the construction of the Franklin Dam. This was challenged by the Tasmanian Government. However, in July 1983 the High



Court (by a 4:3 majority) upheld the Commonwealth's constitutional powers to enact such legislation, although some sections of the Act were held to be invalid.

The Lemonthyme and Southern Forests (Commission of Inquiry) Act 1987 came into operation on 8 May 1987. That legislation established a Commission of Inquiry to examine whether the Lemonthyme and Southern Forests in Tasmania are of World Heritage value or contribute to World Heritage value. The Act specified that during the period of the Inquiry certain activities (eg cutting down trees, road construction, excavation) were (without the Commonwealth Minister's consent) unlawful.

The Conservation Legislation Amendment Bill 1988 was introduced on 25 February 1988. The Bill will give effect to the 1983 Act in relation to property subject to a Commonwealth inquiry considering whether it forms part of the cultural or natural heritage. The Bill will also empower Commonwealth appointed inspectors to enter land, buildings or structures, for the purpose of making determinations with respect to unlawful activities and to obtain information. Copies of the Bill, the Explanatory Memorandum and Senator the Hon Graham Richardson's Second Reading Speech are at Annexes E, F and G.

On 10 March 1988 the High Court by a 5:2 majority upheld the constitutional validity of the Lemonthyme and Southern Forests (Commission of Inquiry) Act.

It has now been established in the High Court that the Commonwealth Parliament has constitutional power to implement by legislation its responsibilities under international treaties. The World Heritage Properties Conservation Act 1983 is already a powerful piece of

legislation and the Conservation Legislation Amendment Bill 1988 will give the 1983 Act effect in relation to areas under consideration by a Commonwealth inquiry.

The stated position of the Commonwealth Government is that use of the Act is considered as a last resort. It states that the Act is not intended to exclude or replace other laws protecting World Heritage property but to provide protection only where property of universal value is being or is likely to be damaged or destroyed.

## 2.8 The Benefits and Disbenefits of World Heritage Listing

### 2.8.1 Experience Elsewhere in Australia

As an introduction to the potential benefits and disbenefits of World Heritage Listing, it is useful to examine the experience elsewhere in Australia.

#### 2.8.1.1 Kakadu National Park

Kakadu National Park (in the NT) was listed in 1981 (Stage 1) and 1987 (Stage 2). The area is entirely national park declared under the (Commonwealth) National Parks and Wildlife Conservation Act 1975. Most of the area is under Aboriginal ownership and is leased to the Director of the Australian National Parks and Wildlife Service. The remainder is vested in the Director.

The area is listed for its cultural (Aboriginal culture) and natural values. As it is managed as a national park in accordance with a management plan, "damaging" activities are not permitted. Considerable development of park visitor/tourism facilities (including accommodation) has occurred in the listed area.

Within the external boundaries of the National Park there are mineral lease areas which are excluded from the Park. They are likewise excluded from the World Heritage area. The town developed to service the mining industry (Jabiru) is within the Park (and is)/(but is not) included in the World Heritage area.

In the case of Kakadu National Park, the Commonwealth nominated an area already under its management.

The Northern Territory Government has consistently argued that the Commonwealth should not have any management responsibility for national parks in the NT, as such responsibility normally rests with the State or Territory concerned. (Working Group is yet to receive a response from the NT Government on its attitude to listing).

#### 2.8.1.2 Great Barrier Reef

The Great Barrier Reef was listed in 1981 primarily for its natural values. The listed area includes Commonwealth-controlled waters outside the limits of the State of Queensland, some islands under Commonwealth control, and waters and lands (islands) inside the limits of the State of Queensland.

Most of the islands are managed as national parks by the Queensland National Parks and Wildlife Service. Some land is in private ownership. Most of the waters are declared as marine park.

The vast majority of the World Heritage area is managed as marine park or national park. Private land ownership continues within the area, as do activities such as commercial fishing including trawl fisheries (permitted in

the marine park in accordance with zoning plans), recreational fishing and boating, shipping movements and substantial tourism (including provision of accommodation).

