

SUBMISSION TO THE ABORIGINAL LAND INQUIRY

from

THE ENVIRONMENTAL PROTECTION AUTHORITY

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INTRODUCTION

In this submission we wish to -

1. outline the history of the Environmental Protection Authority's involvement with conservation reserves; and
2. describe the current position in respect to both conservation reserves and environmental assessment as they relate to Aboriginal interests.
3. We will then nominally divide the State into three zones to examine the situation as we see it in respect to conservation reserve proposals and Aboriginal interests. The zones are not rigidly defined and tend to merge into each other - they are as follows:
 - (i) The South West where there is very little land available or suitable for conservation reserves. There are also many competing land uses but little or no traditional Aboriginal land relationships.
 - (ii) The Arid Zone which takes up the largest area of the State. Aboriginal land relationships are very strong however, other competing land uses are few and there are considerable areas of land suitable for conservation reserves available.
 - (iii) The Pastoral Zone. This includes much of the Kimberley, Pilbara, Murchison and Goldfields areas. There are competing land uses and a wide range of Aboriginal land relationships. Areas suitable for conservation reserves are rare.

In each zone we will examine the particular interactions between reserve proposals and Aboriginal interests and consider ways in which possible conflicts could be resolved. We will also offer some more general comments

on environmental management of pastoral and arid land which is under or may come under Aboriginal control.

4. In the conclusions we will propose a number of options which could be used to resolve potential conflicts over the ownership and management of land required for conservation reserves in areas where there are Aboriginal interests. The implementation of these options should allow the State and people of Western Australia to have an adequate system of conservation reserves while also catering for the aspirations of Aboriginal people. They would also assist in enabling Aboriginal people to become more involved in the management of conservation reserves.

1. HISTORICAL BACKGROUND

Shortly after its formation in December, 1971, the EPA recognised that the establishment of an adequate conservation reserve system would be an important input towards achieving its statutory objective of "enhancing the quality of the environment". With this in mind, the EPA at its first meeting decided to appoint a Conservation Through Reserves Committee (CTRC) with the following terms of reference:

- (a) to review and update firm recommendations of the Western Australian Sub-Committee of the Australian Academy of Science Committee on National Parks in respect of National Parks and Nature Reserves;
- (b) to review National Parks and other significant reserves controlled by the National Parks Board of W.A. and the Pemberton National Parks Board, and large wildlife sanctuaries controlled by the W.A. Wildlife Authority;

- (c) to review areas recommended to the Minister for Lands by the Reserves Advisory Council;
- (d) to consider proposals for reserves submitted to it in writing by interested members of the public and organisations and by Local Authorities and State and Commonwealth Government instrumentalities.

To provide a framework for its assessments the CTRC divided the State into 12 Systems the boundaries of which related to geography and human activities. System 7, the Kimberley, was given special attention, largely due to its remoteness and associated deficiencies in available information, and was reported on at a later date.

System 6, comprising the Darling Range and Perth metropolitan area, was acknowledged to be the most complex of all the systems for which reason the EPA approved deferral of its consideration until completion of all other Systems.

As a result of public advertisements submissions were received from the public and private sectors and were considered by the CTRC in preparing its report to the EPA. The first report to the EPA from the CTRC was titled 'Conservation Reserves in Western Australia - Report of the Conservation Through Reserves Committee to the Environmental Protection Authority 1974' (copy attached). This report, known as the Green Book, embodied recommendations by the CTRC for Systems 1, 2, 3, 4, 5, 8, 9, 10, 11, 12 ie all Systems except 7 and 6.

The EPA subsequently sought comments on this Green Book from the private and public sectors of the community. Such comments were considered essential inputs to the development of recommendations for consideration by Government. The EPA considered each of the CTRC

recommendations along with all public and private submissions and other available information in the preparation of its reports to Government.

EPA's first report to Government was produced in December, 1975, and is titled 'Conservation Reserves for Western Australia as Recommended by the Environmental Protection Authority 1975 - Systems 4, 8, 9, 10, 11, 12. It is commonly known as the first Red Book. The recommendations for the Systems contained therein were endorsed by State Cabinet on February 9, 1976.

