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MEDIA RELEASE

Government commits to referring 4WD tracks proposal following Full Court decision

Today the Chief Justice of the Federal Court handed down final orders in the Tasmanian Government's appeal against a Federal Court decision that prevented the re-opening of 4WD tracks in the National Heritage-listed Western Tasmania Aboriginal Cultural Landscape (WTACL).

The Full Court, which had earlier found that works required to open the tracks were "actions" within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*, ordered that the case be remitted to Justice Mortimer for further consideration of the impacts of the actions on Aboriginal heritage values.

The Full Court recognised the important questions raised by the case and TAC's success in its central contention. The Tasmanian Government will pay the TAC's costs of the original hearing, and will bear their own costs of the appeal.

In a media release today, the Tasmanian Government has committed to consulting with the Aboriginal community and 4WD track users regarding planned works, and to referring the proposal to the Federal Minister. Doing so could remove the need for a further hearing.

EDO Tasmania's litigation lawyer, Claire Bookless, said:

The Full Court has confirmed the TAC's central argument - that the works needed to open the 4WD tracks are "actions" and that such actions trigger the cultural heritage protections of the EPBC Act. We welcome the Government's commitment to referring the proposal, something that should have happened before the re-opening announcement was made in 2014.

TAC will continue to urge the Tasmanian government to abandon the proposal, particularly given the Government's recent commitments to "resetting the relationship" with Tasmania's Aboriginal community and to recognising the ongoing role of the community in the State's Constitution. Ms Bookless noted:

Consultation with the Aboriginal community, heritage experts and off-road drivers led to the closure of the tracks in 2012, and the Aboriginal heritage values of the area have since been formally protected by the WTACL national heritage listing. We hope that when Minister Groom rigorously assesses the impacts of any proposed works on the natural and cultural values of takayna, he recognises that the risks to these nationally significant values are simply too great to proceed with re-opening the tracks.

MEDIA INQUIRIES:

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