In the case of the Great Barrier Reef, the Commonwealth nominated an area partly under its control and partly under Queensland control. It is understood (?) that nomination was made with the agreement of the Queensland Government (Working Group is yet to receive a response from the Queensland Government). Reflecting the fact that both Governments have jurisdiction over different parts of the Reef and that coordination is necessary for the Reef's protection, the (Commonwealth) Great Barrier Reef Marine Park Act 1975 (which established the Great Barrier Reef Marine Park Authority) and agreed administrative and consultative mechanisms (including a Ministerial Council) were in place well before World Heritage Listing occurred. The Queensland Government regards its arrangements with the Commonwealth in the management of the Great Barrier Reef as a successful cooperative exercise.

#### 2.8.1.3 Willandra Lakes Region

The Willandra Lakes Region, covering some 6,000 square kilometres, was listed in 1981 for both its cultural and natural values. The area consists of Mungo National Park managed by the NSW National Parks and Wildlife Service and 31 (?) pastoral leases which are at least partly in the listed area. Pastoral use of those leases continues. The NSW National Parks and Wildlife Service is preparing (?) a management plan for the Region (?).

The nomination was made (with the agreement of)/(at the instigation of) the NSW Government (Working Group is yet to receive a response from the NSW Government), but the

Working Group has been advised that there was no consultation with pastoral lessees prior to listing (advice from G Robertson; seek comment from NSW Government).

#### 2.8.1.4 Lord Howe Island Group

The Lord Howe Island Group was listed in 1982 for its natural values. The listed area consists of Lord Howe Island, adjacent islets and some marine areas.

Lord Howe Island and its associated islands are administered by the Lord Howe Island Board which is responsible to the NSW Minister for Lands. Part of Lord Howe Island is a "Permanent Park Preserve" and is afforded the same protection as a national park, and various areas are set aside as sanctuaries. The management plan for the Permanent Park Preserve takes account of and is consistent with its World Heritage status.

There is a resident human population on Lord Howe Island. There is also a tourism industry.

The nomination was made (with the agreement of)/(at the instigation of) the NSW Government. (Working Group is yet to receive a response from the NSW Government).

In its response to the Working Group's request for information, the Board did not draw attention to any benefits or disbenefits resulting from listing.

#### 2.8.1.5 Western Tasmania Wilderness National Parks

This area was listed in 1982 primarily for its natural values but also for its cultural values. The listed area consists entirely/mostly (?) of national parks managed by the Tasmanian Department of Lands, Parks and Wildlife. It is essentially a wilderness area.

The major human modification in the region before listing had been the construction in the early 1970s of the Middle Gordon hydroelectric power scheme which involved the damming of a section of the Gordon River (outside the listed area) and the inundation of Lake Pedder (inside the listed area?).

In the early 1980s the Tasmanian Government proposed a further major hydroelectric scheme, ie the Franklin Dam. As indicated in 2.7 above, the Commonwealth used its powers (subsequent to the listing of the area) to override the State Government's wishes and prevent construction of the dam.

At Annex H is a letter from the Tasmanian Department of Lands, Parks and Wildlife summarising Tasmania's experience of World Heritage Listing. The original nomination was prepared by the State in 1981 and submitted to the Commonwealth. The Commonwealth accepted the nomination and passed it on to the World Heritage Committee which subsequently accepted it in December 1982 despite strong objections from the then new State Government

Under an agreement between the Commonwealth and the State, the Commonwealth is providing \$2.2 million (indexed) per year for five years from 1987-88, with the State contributing \$1 million per annum (also indexed). The agreement provides that the Commonwealth may contribute additional amounts for major works. Significant ranger, specialist and other staffing has been provided, partly funded by the Commonwealth.

Administrative and advisory bodies in place include a joint Commonwealth State Ministerial Council, a Standing Committee of Commonwealth and State officials, and a Consultative Committee providing for input from community groups, local government etc.

The following extracts from the letter summarise Tasmania's experience:

"The experience of Tasmania in this area is hopefully not representative of the 'normal' circumstances under which listing might occur. In our case nomination of the Western Tasmania Wilderness National Parks by the then State Government took place in a highly political atmosphere and the fact that the listing was subsequently used to prevent a major hydro-electric development from proceeding has caused the Government to regard the listing in a rather negative light. However, working arrangements have been established with the Commonwealth and advantage is now deriving to the State from the listing."