The so-called second Red Book with similar title and covering Systems 1, 2, 3 and 5 was produced in July, 1976 following further technical appraisal of competitive land-uses and consultation with local authorities in Systems 3 and 5 and an assessment of Systems 1 and 2 by a Special Review Committee. On 20 October, 1976, the recommendations of this report were endorsed by State Cabinet. This left recommendations for Systems 6 and 7 still to be developed.

With regard to System 7 the CTCR, following its investigation of this system and the broadest possible contact with local authorities throughout the area, transmitted its report and recommendations to the EPA on April 14, 1978. This report titled 'Conservation Reserves in Western Australia - Report of the Conservation Through Reserves Committee on System 7 to the Environmental Protection Authority 1977' was then released for public review and comment until June 30, 1978. Subsequent to a consideration of public submissions, discussions with Aboriginal representatives and an inspection of the Kimberley the report titled 'Conservation Reserves for Western Australia as Recommended by the Environmental Protection Authority 1980 - System 7' was submitted by the EPA to the then Hon. Minister for Conservation and the Environment on September 9, 1980 (the report was considered by the State Government and was the subject of a Cabinet minute of

September 2, 1981 relating to all systems. This minute will be referred to later).

As already mentioned System 6, because of the complexities resulting from the range of interacting factors generated by the 77% of the State's population that live in this System's area, warranted special consideration. To do this a System 6 Committee, supported by 6 specialist committees representing commercial and productive users, local government, urban and recreational planners and the tourist industry, was established by the Environmental Protection Authority.

The System 6 Committee's report was prepared following consideration of the results of its technical committees investigations and public submissions. It is titled 'The System 6 Study Report to the Environmental Protection Authority' and is known as the System 6 Green Book. The report was released during the period April 24 to November 30, 1981 and submissions from the public and private sectors were received. About 1 500 submissions were received and these will form a major component of the EPA's deliberations in the preparation of its report to Government. This System 6 report is expected to be completed in several months time.

There have been a number of issues which have prevented or retarded full implementation of a range of recommendations for Systems 1, 2, 3, 4, 5, 8, 9, 10, 11, 12. For instance, funding to purchase land for reserves has been limited and a shortage of staff resources has delayed biological surveys. In addition, mineral resource issues have affected the implementation of some 10% of the recommendations. However, difficulties have been resolved in respect of the latter through agreements recently reached between the EPA and the Under Secretary for Mines. This has paved the way for early implementation of these recommendations.

Progress achieved in the implementation of the recommendations for Systems 1, 2, 3, 4, 5, 8, 9, 10, 11, 12 has been reported on by this Department in Bulletin Nos 85, 107 and 131 covering their status as at June 1980, August 1981 and September 1982 respectively (copies enclosed). Approximately 62% of the recommendations are, at this time, considered to have been fully implemented. If the recommendations with mineral resource aspects, on which agreement has been reached between EPA and the Under Secretary for Mines together with others which are nearing final implementation, are implemented soon, then some 80% of the recommendations would be completed. This would represent a most satisfactory level of achievement at this stage.

Brief mention has previously been made to the Cabinet minute of September 2, 1981 which has effected all outstanding recommendations in the Systems already investigated by the EPA ie all those except System 6.

In this minute Government received the recommendations of the EPA for System 7 from the Minister for Conservation and Environment as a guide to Government on the establishment of conservation reserves in the Kimberleys. However, implementation of the various recommendations contained in the System 7 report are to be dealt with individually and be the subject of separate and specific decision by Cabinet. All outstanding recommendations in the other Systems are to be similarly dealt with by Cabinet.

Cabinet has since approved the recommendation concerning Hidden Valley (refer System 7 Red Book). No other System 7 recommendations have been considered by Cabinet.

