

COMMONWEALTH OF AUSTRALIA

and

STATE OF TASMANIA

Outline of submissions of the Tasmanian Wilderness Society,
Incorporated.

1. The Act and Regulations are valid for the reasons advanced by the Commonwealth.
2. ^{1/20/01 as} The Act and the Regulations, ^{give effect to obligations under the Convention Treaty} are a valid exercise of the external affairs power even on the narrower views of that power because:-
 - (a) ^{1/20/01 as} their subject matter, ^{Convention} namely the protection of the world's cultural and natural heritage, is international in character;
 - (b) ^{1/20/01 as} their subject matter affects Australia's relations with other countries;
 - (c) ^{1/20/01 as} the manner in which the subject matter is treated involves a relationship with other countries or with persons or things outside Australia.
3. The subject matter is international in character because:-
 - (a) of its very nature; it is the protection of the world's heritage.
 - (b) the heritage is defined by reference to requirements of "outstanding universal value".
 - (c) the recognition by the international community of a world heritage, and the co-operation of that community for its protection, advances the first object of international relations, namely peace between nations: cf. UNESCO Constitution, Preamble.

DEVELOP

(d) the protection of the world's natural heritage is part of the wider international issue of the protection of nature and the world's natural environment.

NEW
POINT

4. The subject matter affects Australia's relations with other countries because the loss of or damage to part of the world's heritage within Australia:-

NEW
ASPECT

(a) would arouse serious concern and a sense of loss in other countries, and actual loss to those countries with the resulting capacity to affect relations;

(b) would diminish Australia's standing and influence in the community of nations, at the very least in cultural and environmental matters.

5. The manner in which the subject matter is treated involves a relationship with other countries or with persons or things outside Australia because:-

ENTIRELY
NEW
ASPECT

(a) the manner of treatment is the enactment of laws to protect the world's heritage;

(b) those laws operate for the benefit of persons both inside and outside Australia in that they protect property of value to all those persons.