"As might be expected in view of the controversial circumstances under which the Heritage Area concept was introduced to Tasmania, it has had a mixed reception. Those who favoured the proposed dam opposed the World Heritage Area, while those who objected to the dam welcomed the World Heritage Area. With the passage of time, the completion of some alternative projects and the provision of staff and facilities, there is a growing awareness of the benefits of the listing, not just to the area listed, but to the Tasmanian economy and community as a whole."

"Generally speaking, apart from its initial intervention in relation to the dam proposal and its continuing interest in major developments, the Commonwealth has left the management of the area to

the State and has contributed sufficient funds to ensure that our planning and management of this area is of a very high standard."

The Commission of Inquiry into possible listing of the Lemonthyme and Southern Forests (a separate area to that already listed) is a matter on which there is strong disagreement between the Commonwealth and Tasmanian Governments (see 2.7 above).

#### 2.8.1.6 NSW Rainforests

The NSW rainforests were listed in 1986 for their natural values. The area listed covers 203,088 ha in six geographically separate areas and consists of 16 different national parks, nature reserves and flora reserves. Except for two flora reserves which remain part of State forest, all listed areas are managed by the NSW National Parks and Wildlife Service. None of the listed areas are used for forest production.

The nomination was proposed by the then NSW Government which claimed the conservation of the State's rainforests as one of its greatest achievements.

#### 2.8.1.7 Uluru National Park

Uluru National Park (in the NT) was listed in 1987. The situation is similar to Kakadu National Park (see 2.8.1.1 above). The area is entirely national park declared under the (Commonwealth) National Parks and Wildlife Conservation Act 1975. It is under Aboriginal ownership and is leased to the Director of the Australian National Parks and Wildlife Service.



The area is listed for its cultural and natural values, and is a major tourist destination. As in the case of Kakadu, the Commonwealth nominated an area already under its management.

It is understood that the nomination had the support of the NT Government. (Working Group is yet to receive a response from the NT Government on its attitude to listing).

#### 2.8.1.8 Queensland Rainforests

In December 1987 Australia nominated the 'Wet Tropical Rainforests of North-east Australia' for inclusion on the World Heritage List. The World Heritage Committee will decide at its next meeting in November 1988 whether to include the Queensland rainforests on the List.

The Queensland Government is strenuously opposed to the nomination because logging in a very large area (including current State forest allocated to logging) will be stopped and a range of other activities will be threatened if the Commonwealth considers them damaging to the values of the area.

The Commonwealth Government has taken measures to "protect" the area (e.g. prevent rainforest logging) until listing is decided. If the areas are listed, then that "protection" would of course continue.

The Commonwealth has announced that industry initiatives will be developed to maximise new job opportunities and ensure that potential adverse effects of listing are minimised. It has said funds will be made available for activities such as plantation establishment, industry adjustment, tourism, and park planning and management.

2.8.1.9 Victoria

The Working Group is yet to receive advice from the Victorian Government. No areas in Victoria have been nominated or listed. It is understood that the Victorian Government has given some consideration to the possibility of nominating an area or areas.

2.8.1.10 South Australia

The Working Group is yet to receive advice from the SA Government. No areas in SA have been nominated or listed. It is known, however, that the SA Government is actively considering the possibility of nominating an area or areas (particularly the Nullarbor Plain).

2.8.2 Commonwealth Financial Assistance

Proponents of World Heritage Listing state that substantial Commonwealth financial assistance may flow from listing. DASETT advised (February 1988) that Commonwealth expenditure for World Heritage properties since 1985 is as follows:

\$ Million

|  | 1985-86 | 1986-87 |
|--|---------|---------|
| Western Tasmania Wilderness National Parks (park operations)*  | 2.0     | 2.0     |
| Great Barrier Reef (operational expenditure, capital costs and day to day management)  | 6.384   | 6.670   |
| Kakadu National Park (salaries, park operations and capital works)   | 7.029   | 8.153   |
| Uluru National Park (salaries, operations and capital works)   | 1.790   | 1.788   |
| Willandra Lakes (plan of management)   |         | .065    |
| Lord Howe Island (Regional Environmental Plan, weed control and reforestation)   |         | .030    |
| NSW Rainforests (management plans, walking tracks, visitor facilities, interpretive centres, surveys, publications, land acquisitions) |         | .603    |

\* These figures do not include compensation paid to Tasmania for the injurious effects of listing.

The above figures need to be used with some care. The Commonwealth has responsibilities for the Great Barrier Reef and Kakadu and Uluru National Parks and World Heritage Listing has not necessarily resulted in direct additional funding, although listing has probably been of some indirect value in that respect.