2. THE CURRENT SITUATION IN RESPECT TO BOTH CONSERVATION RESERVES AND ENVIRONMENTAL ASSESSMENT AS THEY RELATE TO ABORIGINAL INTERESTS

In addition to the "Red Book" recommendations the EPA considers additional proposals for conservation reserves referred to it by Government Departments, private individuals and organisations. In these cases comments are sought on the proposal from relevant Government Departments, Local Authorities, Aboriginal groups and other interested groups. In some cases the "Red Book" recommendations were very general and required further studies, biological surveys or resolution of conflicts over boundaries and vesting. In some of these cases working groups with representation from the various interested groups have been established to assist in this process. EPA involvement in conservation reserves is therefore an ongoing process and is expected to continue for many years to come.

The EPA's role has been to define areas suitable for conservation reserves, decide upon a suitable body in which to vest the area and to set management objectives. It then advises Government through the Minister for the Environment and seeks approval for the reservation to take place.

In making its recommendations for conservation reserves and their management the EPA has used criteria based on standards accepted throughout the world as well as the particular requirements of the residents of W.A.

The EPA therefore sees the State's natural areas that are accessible to the public being managed by three authorities, these are the National Parks Authority (NPA), the W.A. Wildlife Authority (WAWA) and the Forests Department. Each of these organisations has different roles and responsibilities, these have been described in the first "Red Book" preamble.

The Department of Conservation and Environment (DCE) supplies the Authority with technical advice and has the responsibility for seeing that the EPA recommendations are implemented. This can be a time consuming process as it requires close liaison between the authority in which the land is to be vested and all the other interested groups involved. When all these matters are resolved the proposal is put forward to Cabinet for final approval, in accordance with the Cabinet minute of September, 1981. The Department of Lands then carries out the land transfer or vesting in accordance with the Land Act.

Neither the EPA nor DCE are involved in the management of conservation reserves; this becomes the responsibility of the authority in which the land is vested. However, the EPA can recommend management objectives through the vesting order and as conditions on the Cabinet approval. It has for instance recommended the employment of Aboriginal Rangers in a proposed National Park known to contain sites of importance to local Aboriginal people.

DCE can have some influence over reserve management concepts through its work in the implementation process and working groups. It is also involved in setting conditions for alternative land uses such as mining exploration on proposed reserves.

Both the EPA and DCE have sought advice on Aboriginal matters as they relate to reserve proposals from the W.A. Museum's Aboriginal Sites Department, the Aboriginal Lands Trust and individual Aboriginal Communities where they have made their interest known. Limited funds and staff have prevented any comprehensive involvement with Aboriginal communities.

There have been problems in identifying Aboriginal groups with a particular interest in a given reserve proposal due to the lack of a formal agency or department that collects

and maintains this type of information. There are also problems in defining what is meant by the various terms used and in making assessments of the degree of interest. There are also problems with areas which contain Aboriginal archaeological sites of importance but which may not be of current significance to living Aboriginal people other than in a general manner.

The EPA in making its recommendations has been constrained by the existing land tenure and vesting legislation which does not make provision for Aboriginal land claims or ownership outside the Aboriginal Reserve provisions.

The Authority has in cases where there has been an identified Aboriginal interest attempted to make provision for the interest by adding conditions to its recommendations requiring the managing authority to include Aboriginal concerns and interests in management plans for the area. This has not been particularly successful and certainly falls well short of Aboriginal aspirations for control of the land they traditionally think of as theirs.

The EPA has as its primary goal in this area the creation of an adequate and comprehensive network of conservation reserves throughout the State to ensure the long term survival of the existing biological resources. It also considers that conservation reserves should be regarded as community assets for the benefit of all Australians. As such the public should be able to freely visit such areas for recreational and inspirational experiences that are compatible with the area's purpose and management objectives. While it has been sympathetic to Aboriginal interests and fully supports the concept of Aboriginal involvement in the management of traditional lands it is not its role to act as an advocate for Aboriginal people.

There is an additional area outside conservation reserves where the EPA has become involved in Aboriginal land and site matters. This has occurred through the EPA's environmental

assessment procedures undertaken for development projects. Aboriginal issues have arisen in many projects in the north of the State.

