

UNITED NATIONS EDUCATIONAL
SCIENTIFIC AND CULTURAL ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE
WORLD CULTURAL AND NATURAL HERITAGE

WORLD HERITAGE COMMITTEE
Seventh ordinary session
Florence, Italy, 5-9 December 1983

Note on Western Tasmania Wilderness National Parks (Australia)

1. It is recalled that the Committee, at its sixth session in December 1982, decided to inscribe the above property on the World Heritage List. However, the Committee suggested that the Australian Government should propose the Western Tasmania Wilderness National Parks for inclusion in the List of World Heritage in Danger, in view of the intention of the Tasmanian authorities to build a dam in the area, and because of damage being caused by the associated large scale construction works.
2. At its seventh session in June 1983, the Bureau received a statement from Australia which said that legislation had been passed by the Australian Government to prevent the construction of the dam, and that the validity of the legislation was being examined by the High Court of Australia. In view of these circumstances the Australian Government had decided not to request that the property be placed on the List of World Heritage in Danger. The Bureau commended the Australian Government for enacting the necessary protective legislation so rapidly. The Bureau concluded that, regardless of whether the legislation was found to be effective or not, the property should still be placed on the List of World Heritage in Danger. If the dam construction was stopped, it was expected that restoration work would commence immediately and that, as it became effective, the property could be removed from the List of World Heritage in Danger. On the other hand, if dam construction were continued, it was considered that the Committee would probably wish to access the threat to the property in terms of the damage to those characteristics on which World Heritage Listing was based.
3. The Secretariat was asked to communicate these views to the Australian authorities with a view to providing up to date information on which the full Committee could take the necessary decisions. The following text was received in a letter from the Australian Permanent Delegation to the World Heritage Secretariat, dated 10 November 1983:

"In May, the Australian Parliament passed the World Heritage Properties Conservation Act, which provides for the protection of certain property that Australia has identified as "natural heritage" or "cultural heritage" within the meaning of the Convention for the Protection of the World Cultural and Natural Heritage. The Act enables the Australian Government to prohibit acts which might damage or destroy the property.

The State Government of Tasmania challenged the Australian Government's claim to have the constitutional power to enact such legislation. On 31 May 1983 the matter was taken to the High Court of Australia, which rules on constitutional matters. The High Court handed down its decision on 1 July 1983. It upheld the constitutional right of the Australian Parliament to pass the Act and of the Australian Government to take action to protect the Western Tasmania Wilderness National Parks.

Since the High Court decision the Federal Government has been working with the State Government of Tasmania to ensure conservation and management of the Western Tasmania Wilderness National Parks in accordance with their World Heritage status, and funds have been allocated for the restoration of damaged areas. A substantial portion of this restoration work has been completed. Proposals for long term joint management of the Parks are now being prepared for consideration by both the Australian and Tasmanian Governments.

In the circumstances the Australian Government considers it inappropriate that the Western Tasmania Wilderness National Parks be considered for the List of World Heritage in Danger."