The amounts provided for Willandra Lakes and Lord Howe Island are small but would still be of assistance in producing management plans. Furthermore, management planning can provide a basis for seeking further financial assistance.

The amount provided for the NSW rainforests needs to be seen in the context of the Commonwealth's National Rainforest Conservation Program, for which \$22.25 million was allocated over two (later three) years, with the bulk of it earmarked for Queensland. NSW would have received significant funding from that Program regardless of World Heritage listing, but perhaps listing helped NSW attract a greater share of the available funds than would have otherwise been the case.

The level of assistance to Tasmania is significant and is directly attributable to World Heritage Listing (see 2.8.1.5 above).

Three general points are worth making. While Commonwealth financial assistance is available and can be significant, the likely level of funding is overstated by some. Secondly, the level to which the Commonwealth sees that it should provide funds for State-managed areas may well change under a different Commonwealth Government. Thirdly, the fact that an area is on the World Heritage List can be used as a plus when seeking funds from a range of Government (Commonwealth and State) and non-government sources.

# Land lock-up myth 'created by industry'

By CHRIS HARRIS\*

THE most enduring myth created by the mining industry in recent years is that of the great land lock-up.

The cry is: "If only the industry could have unfettered access to land, Australia's economic woes, particularly its balance of payments crisis, would be instantly solved."

The creation of this fantasy is designed to mislead the public into believing that the mining industry is being deprived of access to vast areas of Australia by other land uses such as national parks and Aboriginal land.

This is inaccurate and creates a false choice between the perceived benefits, such as jobs and growth, of untrammelled mining and the allegedly parasitical nature of conservation and Aboriginal land rights.

The industry has been prepared to indulge in misleading propaganda especially about the value of minerals which are inaccessible in national parks.

In Kakadu, for example, a brief examination of figures quoted by the industry and the Northern Territory Government for the value of minerals "locked up" varies between \$40 billion and \$100 billion.

The use of such huge "guesstimates" is an attempt to portray mining Kakadu as being the only rational solution to Australia's economic woes, a proposition which becomes patently absurd when one considers that on Northern Territory Government figures, Kakadu contains only 3 per cent of the region's minerals.

For many years, there has been an imbalance in Australia in favour of untrammelled development of mining and other primary industries, most notably in the frontier States such as the Northern Territory.

This myopia which overvalued these industries led Australia through the fiasco of the 1970s resource boom to its present balance of payments problems and unemployment difficulties and to

the despoliation of vast areas of its natural environment.

In reality, the mining industry is a capital-intensive, low value-added, low employment industry, per dollar of capital investment.

The mining industry is largely foreign-owned and has required Australia to import large volumes of capital equipment requiring hefty overseas borrowing.

The fixation with the mining industry has led to it being favoured with an over-generous part of Australia's financial and physical resources to the detriment of manufacturing and service industries.

On a purely physical basis, the "limited" access to land about which the industry complains, amounts to about 95 per cent of Australia's land area.

retention ponds or the tailings dam.

Yet, leaving aside the social benefits, the economic benefits that flow from the retention of an undamaged national park, in the form of income from tourism and other associated service industries far outweighs the benefit of mining.

On Northern Territory Government figures, Kakadu generated \$127 million in direct tourist spending in 1986-87, a figure growing at a rate of more than 30 per cent a year.

Despite this, companies such as Geopeko (the exploration arm of Peko Wallsend) have been trying to force Kakadu open to unlimited mining.

Geopeko has consistently claimed that such mining would be in areas of low environmental sensitivity.

has an estimated life of only eight years, with a maximum generation of 50 jobs within its operational life.

When infrastructure and other capital costs are considered, together with the fact that there is no tax on gold mining, the value of the mine becomes insignificant when compared with the risks.

Those risks include cyanide contamination of the Kakadu wetlands, and contamination from uranium and other heavy metals.

Because of its proximity to the South Alligator River, Coronation Hill has already been beset by environmental problems, such as heavy sediment run-off and contamination by oils and drilling fluids, and by political problems because of allegations of illegal drilling outside claimed leases.

The issue of uranium mineralisation is a sleeping one because, despite silence from BHP on this issue, four separate government and parliamentary sources indicate significant uranium mineralisation, a fact which raises further political and environmental questions.