Under the existing Environmental Protection Act the EPA has been somewhat restricted in the matters it can consider by the Act's definition of "Environment". While this has enabled the EPA to consider and make recommendations about Aboriginal site management and protection, based on advice from the W.A. Museum, it has not been possible to examine broader social issues in detail. It would appear that these social issues are of considerable concern to Aboriginal people and the general community.

The Environmental Protection Act is currently being reviewed and changes are expected to be made in the near future. One of the matters under consideration is the inclusion of social issues in the Act's definition of environment. If this occurs it will enable the EPA to examine and make recommendations on the social consequences of development projects and land use changes.

3. THE THREE ZONES OF THE STATE AND AN EXAMINATION OF THE SITUATION IN RESPECT TO CONSERVATION RESERVE PROPOSALS AND ABORIGINAL INTERESTS

(i) The South West Zone

This is the area of the State which includes the EPA Red Book recommendations for Systems 1, 2, 3, 4 and 5 and the System 6 proposals currently being considered by the EPA.

In it a large number of conservation reserves have been proposed in areas where there are no longer traditionally oriented Aboriginal people who have maintained a spiritual bond with a particular area of land. The South West of the State is typical of this situation. However, it is usual in these areas

that have been settled for some considerable time by European Australians that areas of undeveloped land suitable for conservation reserves are both rare and subject to competing land use proposals. It is possible that Aboriginal groups may seek ownership of some of this land to satisfy broader land ownership aspirations. The EPA believes that undeveloped Vacant Crown land subject to conservation reserve proposals should not be used to satisfy Aboriginal land requirements in areas where there is no demonstrated specific traditional connection to that land by Aboriginal people. In these areas purchase of existing developed freehold or leased land should be considered.

The EPA is aware of only one area subject to a reserve proposal in the South West in which an Aboriginal group has expressed an interest based on a traditional land relationship.

(ii) The Arid Land Zone

Within the arid land zone (ie EPA's System 12) a number of very large conservation reserves have been proposed. It is also within this area that Aboriginal people have maintained traditional land relationships to the greatest extent. Many of the EPA's proposed reserves are known to include areas of significance to Aboriginal people. However, there are a number of other factors which need to be considered. The rainfall and soils in the arid zone will preclude any agricultural or pastoral activity on an extensive scale and so disruption to the natural environment will be limited to more localised mining and petroleum developments, other human activity such as tourist developments and Aboriginal outstations and communities. Because of the lack of competing land uses, there is more flexibility in the

location of arid land reserves and in some cases it may be possible to relocate reserves into areas of lower Aboriginal significance and still cover the same range of habitats and vegetation. Much of the arid land vegetation and hence the fauna which is dependent on it, has been modified by, and reflects past Aboriginal land management practices, especially the use of fire. The change in Aboriginal life-style following European settlement has resulted in quite major changes in the fire regime, which, together with the introduction of feral animals such as cats, dogs, rabbits and foxes, has caused many changes in vegetation and the distribution and abundance of animal species. These changes are only now being studied by scientists and much more needs to be done before their effects on the ecology of the arid lands is fully understood. However, it is likely that traditional Aboriginal land management systems will need to be duplicated to successfully manage many of the proposed conservation reserves. Aboriginal communities may have an important role to play in these management programmes. In some cases it is possible that the land could belong to an Aboriginal group under some form of land tenure but that it is managed with an overall conservation of flora and fauna objective. There are also many possible variations on this theme. The land could be vested in the Aboriginal group but leased to the State Authority for management as a conservation reserve. The reverse situation could also apply, where the land is vested in the State management authority with the Aboriginal group being involved in the management planning and implementation.

There are examples of this joint approach to Aboriginal ownership and conservation in the Northern Territory and South Australia which could be examined as possible models. There are also examples in Africa and North America.

