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Legal challenge to helicopter-accessed tourist operation within Tasmanian Wilderness World Heritage Area

The Wilderness Society (Tas) (TWS), represented by EDO Tasmania, has commenced Federal Court proceedings to challenge the decision that proposed helicopter-accessed tourist accommodation within the Tasmanian Wilderness World Heritage Area does not require approval under the EPBC Act.

Last month, the Federal Minister (by delegate) decided that a proposal to build high-end tourist accommodation on Halls Island, to be accessed by helicopter, was not a controlled action and did not require further assessment or approval under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

That decision was made despite over 900 submissions, including one from the National Parks and Wildlife Advisory Council, raising serious concerns about the impacts of the standing camp on biodiversity values, bushfire hazards, and the impact of helicopter flights on the wilderness values and experience of other users of the Tasmanian Wilderness World Heritage Area.

"The challenge to the delegate's decision that this proposal will not have a significant impact on World Heritage values has not been taken lightly," said Jess Feehely, EDO Tasmania Principal Lawyer. "TWS has elected to challenge the decision because it is concerned that the delegate failed to apply the EPBC Act in the way it is intended to be applied."

The EPBC Act requires actions which are likely to have a significant impact on a matter of national environmental significance, such as World Heritage values, to be subject to rigorous and transparent assessment. Ms Feehely said:

"The Tasmanian Reserve Activity Assessment process has not involved any public consultation. The number of submissions to the Minister demonstrates the level of concern amongst experts and the general public that the project will compromise important values. By deciding that the proposal is not a controlled action, the delegate cut off any further opportunity for a detailed assessment of wilderness impacts."

Ms Feehely also noted that the delegate's decision was unconditional:

"The delegate has not placed any qualifications on his decision that the proposal will not have a significant impact on World Heritage values. As a result, it is not clear how much flexibility exists regarding the number of flights, flight paths, or building and track design before the Minister should be asked to reconsider the significance of the impacts."

The EPBC Act is the key piece of legislation for upholding Australia's obligations to protect World Heritage properties like the TWWHA. This case could help to clarify the level of scrutiny expected for developments in World Heritage areas, and the responsibilities of the Federal Minister in assessing proposals that put internationally-recognised wilderness values at risk.

The proceedings will be listed for a directions hearing before the Federal Court in the coming weeks.

Further information:

- [Case summary on EDO Tas website](#)
- [Referral material \(search for 2018/8177\)](#)

For media inquiries, contact Jess Feehely on (03) 6223 2770 or jess.feehely@edotas.org.au

About EDO Tasmania

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