Fortunately, despite allowing exploration in Stage 3 of Kakadu, the Federal Government has gone some way towards remedying the imbalance through its World Heritage powers which, contrary to recent misinformation, is a legitimate Commonwealth power, the control of which remains totally in Australian hands.

The Commonwealth's attitude comes largely as a result of public attitudes against uranium mining in national parks where unbiased polls (as against those quoted by the mining industry) show Australians do not favour the desecration of their national parks.

*\*Mr Harris is a researcher and media officer for Senator Norm Saunders. He recently finished a three-year contract in the Northern Territory as a land management consultant with the Northern Land Council. He previously worked for the Wilderness Society and Australian Conservation Foundation. He has a degree in politics and economics.*

## Risks include contamination of Kakadu's wetland areas

This compares with about 5 per cent set aside for nature conservation purposes.

In the Northern Territory, the imbalance in favour of the mining industry is extreme, with neither Territory nor Federal government controlled national parks being free from mining despite the low returns and great risks from such policies.

A 1986 research report by Ciaran O'Faircheallaigh, for Energy Resources of Australia, the owners of the Ranger uranium mine, showed that the Territory economy derived few benefits from the Ranger uranium mine at Jabiru.

Ranger provides only 400 direct jobs at less than two jobs per million dollars of value-added, compared with 12 for the mining industry as a whole and 34 for manufacturing industry.

The Ranger mine is within Kakadu National Park and poses a continuous risk to the wetlands of the park in the event of a major spill from

In fact, its major prospect, Ranger 68, lies on the Magela flood plain and would be under one metre of water in the wet season.

More recently, BHP has proposed a series of gold mines in the environmentally sensitive Stage 3 of Kakadu.

The mining industry sees the Federal Government's acquiescence to exploration here as a win in a political battle to open up all national parks to mining.

The first of these mines at Coronation Hill lies within 100m of the South Alligator River and, in common with BHP's four other proposed mines close to the river, poses a potentially serious threat to Kakadu's world heritage wetlands and tourist industry.

BHP's proposed operations are in the most important part of Kakadu Stage 3, the addition of which can be expected to generate an extra \$45 million a year in tourist revenue.

The gross value of Coronation Hill is estimated at around \$500 million and it

### 2.8.3 Tourism in World Heritage Areas

It is not generally possible to separate out and demonstrate precisely the effect of World Heritage status (as distinct from other factors such as general trends in tourism growth and development of access and accommodation) on the level of tourist visitation to Australia's World Heritage areas. Nevertheless, the general picture is one of increasing tourist visitation, and in some cases (e.g. Kakadu National Park, Great Barrier Reef and Uluru National park) the visitation is increasing at a very rapid rate. The available information suggests that areas placed on the World Heritage List tend to become widely known both nationally and internationally, and as a consequence tourism rises.

World Heritage Listing does not imply the "locking out" of tourism. Internationally, the World Heritage List includes some of the most significant natural area tourist attractions in the world.

### 2.8.4 General Statement on the Benefits and Disbenefits of World Heritage Listing

The question of World Heritage Listings in Australia is controversial, as has been evidenced in particular cases in Tasmania, Queensland and the Northern Territory. Conversely, some other Listings have proceeded with little or no controversy.

The basis of the controversy where it has occurred is in the area of Commonwealth-State relations. In particular, the controversy relates to the nature of the Commonwealth Parliament's constitutional powers (particularly its external affairs power) and the extent to which such powers

are exercised either to nominate areas without the agreement of the State concerned or to "interfere" in land-use and land management decisions which are traditionally the responsibility of States. Where there has been controversy, the question of "values" (i.e. whether the values of an area meet the criteria for listing) has often been mixed up with the question of "Commonwealth powers versus States' rights".

Various arguments have been advanced for and against World Heritage Listing. Arguments advanced for listing include:

- . increased international status and recognition;
- . public recognition of and pride in the richness and value of an area;
- . likely availability of Commonwealth financial and technical assistance;
- . promotion and development of tourism because of recognition of an area as one of the world's most outstanding areas;
- . possible increased employment and benefits to the local and State economy, particularly because of tourism;
- . increased emphasis on a high standard of planning and management for conservation;
- . likely focus for research;
- . multiple use of listed area is permitted.