The arid zone has very low biological productivity particularly during periods of prolonged drought when species may survive only at extremely low densities or in isolated populations in favoured locations. Such a system is easily damaged by man's activity, this is one of the reasons why conservation reserves need to be very large. While Aboriginal land relationships have been maintained in the arid zone Aboriginal lifestyles have changed drastically from small nomadic hunter gatherer bands to much larger fixed communities based on European lifestyles. This change has led to severe environmental degradation in the areas surrounding existing Aboriginal communities and outstations. Unless solutions to these problems can be found they will continue to preclude settlements being allowed in conservation reserves. The inquiry should consider ways in which land placed under Aboriginal control is to be managed in an environmentally acceptable manner. It should also consider ways in which advice from relevant Government agencies can be made available to Aboriginal groups so that management plans can be prepared to overcome these problems.

Tourist developments will be one of the potential areas for economic development of the Arid Zone. Some of the EPA's recommendations reflect this by proposing that areas become National Parks rather than Nature Reserves. In the longer term it may be that these areas could receive large numbers of visitors and that accommodation and other facilities will be required. It is also possible that Aboriginal communities may wish to develop these tourist facilities. There will be a need for developments of this type to be carefully considered to ensure that they complement existing reserve, management objectives and that their impacts on the environment and existing communities are acceptable.

(iii) The Pastoral Zone

This zone includes the EPA's Systems 7, 8, 9, 10 and 11. It differs from both the South West and the Arid Zone and represents a range of conservation requirements and Aboriginal interests which fall between the more extreme cases described in the South West and Arid Zones.

Much of the area has been used for pastoral activities for many years under the pastoral lease provisions of the Land Act. In recent years an increasing number of pastoral leases have come under Aboriginal control. Aboriginal people have often maintained some of their traditional links with the land while employed on pastoral properties leased by non Aboriginals. In System 7 there are also considerable areas of Aboriginal Reserve land. In general the EPA's recommended conservation reserves within this zone have been on areas of reserve or Vacant Crown land. These areas are usually unsuitable for pastoral use. In some cases they adjoin Aboriginal leased properties or Aboriginal reserves and are known to contain areas of significance to Aboriginal people.

In some cases where no Vacant Crown land is available and/or particularly significant areas were occupied by pastoral leases, the EPA has recommended that pastoral properties should be purchased for reserves if they become available or that they should become conservation reserves at the expiration of the lease. There are several cases where this type of recommendation has been applied to areas under lease to or being sought by an Aboriginal group.

The pastoral activity in WA has caused very extensive and severe land degradation in many areas of the State. Areas have been leased for pastoral use which are unsuitable and controls over stocking rates and regeneration have proved ineffective in halting the land

degradation process.

Many Aboriginal communities and groups have aspirations to own pastoral properties on which to establish sheep or cattle enterprises. In some cases the land is also of spiritual significance to the Aboriginal group while in other cases the land is seen as an economic asset which the group can develop. In some instances the land may be unsuitable for pastoral activities or have been degraded by previous poor management so that it is unsuitable for sustained pastoral use.

In the past Aboriginal groups have had to purchase pastoral leases to gain control over land because there have been no alternative methods through which they could own or control land. However the inquiry should take a longer-term view of land ownership and use and examine alternative land use options which are more environmentally suitable and also more rewarding for the people involved. Conservation and recreation offer considerable potential in many parts of this zone. The tourist potential of the Pilbara and Kimberley regions is considerable and with the range of options available it should be possible for Aboriginal people to be involved at all levels of the tourist industry. Once again there are a number of possible arrangements ranging from direct Aboriginal ownership and control of the areas managed for conservation and recreation through varying levels of State management and control to Aboriginal managed developments on State owned land.

As with the arid zone it would appear that there needs to be a flexible approach to the question of land tenure and management in areas where conservation values and Aboriginal interest are involved. Existing State agencies such as the National Parks Authority (NPA) and the WA Wildlife Authority (WAWA) would need considerable increases in Government funding and possible changes to legislation if they were to become involved in joint

management programmes with Aboriginal landholders. They would find it easier to include Aboriginal personnel and concerns in the management of areas solely vested with their Authorities. Even then, extra funding would be essential if this work was to be undertaken on the wide scale necessary for its success.