Arguments advanced against listing include:

- . control over the area is handed over to an international organisation or to international bureaucrats;

(This is a myth. Listing does not result in any loss of sovereignty by Australia. All the World Heritage Committee can do is criticise any activities which it believes are damaging an area and ultimately it could remove such an area from the list when it no longer meets the criteria for listing).

- . control over the area is handed over to the Commonwealth Government;

(Listing does not result in any change in land ownership. State and local laws still apply and existing ownership rights continue. There is no impediment to uses which do not threaten the values for which the area is listed.

However, listing does bring about a greater Commonwealth involvement and scrutiny because, pursuant to its obligations under the international treaty, the Commonwealth has a responsibility to protect the area. Thus, should the State or local authority wish to permit an activity or development either in the listed area or which affects the listed area, the Commonwealth could override the wishes of the State or local authority if it regarded the activity or development as damaging.



The potential for conflict with the Commonwealth can be minimised through carefully-drawn boundaries, an appropriate agreement and ongoing consultation. Furthermore, the potential for conflict has to be looked at in light of the fact that the State, particularly if it proposes listing of an area, would not want to permit activities which would damage the values of the area).

in particular, activities such as mining, pastoralism and commercial fishing could be threatened (as could other activities not relevant to Shark Bay, e.g. logging or hydroelectric development);

(The Shark Bay Region Plan provides for continued pastoralism and commercial fishing. Both can continue in World Heritage areas but they could come under increased scrutiny if they were perceived as damaging. The State's intention in the Plan is that both activities be managed consistent with the conservation values of Shark Bay.

Whether or not mining would be acceptable in a World Heritage area would depend on the particular case (e.g. the type and scale of mining). The only mining envisaged in the Shark Bay Region Plan consists of the solar salt works and gypsum mine at Useless Loop and shell mining at Lharidon Bight. Mining areas could be excluded from any World Heritage nomination or they could be included subject to an agreement with the Commonwealth and appropriate environmental controls).

- . unless there is sufficient management capability, increased tourism could threaten an area's values.

### 3. GENERAL APPROACH TO WORLD HERITAGE LISTING IN WA

WA covers one-third of Australia's land area and has its share of areas of outstanding natural value. There are now World Heritage areas in Queensland, NSW, Tasmania and the NT, and both Victoria and South Australia are considering nominating areas (?). In WA no formal nominations have been made and no areas are listed. It is widely known that the WA Government is considering the possible nomination of Shark Bay and the outcome is being awaited with interest by the Shark Bay community, industry groups, the voluntary conservation movement and the Commonwealth Government.

Consideration of the general approach to be taken by WA involves judgement of a number of factors, including political factors. The Ministerial Committee will need to judge the possible consequences should the State decide not to nominate any areas for World Heritage Listing. There would be calls from the voluntary conservation movement for the Commonwealth to take unilateral action and proceed with a nomination for Shark Bay. As stated in 2.7 above, the Commonwealth's powers to take action to nominate areas in the States, to conduct an inquiry into whether to nominate areas and to "protect" such areas from damage, are well established. The issue is political rather than legal in that it depends on whether the Commonwealth chooses to use its powers. The Commonwealth has not done so in WA, but it will come under pressure to do so if it is perceived that WA is not moving forward in its consideration of the possible listing of Shark Bay and perhaps other areas.

Leaving aside the specific question of Shark Bay, there is general support in the Working Group for the concept of World Heritage Listing for appropriate areas in WA and there is recognition that World Heritage Listing can bring benefits to the listed area, the region and the State. There is also recognition that listing results in an increased role for the Commonwealth.

The Working Group is aware that the 1984 ALP State Platform includes a commitment to honour Australia's obligations under international conservation treaties, and that the 1986 Platform reiterates that general commitment and says a Labor Government will, in collaboration with the Commonwealth Government, proceed with the nomination of the Fitzgerald River National Park and Shark Bay as World Heritage areas. The Working Group is also aware that on 17 February 1984 the Hon Mal Bryce, signing on behalf of the Hon Premier, wrote to the Conservation Council of WA advising "that the Government concurs, in principle, with the proposal to nominate the Shark Bay area for inclusion on the World Heritage List".

The Working Group RECOMMENDS that the Ministerial Committee should:

- (1) consider the pros and cons of World Heritage Listing outlined in this Report;
- (2) support the concept of World Heritage Listing and actively promote and seek listing for a very restricted number of the State's most outstanding areas.

The Working Group's terms of reference also require it to investigate and report to the Ministerial Committee on:

- . the legislative, management or administrative arrangements necessary should Shark Bay be nominated for World Heritage Listing;
- . the need for an agreement with the Commonwealth and the form such an agreement might take.

The Working Group has not yet considered these matters in detail. With adoption of the Shark Bay Region Plan (as a statutory plan?) there is a clear framework for dealing with World Heritage Listing. Existing State legislation and administrative arrangements are entirely adequate for nomination and management of the area to maintain its values, although some structures aimed at improving coordination between State agencies involved (this would depend largely on the range of land tenures and resource uses within any listed area) and providing for local government and community input would be desirable. As Shark Bay is entirely under State jurisdiction, there is no need for any joint management authority with the Commonwealth (as in the Great Barrier Reef) but there would be merit in an appropriate consultative mechanism (as in the case of western Tasmania).

The Working Group is strongly of the view that there would need to be an agreement with the Commonwealth over any listed area but has not reached any conclusion on the form such an agreement might take. Doing so would entail negotiation with the Commonwealth. The Working Group therefore RECOMMENDS that the Ministerial Committee should:

- (3) agree that, for any area that is listed, the State should seek to negotiate an appropriate agreement with the Commonwealth which safeguards the State's

interests and attracts significant Commonwealth financial support for planning and ongoing management.

#### 4. POSSIBLE WORLD HERITAGE LISTING FOR SHARK BAY

Adoption by Government of the Shark Bay Region Plan provides a clear basis for future management of lands and waters in the Region. It also provides a framework within which to consider possible World Heritage Listing.

The Working Group is aware that Shark Bay (together with "The Kimberleys", "The Great Sandy Region" and the "Forest and Wildflower Regions") is included in the 1982/1984 (?) list entitled "The World's Greatest Natural Areas : An Indicative Inventory of Natural Sites of World Heritage Quality" prepared for the World Heritage Committee.

The Working Group had before it a range of information about the natural and cultural values of Shark Bay and a range of views about the extent to which those various values meet the criteria for World Heritage Listing.

The Working Group has not yet sought to reach total agreement on which values meet the criteria for listing. Some values (e.g. the stromatolites of Hamelin Pool, the endangered fauna on Bernier and Dorre Islands) were agreed to meet the criteria, while for many other values there was some disagreement or a lack of information on which to make a judgement.

The Working Group identified a range of natural and cultural values of Shark Bay. These are listed below, without any conclusion as to whether all of them meet the criteria for World Heritage Listing. (Note: there may also be significant values other than those listed below):

- . Hamelin Pool (stromatolites, hypersaline environment) and Faure Sill;
- . dolphin populations, with particular reference to Monkey Mia (interaction with humans, research);
- . the world's most extensive seagrass beds (particularly Wooramel Seagrass Bank);
- . landscape and seascape values (e.g. inlands, seacliffs, embayments);
- . rare and endangered fauna of Bernier and Dorre Islands;
- . other rare or significant fauna and flora (e.g. endemic species, dugong populations, humpback whales, turtles, vegetation communities);
- . sites of first known European landings on the west coast of Australia;
- . long history of scientific exploration.

The Working Group recognised that judgements as to whether these values meet the criteria for World Heritage Listing require documentation of each value by the appropriate scientific and technical experts followed by an evaluation process. Nevertheless there was agreement in the Working Group that at least some of the natural values of Shark Bay meet the criteria for World Heritage Listing.

The issue which then arises is the boundary of the area. This cannot be determined until the values have been properly documented and evaluated.

A range of approaches to the drawing of boundaries is possible. At one end of the spectrum is the nomination of the minimum possible area representing a few key values. Based on this approach, the suggestion has been made by some that Hamelin Pool and Bernier and Dorre Islands should be the only areas nominated for listing. Such a nomination seems most unlikely to fulfil the criterion of "integrity" (see 2.4 above) and furthermore it would not cover many of the values listed above (which may or may not meet the criteria for listing).

At the other end of the spectrum would be the nomination of the whole Region, or a large part of it, i.e. treating the mainland, islands and waters as an "integrated whole". Under such an approach it may be prudent, for example, to exclude areas earmarked for mining in the Region Plan, and perhaps to exclude the town of Denham. Agreement would have to be sought that continuing pastoralism and fishing as provided for in the Region Plan would not be jeopardised.