While the EPA has avoided, where possible, making recommendations for conservation reserves in areas of existing Aboriginal Reserve or Pastoral lease there are a number of locations of considerable biological significance in such areas; these are described in the original CRTC reports particularly in System 7. If a broader based system of Aboriginal land tenure is to be recommended by the inquiry consideration should be given to ways in which the conservation values of Aboriginal land can be protected from non-compatible land use.

4. CONCLUSIONS

The EPA has recommended to Government that it is essential for the State to have a comprehensive system of conservation reserves that are managed in such a way that the biological resources of the State are maintained for the future. It has also recommended that these reserves should be regarded as community assets available to all members of society to enjoy and appreciate. These basic concepts have been accepted by Government through Cabinet endorsement of the various Red Books.

The EPA also believes that these recommendations can be achieved without conflicting with Aboriginal interests in nearly all cases. In many cases the two may be completely compatible. However for this to be achieved in practice there will need to be an increased level of dialogue and understanding

between the Aboriginal groups and the various State agencies involved in recommending and managing conservation reserves. A much greater State Government commitment will be required to fund the training and employment of Aboriginal people in the active management of conservation areas under State or Aboriginal control.

The EPA is aware that some of its recommendations for conservation reserves cover areas of significance to Aboriginal people. Where it has been possible these areas have been identified and the recommendations have been modified to acknowledge Aboriginal concerns. In some cases the recommendations have included provisions for Aboriginal involvement in future management of the area under consideration.

These actions have been taken in the context of existing legislation which has limited the scope to which Aboriginal groups could be involved in conservation reserves. In the absence of a broadly based and flexible land tenure system for Aboriginal people it has been necessary for the EPA to recommend that areas be vested in a State authority.

The following proposals are offered as ways in which potential conflicts over future conservation reserve and Aboriginal land interests may be resolved. As the State covers a wide range of ecosystems and Aboriginal land relationships, the EPA believes that a range of options rather than a single rigid system would be more suited to resolving conflicts.

(i) Relocation of Reserve Boundaries

In some cases it is possible that the proposed reserve boundaries can be modified or an alternative area found and yet still protect the ecosystem of interest. This approach is most likely to be suited to the arid zone and in cases where Aboriginals wish to establish a non-compatible land use.

(ii) Joint Management

In many cases it is possible for Aboriginal groups to be represented on a management committee which can prepare

or advise on reserve management plans. Examples of this approach exist in the National Parks advisory committees which have been formed to advise the NPA on the management of particular Parks. These committees have members drawn from the local community with an interest in the Park's future. This procedure could be implemented using existing legislation and procedures and would involve the vesting of the reserve with a State management body.

(iii) Joint Ownership

In cases where there has been a conflict over a proposed reserve vesting and there is no basic difference in the end land use the EPA has recommended joint vesting with provision for each party to have an input into the area's management. Examples of this approach are common where water resources are involved and areas have been reserved for the conservation of flora, fauna and water and jointly vested with WAWA and the Minister for Water Resources. While this approach may require legislative changes to allow joint vesting with an Aboriginal community it could however be carried out under existing legislation if a State Aboriginal Land Authority was created. It would be suitable in areas where Aboriginals do not intend to develop the land for uses non-compatible with flora and fauna conservation but could include traditional land uses such as hunting, providing this is carried out in a manner which does not compromise the conservation value of the land.

(iv) Aboriginal Ownership with State Management

Under this proposal land would be held under suitable tenure by an Aboriginal group but it would be managed by a State authority as a conservation reserve, probably with considerable input to the management plan and implementation by the Aboriginal group. This approach would probably need legislative changes to enable State

authorities to enter such undertakings and would probably involve lease back arrangements between the group and the Authority. Examples of this approach are common in the Northern Territory. Considerable care in setting up such undertakings is required if they are to succeed and misunderstandings are to be avoided. Funding for such areas needs to be fully considered and assured.

(v) Aboriginal Ownership and Management

It would be possible with suitable funding, training and outside technical advice for Aboriginal groups to control and manage land for the purpose of conservation and for recreation. In some cases this may be only potential form of land use available by which they can obtain sustained economic benefits from their land. This type of approach has been used in a number of overseas countries, especially where the traditional owners have developed tourist enterprises with the conservation area.

The EPA considers that there is a need for an organisation that would provide advice on Aboriginal land matters more comprehensive manner than the existing bodies. Such a body could also develop the much needed role so that the Aboriginal people can plan a role in future management of land under their

The EPA also sees a need for the broader question and management of Aboriginal land to be considered by Inquiry. This question needs to be examined in terms best to ensure that Aboriginal land is used and environmentally acceptable ways. This will become more important as Aboriginal lifestyles change. There needs to

in which the State can control and if necessary prevent land use which will cause irreversible and undesirable environmental changes.

The EPA also believes that the nature of any legislation proposed by the Inquiry, in respect to conservation reserve matters, should be such that it does not bind the parties to the extent that the evolution of new relationships cannot take place.

The staff of the Department of Conservation and Environment and members of the Authority are available to discuss the matters raised in this submission or any other matters of concern with you or your staff.

SUPPLEMENTARY SUBMISSION TO THE
ABORIGINAL LAND INQUIRY

FROM

THE ENVIRONMENTAL PROTECTION AUTHORITY

FEBRUARY 1984

The EPA has considered the Aboriginal Land Inquiry Discussion paper prepared by the Commission. The Authority believes that, with the exception of social impact issues, the matters raised in the Discussion Paper of concern to the EPA have been adequately canvassed in the Authority's first submission of October 1983. It is therefore not proposed to discuss those matters further in this submission. The comments which follow will address the social impact issue and an issue where the Discussion Paper appears to have overlooked important concepts raised in the original EPA submission.

(1) Social Impact

In Section 8 the matter of social impacts of development projects on Aborigines is discussed and proposals are made which suggest that the EPA should be empowered to carry out social impact assessments prior to development.

At present social impact assessment is beyond the scope of the EPA due to the way in which "Environment" is defined in the Environmental Protection Act.

The Environmental Protection Act is currently under review and consideration is being given to require the inclusion of social issues in future environmental assessment. However at this stage there are no firm proposals for the necessary legislative changes.

Under the Commonwealth Environmental Protection (Impact of Proposals) Act social issues need to be addressed. Therefore, where a development requires joint State and Commonwealth environmental assessment social issues are included in the EIS-ERMP documents. However, the EPA and the staff of the Department of Conservation and Environment lack the necessary expertise to fully assess social issues at this time.

While it has been predominantly the development of mineral resources which has caused social changes in Northern WA, other types of development such as changes in land use and tourist facilities can also have significant local and regional social impacts on Aboriginal people.

The Authority views the suggestion in section 8.13 that it become involved in recommending the method of disbursement of rents and royalties from developments on Aboriginal land with considerable concern. The EPA's primary role is to advise Government through its Minister on environmental issues. Matters relating to the financing of development, infrastructure and social facilities are dealt with by other Government departments and agencies with responsibilities and expertise in these areas.

(2) Joint Management Concepts.

In its original submission the EPA raised the concept of a flexible system of joint management for land which has both conservation value and Aboriginal significance. It also pointed to the need for a flexible legislative approach to joint management which would allow for the evolutionary development of joint management systems over the wide range of environments and Aboriginal land relationships which exist in WA.

Concern is expressed that the discussion paper appears to be suggesting an unnecessarily legalistic and adversary process for the resolution of conflicts over the future use and ownership of vacant Crown lands. The EPA believes that this approach may be inappropriate for resolving conflict where an identified conservation interest exists. It suggests that a flexible working group approach could be adopted in which the interested parties attempt to resolve issues by consensus. This approach offers the potential to develop mutual understanding and goodwill which will be crucial for future success of any joint management schemes.