An "in-between" approach could be to nominate those areas earmarked in the Region Plan as conservation areas, i.e. essentially the terrestrial and marine areas to be managed by the Department of Conservation and Land Management as national parks, nature reserves, marine parks and marine nature reserves. Such an approach may or may not meet the criterion of integrity.

Finally, if a decision is made to go ahead and document the values of Shark Bay with a view to World Heritage Listing, then it would be appropriate to seek substantial Commonwealth assistance for that purpose.

The Working Group concludes that Shark Bay, or part thereof, qualifies for World Heritage Listing and therefore RECOMMENDS that the Ministerial Committee should:

- (4) support listing for Shark Bay, with the boundaries yet to be determined;
- (5) agree to approach the Commonwealth Government as soon as possible for substantial financial and technical assistance to document the values of Shark Bay for the purpose of listing;
- (6) agree that the Working Group, in association with appropriate experts and Commonwealth officials, should oversee the documentation process and, through the progressive "sieving" of information on values, recommend appropriate boundaries in relation to the criteria for listing.

#### 5. APPROACH TO OTHER AREAS IN WESTERN AUSTRALIA

Various areas other than Shark Bay have been suggested for World Heritage Listing. They include "the Kimberley" (particularly the north Kimberley), Windjana Gorge, Fitzgerald River National Park, the Nullarbor Plain, parts of the south-west, some desert areas and the West End Conservation Area in Fremantle.

While consideration of other areas was not within the Working Group's terms of reference, the Working Group noted the view of the Department of Conservation and Land Management that the north Kimberley has outstanding natural and cultural values and warrants consideration for listing alongside Shark Bay and ahead of any other areas in the State. Listing has been proposed in the course of the Kimberley Region Planning Study and is strongly supported by the voluntary conservation movement.



The Working Group therefore RECOMMENDS that the Ministerial Committee should:

- (7) note that other areas in WA have also been suggested for listing and in particular note that the area other than Shark Bay which warrants the highest consideration for listing is the north Kimberley;
- (8) further to (7), recommend to Cabinet that the Ministerial Committee with the addition of any other Ministers as appropriate, should examine the question of possible World Heritage Listing for the north Kimberley and that the Committee should appoint a separate Working Group for that purpose.

6. RECOMMENDATIONS

The Working Group RECOMMENDS that the Ministerial Committee should:

- (1) consider the pros and cons of World Heritage Listing outlined in this report;
- (2) support the concept of World Heritage Listing and actively promote and seek listing for a very restricted number of the State's most outstanding areas;
- (3) agree that, for any area that is listed, the State should seek to negotiate an appropriate agreement with the Commonwealth which safeguards the State's interests and attracts significant Commonwealth financial support for planning and ongoing management;

- (4) support listing for Shark Bay, with the boundaries yet to be determined;
- (5) agree to approach the Commonwealth Government as soon as possible for substantial financial and technical assistance to document the values of Shark Bay for the purpose of listing;
- (6) agree that the Working Group, in association with appropriate experts and Commonwealth officials, should oversee the documentation process and, through the progressive "sieving" of information on values, recommend appropriate boundaries in relation to the criteria for listing;
- (7) note that other areas in WA have also been suggested for listing and in particular note that the area other than Shark Bay which warrants the highest consideration for listing is the north Kimberley;
- (8) further to (7), recommend to Cabinet that the Ministerial Committee, with the addition of any other Ministers as appropriate, should examine the question of possible World Heritage Listing for the north Kimberley and that the Committee should appoint a separate Working Group for that purpose;
- (9) agree that the action being taken should be publicly announced and that the Working Group should cooperate with Commonwealth officials to provide information on World Heritage matters to the Shark Bay community in particular, and to the WA public generally.

Recommendation (9) is the only one of the above recommendations which does not appear in an earlier part of this report with some supporting comments. This recommendation is made because the Working Group believes that an announcement would remove uncertainty about the Government's position and provide a clear basis for future actions. The recommendation is also intended to address the myth and uncertainty surrounding World Heritage issues.

7. MINORITY/INDIVIDUAL DIFFERING VIEWS

Insert as appropriate.